

**Action brought on 11 June 2013 – Elmaghraby and El Gzaerly v Council****(Case T-319/13)***Language of the case: English***Parties**

*Applicants:* Ahmed Alaeldin Amin Abdelmaksoud Elmaghraby (Cairo, Egypt) and Naglaa Abdallah El Gzaerly (London, United Kingdom) (represented by: D. Pannick, QC, M. Lester, Barrister, and M. O’Kane, Solicitor)

*Defendants:* Council of the European Union

**Form of order sought**

The applicants claim that the Court should:

Annul, as far as it concerns the applicants, Council Decision 2013/144/CFSP of 21 March 2013 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (OJ 2013 L 82, p.54);

Erase the allegations that each applicant is responsible for the misappropriation of State funds and subject to judicial investigation in Egypt; and

Order the defendant to bear the applicants’ costs.

**Pleas in law and main arguments**

In support of the action, the applicants rely on five pleas in law.

First plea in law, alleging that the Council has failed to give adequate or sufficient reasons for including either of the applicants in the 2013 Measures.

Second plea in law, alleging that the Council manifestly erred in considering that the listing criterion was fulfilled as regards either of the applicants, as far as there is no legal or factual basis for their designation.

Third plea in law, alleging that the Council violated its data protection obligations according to the Data Protection Regulation (EC) No 45/2001<sup>1</sup> and to the Data Protection Directive 95/46/EC<sup>2</sup>.

Fourth plea in law, alleging that the Council has failed to safeguard the applicants’ rights to defence and to effective judicial review.

Fifth plea in law, alleging that the Council has infringed, without justification or proportion, the applicants’ fundamental rights, including their right to protection of their property, business, and reputation.

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<sup>1</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions

and bodies and on the free movement of such data.

<sup>2</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.