

## COURT OF FIRST INSTANCE

**Action brought on 2 July 2002 by the Congrès National du Kurdistan against the Council of the European Union****(Case T-206/02)**

(2002/C 247/22)

*(Language of the case: French)*

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 2 July 2002 by the Congrès National du Kurdistan (Kurdistan National Congress), established in Brussels, represented by Jérôme Boisseau, Lawyer.

The applicant claims that the Court should:

- hold that Council Decision 2002/334/EC of 2 May 2002 <sup>(1)</sup> adversely affects the applicant's reputation, name and credibility;
- find that the contested decision proceeds from a substantive error in that it refers to the PKK in the list of legal persons covered by the Community measures to combat terrorism;
- declare that the contested decision is manifestly vitiated by an error of assessment in that it denies a political party the means of expressing itself freely;
- for all those reasons, partially annul the contested decision;
- order the Council to pay a sum of EUR 10 000 in respect of irrecoverable expenditure incurred by the applicant.

*Pleas in law and main arguments*

The applicant seeks the annulment of Council Decision 2002/334/EC of 2 May 2002. That decision refers to the PKK (the Kurdistan Workers' Party) in the updated list of persons, groups and entities to which Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism <sup>(2)</sup> is applicable.

The applicant contends that that reference adversely affects the reputation and credibility of the action engaged in by it and numerous independent associations and persons of which it

is composed. Moreover, the contested decision, which is tantamount to a penalty, was enacted without the slightest statement of reasons, thereby infringing essential procedural requirements.

Furthermore, the applicant contends that the contested decision is founded on a substantive factual error in so far as the PKK dissolved itself before the contested decision was adopted and since 1999 at least has been advocating non-violent action. The decision is also vitiated by a manifest error of assessment inasmuch as it seriously prejudices the freedom of expression guaranteed by the European Convention for Human Rights.

<sup>(1)</sup> Council Decision 2002/334/EC of 2 May 2002 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 Decision 2001/927/EC (OJ 2002 L 116, p. 33).

<sup>(2)</sup> OJ 2002 L 344, p. 70.

**Action brought on 15 July 2002 by Santiago Gómez-Reino against the Commission of the European Communities****(Case T-215/02)**

(2002/C 247/23)

*(Language of the case: French)*

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 15 July 2002 by Santiago Gómez-Reino, resident in Brussels, represented by Marc-Albert Lucas, Lawyer.

The applicant claims that the Court should:

- find that the European Anti-Fraud Office acted unlawfully by not notifying him of a decision to open investigations concerning him individually, not informing him of investigations liable to implicate him and not enabling him to express his views on all the facts concerning him before conclusions referring to him personally were drawn from the investigations;