

**Order of the Court of First Instance (Second Chamber) of 18 November 2005 —
Selmani v Council and Commission**

(Case T-299/04)

Common foreign and security policy — Common positions from the Council —
Specific restrictive measures directed against certain persons and entities
with a view to combating terrorism — Action for annulment — Manifest lack
of jurisdiction — Time-limits — Admissibility

1. *European Union — Common foreign and security policy — Jurisdiction of the Community judiciary — Measures adopted under Title V of the Treaty on European Union — Condition — Action based on failure to observe the powers of the Community (Art. 46 EU) (see paras 54-56)*

2. *Actions for annulment — Jurisdiction of the Community judiciary — Action brought against Community acts intended to implement the measures laid down under a common position based on Title V of the Treaty on European Union — Included (Art. 230 EC) (see para. 58)*

3. *Procedure — Admissibility of actions — Assessment by reference to the situation when the application was lodged — Decision replacing the contested decision adopted while the proceedings are under way — Amendment of the original forms of order sought and pleas in law — No effect as regards the decision as to the admissibility of the action (see paras 68-70)*

Re

ACTION for annulment of, first, Article 2 of 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) and, secondly, Article 1 of Council Decision 2004/306/EC of 2 April 2004 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2003/902/EC (OJ 2004 L 99, p. 28) and all decisions adopted by the Council on the basis of Regulation No 2580/2001 and having the same effect as Decision 2004/306, in so far as those measures apply to the applicant.

Operative part

The Court:

1. Dismisses the action as manifestly inadmissible;
2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Second Chamber) of 30 November 2005 — Almdudler-Limonade v OHIM (Shape of a lemonade bottle)

(Case T-12/04)

Community trade mark — Three-dimensional mark — Shape of a lemonade bottle
— Refusal to register — Article 7(1)(b) of Regulation (EC) No 40/94