



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 September 2013

13728/13

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PESC 1099

INFORMATION NOTE

from: Council Legal Service

to: COREPER (2nd part)

Subject : **Case T-319/13 before the General Court**

- AHMED ALAELDIN AMIN ABDELMAKSOUH ELMAGHRABY and
NAGLAA ABDALLAH EL GAZAERLY v. Council of the European Union

1. By an application notified to the Council on 1st July 2013 Mr AHMED ALAELDIN AMIN ABDELMAKSOUH ELMAGHRABY and Ms NAGLAA ABDALLAH EL GAZAERLY have brought an action for the annulment, pursuant to Article 263 TFEU, of Council Decision 2013/144/CFSP of 21 March 2013 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt¹.
2. Pursuant to Article 1 of Decision 2011/172/CFSP and Article 2 of Regulation (EU) No 270/2011, the applicants are subject to a freezing of funds and economic resources belonging to, or owned, held or controlled by them, on the grounds of being subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State funds on the basis of the United Nations Convention against corruption.

¹ OJ L 82, 22.3.2013, p. 54.

3. The applicants invoke the following grounds in support of their claim for annulment:
- a) failure to give adequate or sufficient reasons for their inclusion in the scope of the restrictive measures;
 - b) manifest error of assessment;
 - c) violation of the Council's data protection obligations;
 - d) failure to safeguard the applicants' rights of defence and to effective judicial review; and
 - e) infringement of the applicants' fundamental rights, including the right to respect for their property and reputation.
4. In accordance with Article 114 (1) of the Rules of Procedure, and on the grounds of the submission of the application outside of the legally prescribed time-periods, the Council has lodged a plea of inadmissibility. The Director-General of the Council Legal Service has appointed Ms Rita LIUDVINAVICIUTE and Mr Ivan GUROV, members of the Legal Service, as the Council's agents in this case.
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