

Action brought on 9 May 2007 — People's Mojahedin Organization of Iran v Council

(Case T-157/07)

(2007/C 140/70)

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 the continuing decisions of the Council:
 - Not to review within six months or thereafter Council Decision 2006/379 in relation to the applicant;
 - to maintain until the date hereof and thereafter the applicant in a list of terrorist organisations established by Council Decision 2006/379 of 29 May 2006 with effect from the date of that decision notwithstanding the judgment of this Court in Case T-228/02 of 12 December 2006 and the Council's obligations under Article 233 EC.
- To make such further order requiring the defendant to act in accordance with its legal obligations as may be appropriate.
- To order the defendant to pay the applicant damages amounting to EUR 1 090 000 as set out in Annex 18 (and continuing) and interest thereon.
- To order the defendant to pay the applicant's costs.

Pleas in law and main arguments

The applicant seeks the annulment of certain letters from the Council and applies for damages as the Council did not carry out a review after six months of the list contained in Council Decision 2006/379 ⁽¹⁾ of the persons, groups and entities to which Regulation (EC) No 2580/2001 ⁽²⁾ on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, i.e. a freeze of funds and other financial resources, applies and as the Council maintained the applicant on the said list.

According to the applicant the Council was under an obligation to carry out a review of the list of persons included in any list

of terrorist organisations and to do so at a regular basis and at least once every six months. The applicant contends that the Council did not do so in relation to the inclusion of the applicant's name in the list of terrorist organisations.

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

⁽¹⁾ Council Decision 2006/379/EC of 29 May 2006 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 2005/930/EC (OJ 2006 L 144, p. 21).

⁽²⁾ 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 (OJ 2001 L 344, p. 70).

Action brought on 7 May 2007 — Lancôme Parfums et Beauté & Cie v OHIM

(Case T-160/07)

(2007/C 140/71)

Language in which the application was lodged: French

Parties

Applicant: Lancôme Parfums et Beauté & Cie (Paris, France) (represented by: E. Baud, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal of OHIM: CMS Hasche Sigle (Cologne, Germany)

Form of order sought

- Annul the decision of the Second Board of Appeal of OHIM delivered on 26 February 2007 in Case R231/2006-2;
- Order the defendant and, if necessary, the intervener, to pay the costs.