

**Appeal brought on 23 February 2021 by Maen Haikal against the judgment of the General Court delivered on 16 December 2020 in Case T-189/19, Maen Haikal v Council of the European Union**

**(Case C-113/21 P)**

*Language of the case: Bulgarian*

## **Parties**

*Appellant:* Maen Haikal (represented by: S. Koev, advokat)

*Other party to the proceedings:* Council of the European Union

## **Form of order sought**

The appellant claims that the Court of Justice should:

declare the present appeal to be admissible and well founded in its entirety and declare all the grounds of appeal set out in support of the present appeal to be well founded;

declare that the contested decision of the General Court under appeal may be annulled in its entirety;

annul in part Council Implementing Decision (CFSP) 2019/87 of 21 January 2019 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, in so far as they concern Mr Maen Haikal;

annul in part Council Implementing Regulation (EU) 2019/85 <sup>1</sup> of 21 January 2019 implementing Regulation (EU) No 36/2012 <sup>2</sup> concerning restrictive measures in view of the situation in Syria, in so far as they concern Mr Maen Haikal;

annul in part Council Decision (CFSP) 2019/806 of 17 May 2019 amending Decision 2013/255/CFSP concerning restrictive measures against Syria, in so far as it concerns Mr Maen Haikal;

annul in part Council Implementing Regulation (EU) 2019/798 <sup>3</sup> of 17 May 2019 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, in so far as it concerns Mr Maen Haikal;

order the Council of the European Union to pay all the appellant's costs, expenses, fees and other expenditure linked to his defence.

## **Grounds of appeal and main arguments**

1. Error in the application of the law by the General Court, in so far as it found that the Council correctly applied the presumption that the appellant was a prominent businessman operating in Syria, given that that presumption has no legal basis and is disproportionate in relation to the legal objective pursued.
2. Infringement of the principle of proportionality – Article 49 of the Charter of Fundamental Rights of the European Union.
3. Infringement of the rules on evidence, on account of the lack of evidence for the purposes of applying the presumption and the refusal to apply Articles 27(3) and 28(3) of Decision 2013/255 amended by Decision 2015/18364.
4. Error of assessment, as confirmed by the Council's measures by which it removed the appellant's name from the sanctions lists.

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<sup>1</sup> OJ 2019 L 18 I, p. 4. <sup>2</sup> OJ 2012 L 16, p. 1. <sup>3</sup> OJ 2019 L 132, p. 1.