

GENERAL COURT

Judgment of the General Court of 14 January 2015 — Abdulrahim v Council and Commission

(Case T-127/09 RENV) ⁽¹⁾

(Referral back after setting aside of order — Common foreign and security policy — Restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban — Regulation (EC) No 881/2002 — Freezing of funds and economic resources of a person named in a list drawn up by a body of the United Nations — Naming of that person in the list in Annex I to Regulation (EC) No 881/2002 — Action for annulment — Admissibility — Period allowed for commencing proceedings — Exceeded — Excusable error — Fundamental rights — Rights of the defence — Right to effective judicial protection — Right to respect for property — Right to respect for private and family life)

(2015/C 065/38)

Language of the case: English

Parties

Applicant: Abdulbasit Abdulrahim (London, United Kingdom) (represented by: P. Moser QC, E. Grieves, Barrister, H. Miller and R. Graham, Solicitors)

Defendants: Council of the European Union (represented by: E. Finnegan and G. Étienne, Agents); and European Commission (represented by E. Paasivirta and G. Valero Jordana, Agents)

Re:

Application initially for (i) partial annulment of Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan (OJ 2002 L 139, p. 9), as amended by Commission Regulation (EC) No 1330/2008 of 22 December 2008 amending for the 103rd time Regulation No 881/2002 (OJ 2008 L 345, p. 60), or of Regulation No 1330/2008, in so far as it concerns the applicant, and (ii) compensation for the damage allegedly caused by those acts.

Operative part of the judgment

The Court:

1. *Annuls Commission Regulation (EC) No 1330/2008 of 22 December 2008 amending for the 103rd time Council Regulation 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, in so far as it concerns Mr Abdulbasit Abdulrahim;*
2. *Orders the Council of the European Union and the European Commission to bear their own costs and to pay both the costs incurred by Mr Abdulrahim in respect of the action for annulment and the sums advanced by the General Court by way of legal aid.*

⁽¹⁾ OJ C 167, 18.7.2009.