



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 May 2012

10222/12

JUR 285
RELEX 454
COAFR 137
PESC 619

INFORMATION NOTE

from: Council Legal Service
to: Permanent Representatives' Committee (part 2)
Subject: **Case T-178/12 before the General Court**
- Mr. Mahran KWHANDA

1. By an application registered with the General Court on 24 April 2012 and notified to the Council on 30 April 2012, Mr Mahran Kwhanda has brought an action before the General Court for the annulment, with immediate effect, of Council Decision 2012/37/CFSP and Implementing Regulation (EU) No 55/2012, insofar as they relate to him, and for a declaration of inapplicability of Articles 18(1) and 19(1) of Council Decision 2011/782/CFSP and of Articles 14(1) and 15(1) of Council Regulation (EU) No 36/2012.
2. The applicant submits that the Council committed a manifest error of assessment and that there is no legal or factual basis, nor any evidence, supporting his designation. On the contrary, the applicant submits that he took active steps to prevent pro-Government elements from accessing the fleet of buses of his transport company.

3. The applicant also considers his designation to be a disproportionate violation of his human rights and fundamental freedoms, including the right to respect for his private and family life, and his right to property.
 4. Furthermore, the applicant argues that the Council has breached the procedural requirements to notify him individually of his designation, to give adequate and sufficient reasons for such designation and to respect the rights of the defence and the right to effective judicial protection.
 5. The Director General of the Legal Service of the Council has appointed Ms Simonetta COOK and Mr Guillaume ETIENNE, legal advisors in the Legal Service of the Council, as the Council's agents in this case.
-