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## Nizar Assaad removed from EU sanctions list

Mr Nizar Assaad has been removed by the EU Council from its Syria sanctions list following his successful application to annul the EU's targeted sanctions in the General Court of the EU.

This development follows a legal battle which started in August 2011 with a sanctions listing suggesting that Mr Assaad was the subject of EU sanctions. Having accepted as long ago as November 2011 that Mr Assaad was not in fact the target of its sanctions (leading to a 2012 judgment from the EU courts confirming this), the Council changed its mind in 2021, stating that it had intended to target Mr Assaad after all. Mr Assaad challenged this in the European courts, which led on 8 March 2023 to a significant judgment annulling the sanctions that listed him in 2021 and 2022. 19 May 2023 marks the expiry of the deadline for the EU Council to appeal this judgment.

The Arabic spelling of Mr Assaad's name نزار أسعد is completely different from the Arabic spelling of the name of President al Assad's family.

The General Court in its 8 March 2023 judgment upheld four out of five of Nizar Assaad's pleas and found it unnecessary to decide on the fifth. The court annulled the sanctions and ordered the EU Council to pay Mr Assaad's legal costs, finding that the sanctions were not factually justified and also that they breached the general principles of EU law.

The panel of five judges ruled that the Council:

1. failed to demonstrate that Mr Nizar Assaad is a businessman operating in Syria or has any business interests in Syria or occupies positions in bodies associated with trade;
2. failed to substantiate its claim that Mr Assaad has ties to members of the Makhlouf and Assad families;
3. failed to demonstrate that Mr Assaad is associated with the Syrian regime;
4. breached Mr Assaad's legitimate expectations and the principle of legal certainty by adopting restrictive measures with retroactive effect against him, despite confirming for years that he was not the person referred to in previous listings;
5. infringed the legal principle of *res judicata* in light of a previous judgment of the General Court of 24 May 2012 stating that Mr Assaad was not the individual listed under the restrictive measures.

Mr Assaad and his family and business have suffered serious harm as a result of the unlawful EU designations including reputational damage as a result of the false suggestion he is linked to the ruling regime in Syria and being an oil trader.

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Despite this Nizar Assaad can now find some comfort in the fact that the judgment of the General Court and the decision of the EU Council finally to de-list him vindicate the position he has consistently held from the outset. As the Council of the EU have now confirmed, he is no longer subject to EU sanctions.

Mr Assaad has been represented throughout this litigation by [Guy Martin](#) and [Charles Enderby Smith](#) of Carter-Ruck, and Maya Lester KC and Malcolm Birdling of Brick Court.