

- consequently,
- annul Council Decision 2011/71/CFSP of 31 January 2011;
- alternatively, order that the name of Mr Ibrahim EZZEDINE be removed from the list annexed to that decision.

Pleas in law and main arguments

In support of the action, the applicant puts forward two pleas in law.

1. First plea in law alleging a breach of the obligation to state reasons, in so far as the grounds for including the applicant on the list of persons and entities to which the restrictive measures apply are stereotyped without any specific factual element making it possible to assess the relevance of that inclusion being mentioned.
2. Second plea in law alleging a manifest error of assessment, in so far as the applicant is accused of helping to fund the illegitimate administration of L. Gbagbo, whereas the applicant is only carrying out the activity of a private businessman and is therefore simply helping to fund the Republic of Côte d'Ivoire and not a specific regime by the payment of taxes and levies.

Action brought on 7 March 2011 — Kessé v Council

(Case T-132/11)

(2011/C 130/40)

Language of the case: French

Parties

Applicant: Feh Lambert Kessé (Abidjan, Côte d'Ivoire) (represented by: G. Collard, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare that, concerning the applicant, Mr Feh Lambert KESSE, Council Regulation (EU) No 25/2011 of 14 January 2011 and Council Decision 2011/18/CFSP of 14 January 2011, published on 15 January 2011 in the Official Journal of the European Union, are not justified in fact,
- consequently,
- annul Council Regulation (EU) No 25/2011 of 14 January 2011 and Council Decision 2011/18/CFSP of 14 January 2011;

- alternatively, order that the name of Mr Feh Lambert KESSE be removed from the lists annexed to that regulation and to that decision.

Pleas in law and main arguments

The pleas in law and main arguments raised by the applicant are, in essence, identical or similar to those raised in Case T-130/11 *Gossio v Council*.

Action brought on 3 March 2011 — Al-Faqih and Others v Commission

(Case T-134/11)

(2011/C 130/41)

Language of the case: English

Parties

Applicants: Al-Bashir Mohammed Al-Faqih (Birmingham, United Kingdom), Ghunia Abdrabbah (Birmingham, United Kingdom), Taher Nasuf (Manchester, United Kingdom), and Sanabel Relief Agency Ltd (Birmingham, United Kingdom) (represented by: E. Grieves, Barrister, and N. Garcia-Lora, Solicitor)

Defendant: European Commission

Form of order sought

- Annul Commission Regulation (EU) No 1139/2010 ⁽¹⁾ and Commission Regulation (EU) No 1138/2010 ⁽²⁾ insofar as they relate to the applicants; and
- Order that the Council of the European Union pays, in addition to its own costs, those incurred by the applicants and any sums advanced by way of legal aid by the cashier of the Court of Justice.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging that the Commission has deliberately ignored binding case-law of the Court of Justice and failed to independently review the basis of the applicants' designations or required any reasons for those designations.
2. Second plea in law, alleging that Commission Regulation (EU) No 1139/2010 and Commission Regulation (EU) No 1138/2010 did not respect the right to judicial review and infringed the rights of the defence, thereby interfering with Article 6 of the European Convention on Human Rights and Fundamental Freedoms.
3. Third plea in law, alleging that the conclusions reached in the Commission's review concerning one of the applicants, Sanabel Relief Agency Ltd, are wrong and unsustainable in law.