Reports of Cases

JUDGMENT OF THE GENERAL COURT (Fifth Chamber)

4 September 2024 *

(Common foreign and security policy – Restrictive measures adopted in view of the situation in Syria – Freezing of funds – Restrictions on entry into the territories of the Member States – Maintaining the applicant's name on the lists of persons, entities and bodies concerned – Criterion of association with members of the Assad or Makhlouf families – Plea of illegality – Errors of assessment – Non-contractual liability)

In Case T-503/23,

Ammar Sharif, residing in Beirut (Lebanon), represented by G. Karouni and K. Assogba, lawyers,

applicant,

v

Council of the European Union, represented by S. Lejeune and V. Piessevaux, acting as Agents,

defendant,

THE GENERAL COURT (Fifth Chamber),

composed of J. Svenningsen, President, J. Laitenberger and J. Martín y Pérez de Nanclares (Rapporteur), Judges,

Registrar: L. Ramette, Administrator,

having regard to the written part of the procedure,

further to the hearing on 16 April 2024,

gives the following

Judgment [1]

1 By his action, the applicant, Mr Ammar Sharif, seeks, first, pursuant to Article 263 TFEU, annulment of Council Decision (CFSP) 2023/1035 of 25 May 2023 amending Decision 2013/255/CFSP concerning restrictive measures in view of the situation in Syria (OJ 2023 L 139,

* Language of the case: French.

[1] Only the paragraphs of the present judgment which the Court considers it appropriate to publish are reproduced here.

p. 49) and of Council Implementing Regulation (EU) 2023/1027 of 25 May 2023 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2023 L 139, p. 1) (together, 'the contested acts'), in so far as those acts affect him, and, second, pursuant to Article 268 TFEU, compensation in respect of the harm which he claims to have suffered as a result of the adoption of the contested acts. As an incidental question, he asks the Court, on the basis of Article 277 TFEU, to declare inapplicable Article 27(2)(b) and (3), Article 28(2)(b) and (3) of Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ 2013 L 147, p. 14), as amended by Council Decision (CFSP) 2015/1836 of 12 October 2015 (OJ 2015 L 266, p. 75), and Article 15(1a)(b) of Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ 2012 L 16, p. 1), as amended by Council Regulation (EU) 2015/1828 of 12 October 2015 (OJ 2015 L 266, p. 1).

I. Background to the dispute

…

A. The initial inclusion of the applicant's name on the lists at issue and the maintenance thereof until 1 June 2019

11 By Council Implementing Decision (CFSP) 2016/1897 of 27 October 2016 implementing Decision 2013/255 (OJ 2016 L 293, p. 36), and by Council Implementing Regulation (EU) 2016/1893 of 27 October 2016 implementing Regulation No 36/2012 (OJ 2016 L 293, p. 25) (together, 'the 2016 acts'), the applicant's name was inserted under entry No 212 of the list in Section A (Persons) of Annex I to Decision 2013/255, and under entry No 212 of the list in Section A (Persons) of Annex II to Regulation No 36/2012 (together, 'the lists at issue'), on the following grounds:

'Leading Syrian businessman operating in Syria, active in the banking, insurance, and hospitality sectors. Founding partner of Byblos Bank Syria, major shareholder in Unlimited Hospitality Ltd, and board member of the Solidarity Alliance Insurance Company and the Al-Aqueelah Takaful Insurance Company.'

…

13 On 29 May 2017, the Council adopted Decision (CFSP) 2017/917 amending Decision 2013/255 (OJ 2017 L 139, p. 62), which extended the application of the latter decision until 1 June 2018, and Implementing Regulation (EU) 2017/907 implementing Regulation No 36/2012 (OJ 2017 L 139, p. 15) (together, 'the 2017 acts').

…

15 On 28 May 2018, the Council adopted Decision (CFSP) 2018/778 amending Decision 2013/255 (OJ 2018 L 131, p. 16), which extended the application of that decision until 1 June 2019, and Implementing Regulation (EU) 2018/774 implementing Regulation No 36/2012 (OJ 2018 L 131, p. 1) (together, 'the 2018 acts').

