

**Action brought on 31 July 2002 by Osman Ocalan on behalf of Kurdistan Workers Party (PKK) and Serif Vanly on behalf of Kurdistan National Congress (KNK) against the Council of the European Union**

(Case T-229/02)

(2002/C 233/56)

(Language of the case: English)

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 31 July 2002 by Osman Ocalan on behalf of Kurdistan Workers Party (PKK) and Serif Vanly on behalf of Kurdistan National Congress (KNK), represented by Mark Muller, barrister, Edward Grieves, barrister, instructed by Gareth Pierce, partner at Birnberg, Peirce and partners, 14 Inverness Street, London NW1 7HJ, UK.

The applicants claim that the Court should:

- declare void the Council Decision 2002/334/EC of 2 May 2002 and the attendant decision dated 17 June 2002 in respect of its proscription of the PKK,
- alternatively declare Regulation 2508/2001 illegal in respect of its application to the applicants,
- order the Council to pay the costs incurred by the applicants in the present proceedings,
- order the Council to pay damages.

*Pleas in law and main arguments*

The present Application is brought for partial annulment of decisions 2002/334/EC and its successor 2002/460/EC, which places PKK upon the EU terrorist list. These decisions were made pursuant to the challenged Regulation no 2580/2001.

On support of its conclusions, the Applicants submit the following grounds:

- Failure to apply the criteria to the correct facts and/or have regard to the law of armed conflict where relevant. It is stated on this topic that the Council has imposed a ban upon a non-existent (recently dissolved), organisation, which, by definition, was incapable of being presently or in the future engaged in terrorism. Alternatively, if which is denied, the PKK is held to continue to exist as an organisation, the Council wholly failed to adhere to the requirement that any putative organisation required to be

considered under the Regulation must be presently engaged in terrorism. In fact, since July 1999, the PKK has dropped its demand for Kurdish independence and has merely sought the recognition, through peaceful and political means,

- Breach of internationally recognised right of self-determination, of cultural, civil and political rights.
- Breach of fundamental rights of expression and association.
- Breach of other principles of Community Law such as proportionality, certainty, equality and right to a fair hearing.
- Misuse of power, in that the Council's inclusion of the PKK in the list in question should be as a result of political pressure from Turkey and not as a result of any meaningful application of the aforesaid criteria to the facts.

**Action brought on 2 August 2002 by Piero Gonnelli and the Associazione Italiana Frantoiani Oleari (AIFO) against the Commission of the European Communities**

(Case T-231/02)

(2002/C 233/57)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 2 August 2002 by Piero Gonnelli and the Associazione Italiana Frantoiani Oleari (AIFO), represented by Ugo Scuro, lawyer.

The applicants claim that the Court should:

- annul in its entirety Commission Regulation (EC) No 1019/2002 of 13 June 2002 on marketing standards for olive oil, alternatively Articles 2, 3, 4, 5 and 6 thereof.