

Action brought on 24 September 2008 — El Fatmi v Council

(Case T-409/08)

(2008/C 301/90)

*Language of the case: Dutch***Parties***Applicant:* El Fatmi (Vught, Netherlands) (represented by: G. Pulles)*Defendant:* Council of the European Union**Form of order sought**

- Declare Regulation (EC) No 2580/2001 to be inapplicable and/or declare Council Decision 2008/583/EC of 15 July 2008 to be void, in so far as they apply to the applicant;
- order the Council to pay the costs.

Pleas in law and main arguments

The applicant asks the Court to declare Regulation (EC) No 2580/2001 ⁽¹⁾ to be inapplicable to him and Council Decision 2008/583/EC ⁽²⁾ to be void, in so far as it applies to the applicant.

First, the applicant submits that the Council acted contrary to the requirements of Article 5 EC. The Council had no power, since there is no connection to third countries or to the common market.

Second, Articles 60, 301 and 308 EC do not confer any power to adopt the contested regulation.

Third, the Council acted contrary to Article 1(3) of Common Position 2001/931 of 27 December 2001 ⁽³⁾ and infringed essential procedural requirements and principles of Community law, including the duty to state reasons. According to the applicant, the national decisions on which the Council also relies are not decisions adopted by a competent authority within the meaning of Article 1(4) of the Common Position or are decisions that have been annulled on appeal to the national courts.

Fourth, the Council has infringed the applicant's fundamental rights and in particular the right to respect for private and family life, the right to effective judicial protection and the right to property.

⁽¹⁾ 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).

⁽²⁾ Council Decision of 15 July 2008 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 Decision 2007/868/EC (OJ 2008 L 188, p. 21).

⁽³⁾ 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 30 September 2008 — Artisjus Magyar Szerzői Jogvédő Iroda Egyesület v Commission

(Case T-411/08)

(2008/C 301/91)

*Language of the case: English***Parties***Applicant:* Artisjus Magyar Szerzői Jogvédő Iroda Egyesület (Budapest, Hungary) (represented by: Z. Hegymegi-Barakonyi and P. Vörös, lawyers)*Defendant:* Commission of the European Communities**Form of order sought**

- Annul Articles 3 and 4(2) of the decision in so far as they relate to the applicant as well as Article 4(3) of the decision in so far as it refers to Article 3;
- Order the Commission to pay the costs.

Pleas in law and main arguments

By means of its application, the applicant seeks partial annulment of Commission Decision C(2008) 3435 final of 16 July 2008 (Case COMP/C2/38.698 — CISAC) determining that the EEA CISAC ⁽¹⁾ members engaged in a concerted practice in violation of Article 81 EC and Article 53 EEA, by coordinating the territorial delineations of the reciprocal representation mandates granted to one another in a way which limits a licence to the domestic territory of each collecting society.