…

17 By the judgment of 4 April 2019, *Sharif* v *Council* (T-5/17, EU:T:2019:216), the Court dismissed the action brought by the applicant against the 2016, 2017 and 2018 acts, in so far as they concerned him. The Court held in paragraph 70 of that judgment that the inclusion of the applicant's name on the lists at issue was justified by the fact that the Council had produced a sufficient, specific and concrete set of evidence capable of demonstrating that the applicant was a leading businessperson operating in Syria. The applicant did not bring an appeal against that judgment.

B. The retention of the applicant's name on the lists at issue

18 On 17 May 2019, the Council adopted Decision (CFSP) 2019/806 amending Decision 2013/255 (OJ 2019 L 132, p. 36), which extended the application of that decision until 1 June 2020, and Implementing Regulation (EU) 2019/798 implementing Regulation No 36/2012 (OJ 2019 L 132, p. 1) (together, 'the 2019 acts'). Those acts do not mention the name of the applicant, nor do they amend the grounds for the inclusion of his name on the lists at issue.

…

20 On 28 May 2020, the Council adopted Decision (CFSP) 2020/719 amending Decision 2013/255 (OJ 2020 L 168, p. 66), which extended the application of that decision until 1 June 2021, and Implementing Regulation (EU) 2020/716 implementing Regulation No 36/2012 (OJ 2020 L 168, p. 1) (together, 'the 2020 acts').

21 Under the 2020 acts, the grounds for including the applicant's name on the lists at issue set out in the 2016, 2017, 2018 and 2019 acts were replaced by the following ground:

'Associated with a member of the Makhlouf family (brother-in-law of [Mr] Rami Makhlouf).'

…

23 By the judgment of 28 April 2021, *Sharif* v *Council* (T-540/19, not published, EU:T:2021:220), the Court dismissed the action brought by the applicant against the 2019 and 2020 acts, in so far as they concerned him. The Court held in paragraph 144 of that judgment that the grounds for including the applicant's name on the lists at issue, as set out in the 2019 acts, were sufficiently substantiated, so that, in the light of the 'leading businessperson operating in Syria' criterion, the inclusion of the applicant's name on the lists at issue was well founded. Furthermore, the Court held in paragraph 174 of that judgment that the ground for the inclusion of the applicant's name on the lists at issue, pursuant to the 2020 acts, was sufficiently substantiated, so that, in the light of the criterion of association with members of the Assad or Makhlouf families, the inclusion of the applicant's name on those lists was well founded. The applicant did not bring an appeal against the abovementioned judgment.

24 On 25 May 2023, the Council adopted the contested acts. The ground for inclusion of the applicant's name remained unchanged from that of the 2020 acts. By letter of 26 May 2023, the Council informed the applicant's representative of the maintenance of his name on the lists at issue.

II. Forms of order sought

25 The applicant claims that the Court should:

– find Article 27(2)(b) and (3) and Article 28(2)(b) and (3) of Decision 2013/255, as amended by Decision 2015/1836, and Article 15(1a)(b) of Regulation No 36/2012, as amended by Regulation 2015/1828, to be unlawful, and declare them to be inapplicable vis-à-vis the applicant, in so far as those provisions concern him;

– annul the contested acts, in so far as they concern him;

– order the Council to pay EUR 10 000 in damages to compensate all forms of loss;

– order the Council to pay the costs.

26 The Council contends that the Court should:

– dismiss the action;

– order the applicant to pay the costs;

– in the alternative, should the Court annul the contested acts, order that the effects of Decision 2023/1035 be maintained as regards the applicant until the partial annulment of Implementing Regulation 2023/1027 takes effect.

III. Law

A. The claims for annulment

[…]

1. The first plea in law, relating to the plea of illegality based on breach of the principle of equal treatment

28 The applicant claims that Article 27(2)(b) and (3), Article 28(2)(b) and (3) of Decision 2013/255, as amended by Decision 2015/1836, and Article 15(1a)(b) of Regulation No 36/2012, as amended by Regulation 2015/1828, are unlawful in so far as those articles, in essence, are in breach of the principle of equal treatment.

29 The Council disputes the applicant's arguments.

30 Under Article 277 TFEU, any party may, in proceedings in which an act of general application adopted by an institution, body, office or agency of the Union is at issue, plead the grounds specified in the second paragraph of Article 263 TFEU in order to invoke before the Court of Justice of the European Union the inapplicability of that act.

