

**Action brought on 19 September 2003 by STICHTING AL-AQSA against the Council of the European Union and Commission of the European Communities**

(Case T-327/03)

(2003/C 289/62)

(Language of the case: English)

An action against the Council of the European Union and the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 19 September 2003 by STICHTING AL-AQSA, Heerlen, The Netherlands, represented by Victor Koppe and Laura Janssen, lawyers.

The applicant claims that the Court should:

- Partially annul, on the basis of Article 230 of the EC Treaty, COUNCIL DECISION 2003/480/EC of 27 June 2003 and/or COUNCIL DECISION 2003/646/EC of 12 September 2003, implementing Article 2 paragraph 3 of Regulation (EC) No. 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combatting terrorism and more specifically;
- Annul article 1, part 2, point 22, that reads: 'Stichting Al Aqsa (alias Stichting Al Aqsa Nederland, alias Al Aqsa Nederland)'
- Declare inapplicable, on the basis of Article 241 of the EC Treaty, Council Regulation (EC) No 2580/2001 of 27 December 2001, on specific restrictive measures directed against certain persons and entities with a view to combatting terrorism.
- Require the defendants to bear the costs of suit.

*Pleas in law and main arguments*

By the contested decisions the applicant was included in the list of persons whose assets were frozen in application of Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combatting terrorism<sup>(1)</sup>. In support of its application the applicant invokes first of all alleged violations of essential procedural requirements, more specifically an alleged failure to state any reasons in the contested decisions and an alleged violation of its right to be heard prior to the adoption of the contested decision. The applicant further submits that regulation 2580/2001, as well as Common Position 2001/931/CFSP<sup>(2)</sup>, to which article 2 paragraph 3 of regulation 2580/2001 refers, were infringed by the contested

decision, in that contrary to the requirements of these provisions no decision had been taken by a competent authority in respect of the applicant, concerning the instigation of investigations or prosecution for a terrorist act, based on serious and credible evidence or clues. The applicant also invokes alleged violations of the general principles of Community law, in particular the principles of proportionality, the right to a fair hearing, the right to privacy, the right to freedom of expression and association, and the right to property. Finally, the applicant submits that the contested decisions violate the freedom of circulation of capital protected by article 56 of the EC Treaty.

<sup>(1)</sup> OJ L 344, 28.12.2001, p. 70-75.

<sup>(2)</sup> OJ L 344, 28.12.2001, p. 93-94.

**Action brought on 26 September 2003 by Xanthippi Liakoura against the Council of the European Union**

(Case T-330/03)

(2003/C 289/63)

(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 26 September 2003 by Xanthippi Liakoura, residing in Brussels, represented by J.A. Martin, avocat.

The applicant claims that the Court should:

- annul the Council's decision dated 18 June 2003 and received on 23 June 2003 not to promote the applicant to Grade C 1 in the 2002 promotion procedure;
- order the Council to pay the applicant the sum of EUR 30 000;
- order the Council to pay the costs.

*Pleas in law and main arguments*

The applicant in this case challenges the Appointing Authority's refusal to promote her to Grade C 1 in the 2002 promotion procedure.