

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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- (<sup>1</sup>) 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).
- (<sup>2</sup>) 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 (<sup>1</sup>) insofar as it concerns the LTTE and determine that Council Regulation (EC) No 2580/2001 (<sup>2</sup>) 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.

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(<sup>1</sup>) 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

(<sup>2</sup>) 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