

Judgment of the Court of First Instance of 23 November 2006 — Ter Lembeek v Commission

(Case T-217/02) ⁽¹⁾

(State aid — Aid granted to the Belgian Beaulieu Group — Debt waiver)

(2006/C 331/62)

Language of the case: Dutch

Parties

Applicant: Ter Lembeek International NV (Wielsbeke, Belgium) (represented by: J.-P. Vande Maele, F. Wijckmans and F. Tuytschaever, lawyers)

Defendant: Commission of the European Communities (represented by: G. Rozet and H. van Vliet, Agents)

Re:

Annulment of Articles 1 and 2 of Commission Decision 2002/825/EC of 24 April 2002 on the State aid implemented by Belgium for the Beaulieu Group (Ter Lembeek International) (OJ 2002 L 296, p. 60).

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 247, 12.10.2002.

Judgment of the Court of First Instance of 12 December 2006 — Organisation des Modjahedines du peuple d'Iran v Council

(Case T-228/02) ⁽¹⁾

(Common foreign and security policy — Restrictive measures directed against certain persons and entities with a view to combating terrorism — Freezing of funds — Actions for annulment — Rights of the defence — Statement of reasons — Right to effective judicial protection — Action for damages)

(2006/C 331/63)

Language of the case: French

Parties

Applicant: Organisation des Modjahedines du peuple d'Iran (Auvers-sur-Oise, France) (represented by: J.-P. Spitzer, lawyer, D. Vaughan QC, and É. de Boissieu, lawyer)

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

Intervener in support of the defendant: United Kingdom of Great Britain and Northern Ireland (represented by: initially by J. E. Collins, and subsequently by R. Caudwell and C. Gibbs, Agents, assisted by S. Moore, Barrister)

Re:

Annulment of Council Decision 2002/460/EC of 17 June 2002 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 2002/334/EC (OJ 2002 L 160, p. 26), of Council Common Position 2002/462/CFSP of 17 June 2002 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2002/340/CFSP (OJ 2002 L 160, p. 32), and of Council Common Position 2002/340/CFSP of 2 May 2002 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism (OJ 2002 L 116, p. 75), in so far as the applicant appears in the list of persons, groups and entities to which those provisions apply

Operative part of the judgment

The Court:

1. Dismisses the action as in part inadmissible and in part unfounded in so far as it seeks annulment of Common Position 2005/936/CFSP of 21 December 2005 updating Common Position 2001/931/CFSP and repealing Common Position 2005/847/CFSP;
2. Annuls, in so far as it concerns the applicant, Council Decision 2005/930/EC of 21 December 2005 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 2005/848/EC;
3. Dismisses the claim for damages as inadmissible;
4. Orders the Council to bear its own costs and to pay four fifths of the applicant's costs;
5. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs.

⁽¹⁾ OJ C 247, 12.10.2002.