

Appeal brought on 17 August 2018 by HX against the judgment of the General Court delivered on 19 June 2018 in Case T-408/16 HX v Council of the European Union

(Case C-540/18P)

Language of the case: Bulgarian

Parties

Appellant: HX (represented by S. Koev)

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant claims that the Court should:

Declare the present appeal to be admissible and well founded in its entirety and declare all the grounds of appeal set out in support of the present appeal to be well founded;

Declare that the contested decision of the General Court under appeal may be annulled in its entirety;

Set aside the entirety of judgment of the General Court of the European Union (Fifth Chamber) of 19 June 2018, *HX v Council*, T-408/16;

Partially annul Council Decision (CFSP) 2016/850 amending Decision 2013/255, Council Implementing Regulation (EU) 2016/840 implementing Regulation (EU) No 36/2012 (OJ 2016, L 141, p. 30), Council Decision (CFSP) 2017/917 amending Decision 2013/255 (OJ 2017, L 139, p. 62) and Council Implementing Regulation (EU) 2017/907 of 29 May 2017 implementing Regulation (EU) No 36/2012 (OJ 2017, L 139, p. 15) in so far as they concern HX;

Order the Council to pay all the appellant's costs, expenses, fees and other expenditure linked to his defence.

Grounds of appeal and main arguments

1. Error in the application of the law by the General Court, resulting in an infringement of EU law, in so far as it found that the Council correctly applied the presumption that the appellant was a prominent businessman carrying out his business in Syria, given that that presumption has no legal basis and is disproportionate in relation to the legal objective pursued.

2. Error in the application of the law, resulting in an infringement of the rules on evidence, on account of the lack of evidence for the purposes of applying the presumption and the refusal to apply Articles 27(3) and 28(3) of Decision 2013/255 amended by Decision 2015/1836.

3. Error in the application of the law, resulting in an infringement of procedural rules which adversely affect the interests of the appellant, on account of the refusal to admit new evidence produced in accordance with Article 85(3) of the Rules of Procedure of the General Court.
