



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 July 2007

12258/07

**JUR 298
PESC 964
RELEX 603
FIN 377
COTER 64**

INFORMATION NOTE

from: Council Legal Service
to: COREPER (2nd part)

Subject : Case T-256/07 before the Court of First Instance
- People's Mojahedin Organisation of Iran v. Council of the European Union

1. By an application notified to the Council on 26 July 2007, the applicant in the above-mentioned case has brought new proceedings, for the annulment, pursuant to Articles 230 and 231 EC, of Council Decision 2007/445/EC implementing Article 2 (3) of Regulation (EC) 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism,¹ in so far as it refers to the applicant.

It is recalled that in its judgment of 12 December 2006 in case T-228/02, the Court of First Instance annulled a previous Council Decision 2005/930, in relation to the applicant, on grounds of breach of essential procedural requirements.²

¹ OJ L 169 of 29.6.2007, p. 58.

² See the information note by the Legal Service in doc. 16960/06.

2. The applicant invokes the following grounds in support of its claim for annulment:
- breach of Article 233 EC and lack of legal foundation for maintaining the applicant on the list of designated persons and organizations;
 - breach of the rights of the defence and of the obligation to give reasons;
 - incorrect application of the basic Regulation 2580/2001 and failure to assess the evidence properly;
 - abuse or misuse of powers.
3. The applicant has requested use of the expedited procedure pursuant to Article 76 a of the Rules of Procedure of the Court of First Instance. According to Article 76 a (2) of the Rules of Procedure, the Council has one month from when the application was notified to it, in which to lodge a statement of defence. The Director-General of the Council Legal Service has appointed Mr. Michael BISHOP and Ms. Emer FINNEGAN, members of the Legal Service, as the Council's agents in this case.
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