31 Article 277 TFEU gives expression to the general principle conferring upon any party to proceedings the right to challenge indirectly, in seeking annulment of a decision addressed to that party, the validity of acts of general application which form the legal basis of such a decision, if that party was not entitled under Article 263 TFEU to bring a direct action challenging those acts by which it was thus affected without having been in a position to ask that they be declared void. The general measure claimed to be illegal must be applicable, directly or indirectly, to the issue with which the action is concerned and there must be a direct legal connection between the contested individual decision and the general measure in question (see judgment of 17 February 2017, *Islamic Republic of Iran Shipping Lines and Others* v *Council*, T-14/14 and T-87/14, EU:T:2017:102, paragraph 55 and the case-law cited).

32 In so far as concerns the intensity of judicial review, it is settled case-law that the Courts of the European Union must, in accordance with the powers conferred on them by the FEU Treaty, ensure the review, in principle the full review, of the lawfulness of all Union acts in the light of the fundamental rights forming an integral part of the European Union legal order. That obligation is expressly laid down by the second paragraph of Article 275 TFEU (see judgments of 28 November 2013, *Council* v *Fulmen and Mahmoudian*, C-280/12 P, EU:C:2013:775, paragraph 58 and the case-law cited, and of 28 November 2013, *Council* v *Manufacturing Support & Procurement Kala Naft*, C-348/12 P, EU:C:2013:776, paragraph 65 and the case-law cited).

33 The fact remains that, as the Council rightly noted, the latter enjoys a broad discretion as regards the general and abstract definition of legal criteria and procedure for adopting restrictive measures (see, to that effect, judgment of 21 April 2015, *Anbouba* v *Council*, C-605/13 P, EU:C:2015:248, paragraph 41 and the case-law cited). Contrary to the applicant's claim, determining the extent of the Council's discretion is relevant in order to define the scope of the judicial review. Taking the broad discretion of the Council into account, rules of general application defining those criteria and procedures, such as the provisions of the contested acts setting out the criterion at issue which is referred to in the present plea, are subject to a limited judicial review, restricted to checking that the rules governing procedure and the statement of reasons have been complied with, that the facts are materially accurate, that there has been no error in law and that there has been no manifest error of assessment of the facts or misuse of power (see, to that effect, judgments of 9 July 2009, *Melli Bank* v *Council*, T-246/08 and T-332/08, EU:T:2009:266, paragraphs 44 and 45, and of 12 February 2020, *Amisi Kumba* v *Council*, T-163/18, EU:T:2020:57, paragraph 149 (not published)).

34 In the present case, the applicant's name is included on the lists at issue due to his association with Mr Rami Makhlouf, his brother-in-law.

35 It must be inferred therefrom that the applicant's name was maintained on the lists at issue due to his association with a member of the Makhlouf family. In other words, the inclusion of the applicant's name is based on the criterion set out in the final part of Article 27(2) and the final part of Article 28(2) of Decision 2013/255, as amended by Decision 2015/1836, read in conjunction with the criterion defined in paragraph 2(b) of each of those provisions, reproduced, as regards the freezing of funds, in the final part of Article 15(1a) of Regulation No 36/2012, as amended by Regulation 2015/1828, read in conjunction with the criterion set out in paragraph 1a(b) of that provision, namely the criterion of association with members of the Assad or Makhlouf families.

36 As a preliminary point, it should be noted that the applicant pleads the illegality of Article 27(2)(b) and Article 28(2)(b) of Decision 2013/255, as amended by Decision 2015/1836, and Article 15(1a)(b) of Regulation No 36/2012, as amended by Regulation 2015/1828, which concern the criterion of association with members of the Assad or Makhlouf families. Nevertheless, it is very clear from the applicant's written pleadings, and this has not been contested by the Council, that he intended to challenge the legality of the listing criterion in the light of which his name was maintained on the lists at issue, namely the criterion of association with members of the Assad or Makhlouf families. Consequently, it must be held that the plea of illegality relied on by the applicant concerns, in addition to Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, the final part of Article 27(2) and the final part of Article 28(2) of that decision, read in conjunction with paragraph 2(b) of each of those provisions, respectively, and the final part of Article 15(1a) of Regulation No 36/2012, as amended by Regulation 2015/1828, read in conjunction with paragraph 1a(b) of that provision.

