

7. Seventh plea in law, alleging that the contested decision violates Article 4(2) last indent and Article 4(3) of Regulation No 1049/2001 for failure to assess whether there is an overriding public interest in disclosure and to provide a detailed statement of reasons for such a refusal.

- (¹) Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ 2006 L 264, p. 13)
- (²) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43)
- (³) Council Directive 98/81/EC of 26 October 1998 amending Directive 90/219/EEC on the contained use of genetically modified micro-organisms (OJ 1998 L 330, p. 13)
- (⁴) Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC — Commission Declaration (OJ 2001 L 106, p. 1)

Action brought on 2 March 2011 — *Attey v Council*

(Case T-118/11)

(2011/C 130/30)

Language of the case: French

Parties

Applicant: Philipp Attey (Abidjan, Côte d'Ivoire) (represented by: J. -C. Tchikaya, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision 2011/18/CFSP of 14 January 2011 amending Council Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire, and Council Regulation (EU) No 25/2011 of 14 January 2011 amending Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire, to the extent that they concern the applicant;
- order the Council to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant puts forward four pleas in law.

1. First plea in law alleging a manifest error of assessment, in so far as the restrictive measures taken against the applicant on the ground that he is obstructing the process of peace and reconciliation in Côte d'Ivoire and refuses to accept the result of the presidential election are based on the fact that the defendant wrongly considered that A. Ouattara had been elected president of the Republic of Côte d'Ivoire, whereas L.

Gbagbo was declared elected president by the Constitutional Council.

2. Second plea in law alleging a misuse of powers, in so far as the contested acts (i) pursue an aim other than that defined in Article 21 TEU, namely the advancement in the wider world of democracy and of the rule of law, L. Gbagbo having been proclaimed president of the Republic of Côte d'Ivoire in a democratic manner and (ii) infringe the Charter of the United Nations, of which the European Union promotes the observance, the defendant having disregarded the principle of non-interference in a State's internal affairs.
3. Third plea in law alleging an infringement of Article 215(3) TFEU, the contested acts not containing any legal safeguard.
4. Fourth plea in law alleging an infringement of the Charter of Fundamental Rights of the European Union,
 - in that the rights of the defence of the applicant have been infringed, in so far as the defendant has not notified him of the evidence held against him, thereby not allowing the applicant duly to present his point of view in that regard, and
 - in that there has been an infringement of the right to property of the applicant to a disproportionate extent.

Action brought on 2 March 2011 — *Gbagbo v Council*

(Case T-119/11)

(2011/C 130/31)

Language of the case: French

Parties

Applicant: Simone Gbagbo (Abidjan, Côte d'Ivoire) (represented by: J. -C. Tchikaya, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision 2011/18/CFSP of 14 January 2011 amending Council Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire, and Council Regulation (EU) No 25/2011 of 14 January 2011 amending Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire, to the extent that they concern the applicant;
- order the Council to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments raised by the applicant are, in essence, identical or similar to those raised in Case T-118/11 *Attey v Council*.