

Form of order sought

- declare under Article 288 EC that the applicant is entitled to have damage totalling two million two thousand three hundred and forty four euros (EUR 2 002 344) made good by the Council and the Commission jointly and severally;
- order the defendants to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are those relied on in Case T-217/07 *Las Palmeras v Council and Commission*.

Action brought on 16 July 2007 — People's Mojahedin Organization of Iran v Council

(Case T-256/07)

(2007/C 211/94)

Language of the case: English

Parties

Applicant: People's Mojahedin Organization of Iran (Auvers sur Oise, France) (represented by: J.P. Spitzer, lawyer, and D. Vaughan, QC)

Defendant: Council of the European Union

Form of order sought

- Annul Decision 2007/445/EC of the Council insofar as it applies to the applicant;
- order the defendant to pay the applicant's costs.

Pleas in law and main arguments

The applicant seeks the partial annulment of Council Decision 2007/445/EC of 28 June 2007 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decisions 2006/379/EC and 2006/1008/EC ⁽¹⁾ maintaining the applicant on the list of the persons, groups and entities to whom a freeze of funds and other financial resources applies.

In support of its application, the applicant submits that the contested Council decision should be annulled because the Council continued to rely on the listing of the applicant in Decision 2006/379/EC which should have been annulled or amended by the Council with regard to the applicant following

the judgment of the Court of First Instance in Case T-228/02 *Organisation des Modjahedines du peuple d'Iran v Council* [2006] ECR II-0000. According to the applicant the Council was under an obligation to remove the applicant's name from the said list.

Furthermore, the applicant contends that the contested decision was adopted in violation of the applicant's right to be heard and without proper reasoning.

Moreover, the applicant claims that the contested decision was adopted on the basis of material all of which related to the period prior to the year 2001 and without taking into consideration material relating to the years after 2001 adduced by the applicant.

Finally, the applicant alleges that these circumstances amount to an abuse or misuse of powers.

⁽¹⁾ OJ 2007 L 169, p. 58.

Action brought on 17 July 2007 — France v Commission

(Case T-257/07)

(2007/C 211/95)

Language of the case: French

Parties

Applicant: French Republic (represented by: E. Belliard, G. de Bergues, R. Loosli and A.-L. During, Agents)

Defendant: Commission of the European Communities

Form of order sought

- Annul paragraph (3) of the Annex to Commission Regulation (EC) No 727/2007 of 26 June 2007 ⁽¹⁾ amending Annexes I, III, VII and X to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽²⁾, to the extent that it introduces, into Chapter A of Annex VII, paragraphs 2.3(b)(iii), 2.3(d), and 4;
- Alternatively, if the Court were to rule that this application for partial annulment is inadmissible, annul Regulation No 727/2007 in its entirety;
- Order the Commission to pay the costs.