37 The applicant claims that the principle of equal treatment has been breached, in so far as, contrary to the other categories of persons referred to in Article 27(2) and Article 28(2) of Decision 2013/255, as amended by Decision 2015/1836, and Article 15(1a) of Regulation No 36/2012, as amended by Regulation 2015/1828, who benefit from the provisions of Article 27(3) and Article 28(3) of that decision, it is theoretically and practically impossible for the persons included on the lists at issue, due to their association with members of the Assad or Makhlouf families, to rebut the presumption of association with the Syrian regime.

38 In that regard, it should be noted that the principle of equal treatment, which constitutes a fundamental principle of law, prohibits comparable situations from being treated differently or different situations from being treated in the same way, unless such difference in treatment is objectively justified (judgment of 9 July 2009, *Melli Bank* v *Council*, T-246/08 and T-332/08, EU:T:2009:266, paragraph 135).

39 It is clear from the wording of Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2013/1836, that those provisions apply to all categories of persons referred to in paragraph 2 of those two articles, thus including, since they appear therein, the persons included on the lists at issue due to their association with members of the Assad or Makhlouf families.

40 Consequently, the applicant's argument relating to the theoretical impossibility for persons included on the lists at issue due to their association with members of the Assad or Makhlouf families to make use of the provisions of Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1826, must be rejected.

41 As regards the alleged practical impossibility of rebutting the presumption of association with the Syrian regime, it is true that, as the applicant claims and the Council accepts, a family tie cannot, in principle, be dissolved. Nevertheless, first, it does not follow from the wording of Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, that it is expected of persons included on the lists at issue, due to their family ties to members of the Assad or Makhlouf families, to necessarily provide evidence of the dissolution of that family tie to demonstrate that they are not, or are no longer, associated with the Syrian regime, do not exercise influence over it or do not pose a real risk of circumvention.

42 Moreover, it should be noted that if such were the case, members of the Assad or Makhlouf families would be entirely unable to benefit from Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836. That would therefore amount to establishing an

irrebuttable presumption of association between them and the Syrian regime. It was held that Decision 2013/255, as amended by Decision 2015/1836, does not establish an irrebuttable presumption of support for or of a link with the Syrian regime in respect of members of the Assad or Makhlouf families, in so far as the names of persons belonging to those families are not included on the list of persons and entities subject to restrictive measures if it is established that those persons are not, or are no longer, associated with that regime (judgment of 1 October 2020, *Makhlouf* v *Council*, C-157/19 P, not published, EU:C:2020:777, paragraph 98). Thus, if such persons can benefit from Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, the persons who are associated with them can also do so.

43 Secondly, it should be borne in mind that the presumption of association with the Syrian regime is to be regarded as having been rebutted if the applicant puts forward arguments or evidence capable of seriously calling into question the reliability of the evidence submitted by the Council or the Council's assessment, in particular in the light of the conditions laid down in Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, or if the applicant produces before the Courts of the European Union a set of evidence establishing that he or she was never associated, or is no longer associated, with that regime, that he or she had no influence over the regime and that he or she did not pose a real risk of circumvention of the restrictive measures, in accordance with Article 27(3) and Article 28(3) of that decision (judgment of 8 July 2020, *Zubedi* v *Council*, T-186/19, EU:T:2020:317, paragraph 71).

44 Therefore, various measures are available to the applicant to rebut the presumption of association with the Syrian regime; accordingly, he is not restricted to demonstrating the dissolution of the family ties with Mr Rami Makhlouf or to waiting for the latter's name to be removed from the lists at issue.

45 Furthermore, contrary to the applicant's claim, due to their individual conduct, persons who are associated with members of the Assad or Makhlouf families can distance themselves from the Syrian regime and thus provide evidence that they are no longer associated with it. This also applies to persons, such as the applicant, who are associated with those members as a result of ties deriving from a marriage. Being the brother-in-law of Mr Rami Makhlouf does not in any way prevent the applicant from demonstrating that he has severed all ties with the Syrian regime, for example by publicly denouncing his actions, acting against those actions, or by refusing to follow instructions that he may have received, or that he does not pose a real risk of circumvention, by providing evidence that he no longer has any contact with a person close to the Syrian regime and, in the present case, with Mr Rami Makhlouf.

