Reports of Cases

JUDGMENT OF THE GENERAL COURT (Seventh Chamber)

2 June 2016*

(Common foreign and security policy — Restrictive measures against Syria — Freezing of funds — Modification of the form of order sought — Error of assessment)

In Case T-723/14,

HX, residing in Damascus (Syria), represented by S. Koev, lawyer,

applicant,

v

Council of the European Union, represented by I. Gurov and S. Kyriakopoulou, acting as Agents,

defendant,

ACTION brought on the basis of Article 263 TFEU seeking the annulment of Council Implementing Decision 2014/488/CFSP of 22 July 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2014 L 217, p. 49), of Council Implementing Regulation (EU) No 793/2014 of 22 July 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2014 L 217, p. 10), and of Council Decision (CFSP) 2015/837 of 28 May 2015 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2015 L 132, p. 82), in so far as the applicant's name was included on the lists of persons and entities covered by those restrictive measures,

THE GENERAL COURT (Seventh Chamber),

composed of M. van der Woude, President, I. Wiszniewska-Białecka and I. Ulloa Rubio (Rapporteur), Judges,

Registrar: M. Marescaux, Administrator,

having regard to the written part of the procedure and further to the hearing on 8 December 2015,

gives the following

* Language of the case: Bulgarian.

Judgment [1] ...

Law

Admissibility of the request for modification of the application

27 As is apparent from paragraph 18 above, Decision 2013/255, as amended by the contested decision, was extended by the Council by Decision 2015/837. At the hearing, the applicant requested modification of the application.

28 It is clear from Article 86(1) and (2) of the Rules of Procedure that, where a measure the annulment of which is sought is replaced or amended by another measure with the same subject matter, the applicant may, before the oral part of the procedure is closed, modify the application to take account of that new factor. The modification of the application must be made by a separate document within the time limit laid down in the sixth paragraph of Article 263 TFEU, within which the annulment of the measure justifying the modification of the application may be sought.

29 Thus, in order to satisfy the requirements of Article 86(2) of the Rules of Procedure, the modification of the application must be made by a separate document. The fact is, however, that the applicant requested modification of the application orally at the hearing. Therefore, having failed to make the request for modification of the application by a separate document, as required by Article 86(2) of the Rules of Procedure, it must be concluded that the request for modification of the application is inadmissible.

30 In view of the findings made above, the claims seeking annulment in the present case must be held to be admissible only in so far as they seek annulment of the contested decision and contested regulation ('the contested measures').

...

On those grounds,

THE GENERAL COURT (Seventh Chamber)

hereby:

1. **Annuls, in so far as they concern HX, Council Implementing Decision 2014/488/CFSP of 22 July 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, and Council Implementing Regulation (EU) No 793/2014 of 22 July 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria;**

2. **Dismisses the action as to the remainder;**

3. **Orders the Council of the European Union to bear its own costs and to pay the costs incurred by HX.**

1 — Only the paragraphs of this judgment which the Court considers it appropriate to publish are reproduced here.

Van der Woude Wiszniewska-Białecka Ulloa Rubio

Delivered in open court in Luxembourg on 2 June 2016.

[Signatures]