

Judgment of the General Court of 5 October 2017 — Mabrouk v Council(Case T-175/15) ⁽¹⁾

(Common foreign and security policy — Restrictive measures directed against certain persons and entities in view of the situation in Tunisia — Measures taken against persons responsible for misappropriation of State funds and associated persons and entities — Freezing of funds — List of persons, entities and bodies subject to the freezing of funds — Continued listing of the applicant's name — Inadequate factual basis — Manifest error of assessment — Error of law — Right to property — Principle of good administration — Obligation to adjudicate within a reasonable time — Presumption of innocence — Request for modification — Confirmatory measure — Inadmissibility)

(2017/C 392/24)

Language of the case: English

Parties

Applicant: Mohamed Marouen Ben Ali Ben Mohamed Mabrouk (Tunis, Tunisia) (represented by: J.-R. Farthouat, J.-P. Mignard, N. Boulay, lawyers, and S. Crosby, Solicitor)

Defendant: Council of the European Union (represented: initially by Á. de Elera-San Miguel Hurtado and G. Étienne, and subsequently by Á. de Elera San Miguel Hurtado, acting as Agents)

Re:

Application pursuant to Article 263 TFEU for annulment of Council Decision (CFSP) 2015/157 of 30 January 2015 amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ 2015 L 26, p. 29), in so far as it concerns the applicant, the Council's Decision of 16 November 2015 rejecting the applicant's request of 29 May 2015 to remove his name from the list in the Annex to Council Decision 2011/72/CFSP of 31 January 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ 2011 L 28, p. 62) and Council Decision (CFSP) 2016/119 of 28 January 2016 amending Decision 2011/72 (OJ 2016 L 23, p. 65), in so far as it concerns the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Mohamed Marouen Ben Ali Ben Mohamed Mabrouk to bear his own costs and to pay the costs incurred by the Council of the European Union.

⁽¹⁾ OJ C 236, 20.7.2015.