



Press and Information

General Court of the European Union
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Judgment in Joined Cases T-307/12 and T-408/13
Adib Mayaleh v Council

The General Court confirms that the restrictive measures adopted against Mr Adib Mayaleh, Governor of the Central Bank of Syria, are valid

Although, by virtue of his dual Syrian and French nationality, Mr Mayaleh may travel to France, the other Member States are obliged to refuse him access to their territory

Mr Adib Mayaleh, a Syrian national and naturalised French citizen, is the Governor of the Central Bank of Syria. At the time of his naturalisation, his name was gallicised to André Mayard. By a number of acts adopted in 2012 and 2013, the Council added Mr Mayaleh's name to the list of people targeted by the restrictive measures adopted against Syria, and kept his name on that list. As a result, Mr Mayaleh had his funds and economic resources frozen and was forbidden entry into, or transit through, the territory of the Member States of the EU. Mr Mayaleh's name was added on the following grounds: 'Adib Mayaleh is responsible for providing economic and financial support to the Syrian regime through his functions as the Governor of the Central Bank of Syria'.¹ Mr Mayaleh seeks the annulment of his inclusion on that list.²

By today's judgment, the General Court **dismisses the two actions brought by Mr Mayaleh** and thus approves his being added to and kept on the list of people targeted by the restrictive measures against Syria.

The General Court finds that the Council: (i) did not fail to fulfil its obligation to state reasons; (ii) did not infringe Mr Mayaleh's rights of the defence or his right to effective judicial protection; (iii) did not infringe Mr Mayaleh's right to property; and (iv) was entitled to use Mr Mayaleh's professional duties as the sole ground for adopting restrictive measures against him (taking into account the fact that one of the duties of the Central Bank of Syria is to act as the Syrian Government's banker, Mr Mayaleh, as Governor of that bank, performs core functions within that establishment and is thus in a position of power and influence as regards the provision of financial support to the Syrian regime).

Regarding the particularity relating to the fact that Mr Mayaleh has **dual Syrian and French nationality**, the General Court notes that **EU law does not require the Member States to forbid their own nationals entry into their territory**, even where those nationals are forbidden entry into, or transit through, the territory of the EU. Moreover, in response to a question from the Court, the French Government indicated that, as a French national answering to the name of André Mayard, Mr Mayaleh was allowed to travel to France. Consequently, the restrictive measures adopted against Mr Mayaleh do not prevent him from visiting his family in France.

By contrast, the General Court finds that **Member States other than France are obliged to apply the restrictions imposed by the Council in their territory**. In that regard, the Court observes that the right of citizens of the EU to freedom of movement is not unconditional and that the Member States may, providing they comply with the principle of proportionality, place restrictions

¹ From the end of 2012, in some official languages of the EU, the grounds for inclusion have been amended slightly, while in other official languages (such as English) there has been no change. In the General Court's view, the slight difference in drafting has no effect on the substance of the ground provided by the Council.

² In more detail: Mr Mayaleh seeks the annulment of: Decision 2011/782, as amended by Implementing Decision 2012/256; Regulation No 36/2012, as amended by Implementing Regulation No 410/2012; Decision 2012/739; Implementing Regulation No 363/2013; and Decision 2013/255.

on that freedom with regard to certain persons for reasons of public policy or public safety. It follows that the Council was entitled to place limitations on Mr Mayaleh's right to freedom of movement within the EU (excluding French territory) providing it complied with the principle of proportionality.

In the present proceedings, the General Court notes that two of the acts adopted by the Council after Mr Mayaleh brought his first action³ were communicated, not to him personally, but to the lawyer representing him for the purposes of those proceedings. In that regard, the Court declares that, in matters relating to restrictive measures, **acts of the Council must be addressed to the persons concerned by those acts, not to the lawyers representing them.** Notifying a lawyer is not equivalent to notifying an addressee unless this is expressly provided for by a regulation or an agreement between the parties. Since neither the applicable legislation nor the documents in the case-file allow for a finding that such provision was made in the present case, the Court concludes that the Council infringed the rules which it had imposed on itself. However, that failure to fulfil a procedural obligation, while precluding a finding that Mr Mayaleh was late in bringing an action before the General Court against the acts in question, does not in itself justify annulling those acts. Mr Mayaleh has not successfully shown that the failure to notify him personally at his address in Syria has led to an infringement of his rights which is such as to justify the annulment of the acts concerned.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the EU that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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³ Namely, Implementing Regulation No 363/2013 and Decision 2013/255.