



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 August 2012

13238/12

JUR 459
RELEX 760
COAFR 253
PESC 1037

INFORMATION NOTE

from: Council Legal Service
to: Permanent Representatives' Committee (part 2)
Subject: **Case T-268/12 before the General Court**
- Mr. Joseph SUWAID against Council of the European Union

1. By an application registered with the General Court on 19 June 2012 and notified to the Council on 2 July 2012, Mr Joseph SUWAID has brought an action before the General Court for the annulment of Council Implementing Decision 2012/172/CFSP of 23 March 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria¹ and Council Implementing Regulation (EU) No 266/2012 of 23 March 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria², in so far as these instruments concern the inclusion of the Applicant in the list of persons and entities subject to restrictive measures.
2. Under its first plea the Applicant submits that the Council committed an infringement of fundamental rights and procedural guarantees since the contested measures were not notified to the Applicant and nor was he sent evidence supporting his designation.

¹ OJ L 87, 24.3.2012, p. 103.

² OJ L 87, 24.3.2012, p. 45.

3. The second plea is to the effect that the Council committed a manifest error of assessment since he is not involved in the Syrian regime's policy .
 4. Under the third and the fourth pleas the Applicant contends that the Council violated the rights of defence, the principle of fair trial, the principle of judicial protection and the duty to state reasons.
 5. The last plea amounts to arguing that the Council deliberately failed to mention the fundamental rights and principles granted under European law in the European Union in the contested acts which are based on Article 215 TFEU.
 6. The Director General of the Legal Service of the Council has appointed Mr Vincent PIESSEVAUX and Mr Guillaume ETIENNE, legal advisors in the Legal Service of the Council, as the Council's agents in this case.
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