

**Order of the Court of First Instance of 25 May 2009 —
Biofrescos v Commission**

(Case T-159/09 R)

*(Application for interim measures — Application for
suspension of operation — Submission of the application —
Inadmissibility — Financial loss — Lack of urgency)*

(2009/C 167/25)

Language of the case: Portuguese

Parties

Applicant: Biofrescos — Comércio de Produtos Alimentares, Lda (Linda-a-Velha, Portugal) (represented by: A. Magalhães Menezes, lawyer)

Defendant: Commission of the European Communities (represented by: R. Lyal, P. Guerra e Andrade and L. Bouyon, acting as Agents)

Re:

Application for suspension of the recovery of import duties not yet demanded of the applicant, in so far as that recovery was ordered by Commission Decision C (2009) 72 final of 16 January 2009, finding that it is justified to proceed to recovery *a posteriori* of those duties and that remission of those duties is not justified in the applicant's case.

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *Costs are reserved.*

**Action brought on 15 April 2009 — Abdulrahim v Council
and Commission**

(Case T-127/09)

(2009/C 167/26)

Language of the case: English

Parties

Applicant: Abdulbasit Abdulrahim (London, United Kingdom) (represented by: J. Jones, Barrister and M. Arani, Solicitor)

Defendants: Council of the European Union and Commission of the European Communities

Form of order sought

- annul in whole or in part Regulation (EC) No 881/2002, as amended by the Commission Regulation (EC) No 1330/2008, and/or the Commission Regulation (EC) No 1330/2008, insofar as they are of direct and individual concern to the Applicant;
- or, in the alternative, to declare Council Regulation (EC) No 881/2002 and/or Commission Regulation (EC) No 1330/2008 to be inapplicable to the applicant;
- or, in the alternative, to consider the basis for listing of the Applicant's name in Annex I of the Council Regulation (EC) No 881/2002 and determine whether the Commission's decision to add the applicant's name in Annex I is appropriate and well-founded on the law and on the facts;
- to order the defendants to provide for reasons and evidence for listing the applicant's name in annex I of the Council Regulation (EC) No 881/2002, within a strict time-frame;
- decide that listing of the applicant's name in Annex I is inappropriate and unfounded on the law and on the facts and order the applicant's name be deleted from the Annex I of the Council Regulation (EC) No 881/2002;
- take such further action as it may deem appropriate;
- order the defendant, the Council and/or the Commission to pay the applicant's costs;
- order the defendant, the Council and/or the Commission, to pay damages to the applicant for loss of earnings, loss of profit and non-material damage.

Pleas in law and main arguments

In the present case the applicant seeks the partial annulment of Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban as amended by Commission Regulation (EC) No 1330/2008 of 22 December 2008⁽¹⁾ in so far as the applicant is included on the list of natural and legal persons, entities and bodies whose funds and economic resources are frozen in accordance with this provision. In the alternative, the applicant requests the Court, pursuant to Article 241 EC, to declare the Council Regulation No 881/2002 and Commission Regulation No 1330/2008 to be inapplicable to the applicant. He also requests the Court to order the defendants to pay damages.