46 Such arguments and evidence capable of allowing persons included on the lists at issue to benefit from Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836, may be put forward by all persons in the different categories referred to in Article 27(2) and Article 28(2) of Decision 2013/255, as amended by Decision 2015/1836, and Article 15(1a) of Regulation No 36/2012, as amended by Regulation 2015/1828.

47 Thus, contrary to the applicant's claim, persons who are associated with members of the Assad or Makhlouf families do not find it practically impossible to make use of Article 27(3) and Article 28(3) of Decision 2013/255, as amended by Decision 2015/1836.

48 In that regard, it should also be noted that the applicant raised, in the present action, arguments which, according to him, allow the presumption of association with members of the Assad or Makhlouf families to be rebutted. Those arguments will be examined in the analysis of the second plea in law, alleging the lack of a sufficient factual basis and an error of assessment.

49 In those circumstances, persons who are associated with members of the Assad or Makhlouf families are subject to the same treatment in law as persons in other categories referred to in Article 27(2) and Article 28(2) of Decision 2013/255, as amended by Decision 2015/1836, and Article 15(1a) of Regulation No 36/2012, as amended by Regulation 2015/1828.

50 Consequently, the applicant has not demonstrated that the final part of Article 27(2) and the final part of Article 28(2) of Decision 2013/255, as amended by Decision 2015/1836, read in conjunction with paragraph 2(b) of each of those provisions, respectively, Article 27(3) and Article 28(3) of the first decision, as well as the final part of Article 15(1a) of Regulation No 36/2012, as amended by Regulation 2015/1828, read in conjunction with paragraph 1a(b) of that provision, are in breach of the principle of equal treatment.

…

63 In the light of all of the foregoing, the plea of illegality and, therefore, the first plea in law must be rejected.

2. The second plea in law, alleging the lack of a sufficient factual basis and an error of assessment.

…

(b) The first part, alleging the lack of a sufficient factual basis

…

(2) Merits of the first part

82 The applicant submits that his fate inevitably depends on Mr Rami Makhlouf's situation owing to the reason for the inclusion of his name on the lists at issue. The latter's situation has not ceased to evolve in recent years, so that he is no longer part of the circle of power and is totally outside of the economic, political and financial spheres in Syria. In that regard, the applicant emphasises, in the reply, that any new factual evidence affecting Mr Rami Makhlouf's situation will affect his own situation.

83 The applicant argues, in essence, that changes to Mr Rami Makhlouf's situation constitute well-known facts which it is impossible for the Council not to be aware of, especially since they are reported by media channels which systematically and regularly serve as a reference for the Council in order to supplement its files regarding the inclusion or maintenance of a person's name on the lists at issue.

84 The Council disputes the applicant's arguments.

85 In the present case, the applicant's arguments seek to obtain a declaration that the Council failed duly to review Mr Rami Makhlouf's situation even though it was obliged to. If the Council had undertaken that review, it would have found that his situation had changed, which would have had an impact on the applicant's situation.

86 In that regard, it must be borne in mind, as the Council did, that the review carried out by the Court in the present case can relate only to whether the inclusion of the applicant's name on the lists at issue is well founded and cannot therefore call into question the lawfulness of the decisions by which the Council included Mr Rami Makhlouf's name on those lists (see, to that effect, judgments of 11 May 2017, *Barqawi* v *Council*, T-303/15, not published, EU:T:2017:328, paragraph 42, and of 18 May 2022, *Foz* v *Council*, T-296/20, EU:T:2022:298, paragraph 115).

87 The circumstance, invoked by the applicant, that his fate is linked to that of Mr Rami Makhlouf cannot justify a different approach, and neither can his argument that he cannot be asked to wait for Mr Rami Makhlouf to bring an action, or else his own action may be rendered devoid of all substance.

