



EU COUNCIL SECRETARIAT

~*FACTSHEET*~

JUDGMENT BY THE COURT OF FIRST INSTANCE IN THE OMPI CASE T-228/02

1. The Council has taken note of today's judgment by the Court of First Instance in the *OMPI* case T-228/02, which the Council will study carefully.
2. The Court's judgment concerns the EU's autonomous regime on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (Council Regulation (EC) 2850/2001: 'EU autonomous regime'). The judgment does not concern the EU regime implementing UN Security Council Resolution 1390 (2002) on the freezing of funds of persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban (Council Regulation (EC) 881/2002: 'EU/UN regime'). The EU/UN regime concerns 361 individuals and 125 entities, whereas the EU autonomous regime concerns 26 individuals and 28 entities.

It is to be recalled that the EU/UN regime was upheld by the Court in its judgments of 21 September 2005 in the cases of *Yusuf* (T-306/01) and *Kadi* (T-315/01).

3. It should also be noted that in its judgment of today, the Court of First Instance annulled one single reference to the applicant OMPI in the Council decision establishing the list of persons and entities subject to the freezing of funds pursuant to Council Regulation 2580/2001. The Court did not annul the references to the other persons and entities on the list. The Court did not annul the basic Council Regulation 2580/2001 either, so this regulation remains in force as well.

P R E S S

Furthermore, the Court dismissed the applicant OMPI's claim for the annulment of the Council Common Position which included it on the list of persons and entities subject to the measures provided for in the original Common Position 2001/931/CFSP. These measures, other than the freezing of funds, therefore continue to apply to OMPI (the measures relate to police and judicial cooperation in criminal matters within the framework of Title VI TEU).

4. The Council will consider whether to make an appeal limited to points of law to the Court of Justice against this judgment by the Court of First Instance. In any event, the Council has already started work on improving its procedures for the listing of persons and entities pursuant to Regulation 2580/2001. The Council intends to provide a statement of reasons to each person and entity subject to the asset freeze, wherever that is feasible, and to establish a clearer and more transparent procedure for allowing listed persons and entities to request that their case be re-considered.
