

Contract no. 10224 lot 1, and related decisions of the Publications Office including the one to award the respective contract to a successful tenderer and selected contractor;

- Order the Publications Office to pay the applicant 31 977 EUR (euros) in damages;
- In addition, order the Publications Office to pay the applicant 20 000 EUR (euros) in damages for the loss of opportunity and detriment to its reputation and credibility; and
- Order the Publications Office to pay the applicant's legal and other costs and expenses incurred in connection with present application.

Pleas in law and main arguments

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

1. First plea in law, alleging the infringement of the obligation to state reasons pursuant to Article 100(2) of the Financial Regulation;
2. Second plea in law, alleging the infringement of the tender specifications, using the award criterion contrary to Article 97 of the Financial Regulation and 138 of the Implementing Rules; and
3. Third plea in law, alleging manifest errors of assessment, vague and unsubstantiated comments of the Evaluation Committee, modification of the award criteria included in the original call for tenders and not communicating to tenderers criteria introduced *a posteriori* in due time.

Action brought on 27 September 2011 — Al-Aqsa v Council

(Case T-503/11)

(2011/C 347/69)

Language of the case: Dutch

Parties

Applicant: Stichting Al-Aqsa (Heerlen, Netherlands) (represented by: A. van Eik, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Regulation 687/2011 in so far as it applies to the applicant;

- declare that Regulation (EC) No 2580/2001 does not apply to the applicant;

- order the Council to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that Implementing Regulation 687/2011, ⁽¹⁾ in so far as it concerns the applicant, is contrary to the sound administration of justice and procedural economy, on account of the appeals still pending before the Court of Justice against the judgment of the General Court of 9 September 2010 and on account of the decision of 18 April 2011 of the Netherlands Minister for Foreign Affairs to consider that the *Sanctieregeling Terrorisme* (Netherlands regulation on sanctions for the suppression of terrorism) 2007-II applies to the applicant.
2. Second plea in law, alleging that the applicant does not fall within the scope of the Common Position. ⁽²⁾
3. Third plea in law, alleging that no competent authority has taken a decision as referred to in Article 1(4) of the Common Position. Neither the judgment of the judge hearing an application for interim measures of 3 June 2003, nor the decision of 18 April 2011, by which the *Sanctieregeling Terrorisme* 2007-II is deemed to apply to the applicant, can be regarded as a decision by a competent authority.
4. Fourth plea in law, alleging that, according to the applicant, there is no indication that it had the knowledge required by Article 1(3)(k) of the Common Position.
5. Fifth plea in law, alleging that the applicant could not be considered to (still) be facilitating the commission of terrorist acts, since that cannot be inferred either from the order of the judge hearing an application for interim measures of 3 June 2003 or from the decision of 18 April 2011 by the Netherlands Ministry of Foreign Affairs to consider that the *Sanctieregeling Terrorisme* 2007-II applies to the applicant.
6. Sixth plea in law, alleging infringement of essential procedural requirements and excessive use of discretion. The Council wrongly failed to carry out a review and failed to discharge the burden of proof on it in respect of a reinstatement decision.
7. Seventh plea in law, alleging breach of the principle of proportionality.

8. Eighth plea in law, alleging infringement of Article 1 of the First Additional Protocol to the European Convention for the Protection of Human Rights and Article 17 of the Charter of Fundamental Rights of the European Union, since the Implementing Regulation constitutes a disproportionate interference in the right to respect for property.
9. Ninth plea in law, alleging infringement of Article 296 TFEU.
10. Tenth plea in law, based on the right to an effective remedy and the principle of the rights of the defence, since the Council failed to provide specific and concrete information as to why maintenance on the list is necessary.

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- ⁽¹⁾ Council Implementing Regulation (EU) No 687/2011 of 18 July 2011 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 Implementing Regulations (EU) No 610/2010 and (EU) No 83/2011 (OJ 2011 L 188, p. 2).
- ⁽²⁾ Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (OJ 2001 L 344, p. 93).

Action brought on 27 September 2011 — LTTE v Council (Case T-508/11)

(2011/C 347/70)

Language of the case: English

Parties

Applicant: Liberation Tigers of Tamil Eelam (LTTE) (Herning, Denmark) (represented by: V. Koppe, lawyer)

Defendant: Council of the European Union

Form of order sought

- Annul Council Implementing Regulation (EU) No 687/2011 of 18 July 2011 ⁽¹⁾ insofar as it concerns the LTTE and determine that Council Regulation (EC) No 2580/2001 ⁽²⁾ is not applicable to the LTTE;
- In the alternative, apply a less restrictive measure than continued placement on the list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies; and
- Award costs and interest to the applicant.

Pleas in law and main arguments

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

1. First plea in law, alleging

— that Council Implementing Regulation (EU) No 687/2011 is void insofar as it concerns the LTTE and/or Council Regulation (EC) No 2580/2011 is inapplicable due to a failure to take regard of the law of armed conflict;

2. Second plea in law, alleging

— that Council Implementing Regulation (EU) No 687/2011 is void insofar as it concerns the LTTE since the applicant cannot be qualified as a terrorist organization as defined in Article 1(3) of the Council Common Position 2001/931/CFSP;

3. Third plea in law, alleging

— that Council Implementing Regulation (EU) No 687/2011 is void insofar as it concerns the LTTE because no decision by a competent authority, as required by Article 1(4) of Council Common Position 2001/931/CFSP, has been taken;

4. Fourth plea in law, alleging

— that Council Implementing Regulation (EU) No 687/2011 is void insofar as it concerns the LTTE since the Council did not conduct any review, as required by Article 1(6) of Council Common Position 2001/931/CFSP;

5. Fifth plea in law, alleging

— that Council Implementing Regulation (EU) No 687/2011 is void insofar as it concerns the LTTE as the decision does not comply with the requirements of proportionality and subsidiarity;

6. Sixth plea in law, alleging

— that Council Implementing Regulation (EU) No 687/2011 is void insofar as it concerns the LTTE since the decision does not comply with the obligation to state reasons as required by Article 296 TFEU;

7. Seventh plea in law, alleging

— that Council Implementing Regulation (EU) No 687/2011 is void insofar as it concerns the LTTE because it infringes the applicant's right of defence to effective judicial protection.

⁽¹⁾ Council Implementing Regulation (EU) No 687/2011 of 18 July 2011 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 Implementing Regulations (EU) No 610/2010 and (EU) No 83/2011; OJ 2011 L 188, p. 2

⁽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