88 According to settled case-law, the presumption that acts of the institutions of the European Union are lawful means that those acts produce legal effects until such time as they are withdrawn, annulled in an action for annulment or declared invalid following a reference for a preliminary ruling or a plea of illegality (see judgment of 18 May 2022, *Foz* v *Council*, T-296/20, EU:T:2022:298, paragraph 116 and the case-law cited).

89 First, the applicant does not claim to be the addressee of the acts by which the name of Mr Rami Makhlouf was included on the lists at issue, nor does he seek their annulment by the present action. Thus, he cannot claim, in the present proceedings, an infringement by the Council of the obligation to review Mr Rami Makhlouf's situation, or the Council's misinterpretation of the content of the annexes which he produced to demonstrate that Mr Rami Makhlouf no longer had ties to the Syrian regime.

90 Secondly, it is true that the applicant raised a plea of illegality in respect of the final part of Article 27(2), and the final part of Article 28(2) of Decision 2013/255, as amended by Decision 2015/1836, read in conjunction with paragraph 2(b) of each of those provisions, respectively, Article 27(3) and Article 28(3) of Decision 2013/255 as thus amended and the final part of Article 15(1a) of Regulation No 36/2012, as amended by Regulation 2015/1828, read in conjunction with paragraph 1a(b) of that article. However, he did so by maintaining that those articles were in breach of the principle of equal treatment, in so far as the category of persons associated with members of the Assad or Makhlouf families can, neither in theory nor in practice, benefit from Article 27(3) and Article 28(3) of amended Decision 2013/255. It is true that the applicant also argued that the criterion of association with members of the Assad or Makhlouf families was no longer relevant. Nevertheless, that argument, put forward at the reply stage, was rejected as inadmissible, since it was considered, in paragraphs 59 and 62 above, to be new. In any event, it should be noted that the relevance and legality of that listing criterion, which covers all the influential members of those two families, cannot be called into question by Mr Rami Makhlouf's situation alone.

91 In addition, the acts concerning Mr Rami Makhlouf have not been withdrawn and, furthermore, their effects have not been suspended following a request for interim measures. Therefore, the acts by which Mr Rami Makhlouf's name was included on the lists at issue continue to produce legal effects.

92 Furthermore, at the hearing, the applicant put forward the argument that, in the context of this part of his plea, the Court would not be required to verify that there is still a link between Mr Rami Makhlouf and the Syrian regime, but only whether his situation had changed. Such an argument cannot succeed. First, it appears to contradict the applicant's argument in his written pleadings, in which, first of all he asks the Court, *in fine*, to declare that Mr Rami Makhlouf is no longer part of the circle of power, thus covering the latter's link with the Syrian regime; next, he criticises the Council for not having amended the ground for the inclusion of Mr Rami Makhlouf and, lastly, he expressly mentions the Council's obligation to review Mr Rami Makhlouf's situation. Secondly, the mere finding of a change in Mr Rami Makhlouf's situation is likely to have consequences, if only in terms of respect for the rights of the defence and legal certainty, in so far as the Court is, in any event, required to carry out an assessment of the situation of a third party to the present dispute.

93 It should also be added that, while it is not for the Court, in the present action, to rule on the merits of the inclusion of Mr Rami Makhlouf's name on the lists at issue, there was nothing to prevent the applicant from addressing the Council before the adoption of the contested acts in order to ask it to review his situation in the light of that of Mr Rami Makhlouf by submitting to it the evidence produced in the present proceedings. As is clear from Article 32(2) and (3) of Regulation No 36/2012, the applicant can, at any time, submit a request for review or for observations (see, to that effect, judgment of 22 September 2021, *Al-Imam* v *Council*, T-203/20, EU:T:2021:605, paragraph 95). It must be noted that, as the Council maintains, without being contradicted by the applicant, the latter did not take that opportunity.

94 In the light of all of the foregoing, the first part of the second plea in law must be rejected.

…

On those grounds,

THE GENERAL COURT (Fifth Chamber)

hereby:

1. Dismisses the action;

2. Orders Mr Ammar Sharif to pay the costs.

Svenningsen Laitenberger Martín y Pérez de Nanclares

Delivered in open court in Luxembourg on 4 September 2024.

[Signatures]