

**Form of order sought**

- Declare Regulation (EC) No 2580/2001 inapplicable and/or annul Decision 2007/445 in so far as those measures relate to the applicant;
- Order the Council to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of his application, the applicant first of all submits that 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) is not applicable to him inasmuch as there is no connection whatsoever between the common foreign and security policy and the applicant.

Second, the applicant submits that Regulation No 2580/2001 is not applicable to him inasmuch as he is not committing, or attempting to commit, participating in or facilitating the commission of any act of terrorism.

In conclusion, the applicant contends that the contested decision is at variance with the principle of proportionality and is inadequately reasoned.

**Action brought on 14 September 2007 — Hamdi v Council****(Case T-363/07)**

(2007/C 269/120)

*Language of the case: Dutch***Parties**

*Applicant:* Ahmed Hamdi (Amsterdam, Netherlands) (represented by: J. Pauw, lawyer)

*Defendant:* Council of the European Union

**Form of order sought**

- Declare Regulation (EC) No 2580/2001 inapplicable and/or annul Decision 2007/445 in so far as those measures relate to the applicant;
- Order the Council to pay the costs of the present proceedings.

**Pleas in law and main arguments**

In support of his application, the applicant first of all submits that 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) is not applicable to him inasmuch as there is no connection whatsoever between the common foreign and security policy and the applicant.

Second, the applicant submits that Regulation No 2580/2001 is not applicable to him inasmuch as he is not committing, or attempting to commit, participating in or facilitating the commission of any act of terrorism.

In conclusion, the applicant contends that the contested decision is at variance with the principle of proportionality, is inadequately reasoned and is contrary to his fundamental rights, in particular the right to undisturbed enjoyment of his property and the right to respect for his private life.

**Action brought on 26 September 2007 — Republic of Latvia v Commission of the European Communities****(Case T-369/07)**

(2007/C 269/121)

*Language of the case: Latvian***Parties**

*Applicant:* Republic of Latvia (represented by: E. Balode-Buraka, K. Bārdiņa)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annul Commission Decision C(2007) 3409, of 13 July 2007, on the amendment of the national plan for the allocation of greenhouse gas emission allowances notified by Latvia under Article 3(3) of Commission Decision C/2006/5612 (final), of 29 November 2006, on the national plan for the allocation of greenhouse gas emission allowances notified by Latvia under European Parliament and Council Directive 2003/87/EC (<sup>1</sup>).
- Order the Commission to pay the costs.
- Adjudicate under an expedited procedure.

**Pleas in law and main arguments**

The applicant submits that, by interpreting very widely the rights conferred by Article 9(3) of Commission Directive 2003/87/EC, the Commission has significantly restricted the sovereign rights of the Republic of Latvia in relation to energy, in particular, as regards its choice of energy sources and as regards the supply of electrical energy, thus disregarding the powers set out in Article 175(2)(c) of the EC Treaty.

Similarly, the applicant submits that the Commission has infringed the principle of non-discrimination, in that the application of the method of calculation devised by it to determine the total volume of greenhouse gas emissions allowed disadvantages the Member States with low total emissions.

The applicant also submits that the first criterion of Annex III of Directive 2003/87 has been infringed in that the Commission, when adopting the decision, did not take account of the international obligations of the Republic of Latvia under the Kyoto Agreement.

Finally, it submits that the Decision was adopted in breach of essential procedural requirements in that the time limit for rejection of the plan set by Article 9(3) of Directive 2003/87 was not respected.

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<sup>(1)</sup> Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ 2003 L 275, p. 32).