

GENERAL COURT

Judgment of the General Court of 29 September 2010 — Al-Faqih v Council

(Joined Cases T-135/06 to T-138/06) ⁽¹⁾

(Common foreign and security policy — Combating terrorism — Restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban — Freezing of funds — Fundamental rights — Right to respect for property, right to be heard and right to effective judicial review)

(2010/C 328/46)

Language of the case: English

Parties

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

Defendant: Council of the European Union (represented by: M. Bishop and E. Finnegan, Agents)

Interveners in support of the defendants: Commission of the European Communities (represented initially by: P.J. Kuijper and subsequently by C. O'Reilly and J. Aquilina, and subsequently by E. Paasivirta and P. Aalto, and finally by E. Paasivirta and M. Konstantinidis, Agents); and the United Kingdom of Great Britain and Northern Ireland (represented by: C. Gibbs, Z. Bryanston-Cross and S. Ossowski, Agents, assisted by A. Dashwood, Barrister)

interveners,

Re:

Application for annulment of Article 2 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 Qaeda 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 freezing of funds and other financial resources in respect of the Taliban of Afghanistan (OJ 2001 L 139, p. 9), as amended for the sixty-third time by Commission Regulation (EC) No 246/2006 of 10 February 2006 (OJ 2006 L 40, p. 13), which added the applicants' names to Annex I to Regulation No 881/2002.

Operative part of the judgment

The Court:

1. Joins Cases T-135/06 to T-138/06 for the purposes of judgment.
2. Annuls Article 2 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 Qaeda 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 freezing of funds and other financial resources in respect of the Taliban of Afghanistan, and amending for the sixty third time by Commission Regulation (EC) No 246/2006 of 10 February 2006 in so far as it concerns the applicants Al-Bashir Mohammed Al-Faqih, Taher Nasuf, Ghunia Abdrabbah, and Sanabel Relief Agency Ltd.
3. Orders the Council of the European Union to pay, in addition to its own costs, those incurred by the applicants, and the sums advanced by way of legal aid by the cashier of the General Court.
4. Orders the United Kingdom of Great Britain and Northern Ireland and the European Commission to bear their own costs.

⁽¹⁾ OJ C 165, 15.7.2006.

Judgment of the General Court of 12 October 2010 — Asenbaum v OHIM (WIENER WERKSTÄTTE)

(Joined Cases T-230/08 and T-231/08) ⁽¹⁾

(Community trade mark — Applications for Community word mark WIENER WERKSTÄTTE — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 40/94 (now Article 7(1)(c) of Regulation (EC) No 207/2009))

(2010/C 328/47)

Language of the case: German

Parties

Applicant: Paul Asenbaum (Vienna, Austria) (represented by: P. Vögel and E. Ploil, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner, Agent)