

Appeal brought on 21 February 2019 by Ehab Makhoulf against the judgment of the General Court (Fifth Chamber) delivered on 12 December 2018 in Case T-409/16 Makhoulf v Council

(Case C-157/19 P)

Language of the case: French

Parties

Appellant: Ehab Makhoulf (represented by: E. Ruchat, avocat)

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant submits that the Court should:

Declare the appellant's action admissible and well founded;

Accordingly, set aside the judgment of 12 December 2018 given by the General Court of the European Union in Case T-409/16, *Ehab Makhoulf v Council of the European Union*;

And, giving judgment itself,

Annul Decision (CFSP) 2016/850 of 27 May 2016 ¹ and its subsequent implementing acts, in so far as they concern the appellant;

Order the Council of the European Union to pay the costs of the proceedings.

Grounds of appeal and main arguments

In support of his appeal, the appellant relies on three grounds:

The first ground of appeal, alleging an error of law in that the General Court disregarded the applicant's right to be heard prior to the adoption of new restrictive measures, as enshrined in Article 41 of the Charter of Fundamental Rights;

The second ground of appeal, alleging an error of law and distortion of the facts in so far as the General Court disregarded the items submitted by the applicant in support of his action for annulment to demonstrate that he did not support the Syrian regime;

The third ground of appeal, alleging an error of law in so far as the General Court did not hold that Articles 27 and 28 of Decision 2013/255/CFSP, ² according to which membership of the Al-Assad or Makhoulf families constitutes an autonomous criterion

justifying the imposition of sanctions, were illegal and in so far as it, on the same occasion, reversed the burden of proof.

¹ Council Decision (CFSP) 2016/850 of 27 May 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ L 141, p. 125).² Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ L 147, p. 14).