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ORDER OF THE COURT OF FIRST INSTANCE (Seventh Chamber)

17 December 2008 (1)

(Procedure – Interpretation of a judgment – Manifest inadmissibility)

In Case T-284/08 INTP,

APPLICATION for interpretation of the judgment of the Court of First Instance (Seventh Chamber) of 4 December 2008 in Case T-284/08,

**People’s Mojahedin Organization of Iran**, established in Auvers-sur-Oise (France) represented initially by J.-P. Spitzer, lawyer, and D. Vaughan QC, and subsequently by J.-P. Spitzer, D. Vaughan QC and M.-E. Demetriou, Barrister,

applicant,

v

**Council of the European Communities**, represented initially by G.-J. Van Hegleson, S. Bishop and E. Finnegan, and subsequently by M. Bishop and E. Finnegan, acting as Agents,

defendant,

supported by

**French Republic**, represented by G. de Bergues and A.-L. During, acting as Agents,

and by

**Commission of the European Communities**, represented by P. Aalto and S. Boelaerts, acting as Agents,

interveners,

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES (Seventh Chamber),

composed of: N. J. Forwood (Rapporteur), President, D. Šváby and L. Truchot, Judges,

registrar : E. Coulon,

makes the following

### Order

- 1 By application received at the Court Registry on 4 December 2008, the Council, defendant in Case T-284/08, *People’s Mojahedin Organization of Iran v Council*, applied under Article 129 of the Rules of Procedure of the Court of First Instance for interpretation of the Court judgment of the same day in that case ('the main judgment').
- 2 By that judgment, the Court annulled Council Decision 2008/583/EC of 15 July 2008 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 2007/868/EC (OJ 2008 L 188, p. 21) ('the annulled act'), so far as it concerns the People’s Mojahedin Organization of Iran ('the PMOI').

- 3 By the present application for interpretation, the Council seeks, in essence, a confirmation by the Court that the annulled act has the nature of a regulation, as did the act at stake in Case T-228/02 *Organisation des Modjahedines du peuple d'Iran v Council* [2006] ECR II-4665 (see paragraph 97), so that, by virtue of Article 60, second paragraph, of the Statute of the Court of Justice, the main judgment shall take effect only as from the date of expiry of the period granted to bring an appeal or, if an appeal shall have been brought within that period, as from the date of dismissal of that appeal.
- 4 In its observations lodged at the Court Registry on 10 December 2008, the PMOI submits that the application for interpretation is inadmissible and, in any event, unfounded and contends that it should therefore be dismissed and the Council ordered to pay the costs.
- 5 In its observations lodged at the Court Registry on 15 December 2008, the French Republic explains the reasons why it shares the Council's interpretation.
- 6 Under Article 111 of the Rules of Procedure of the Court of First Instance, where the action is manifestly inadmissible the Court of First Instance may, without taking further steps in the proceedings, give a decision on the action by reasoned order.
- 7 In the present case, the Court considers that it has sufficient information from the documents in the file and has decided, pursuant to that article, to give a decision without taking further steps in the proceedings.
- 8 It should be noted that, as the Community Courts have consistently held, an application for interpretation of a judgment must, in order to be admissible, concern the operative part of the judgment in question, and the essential grounds thereof, and seek to resolve an obscurity or ambiguity that may affect the meaning or scope of that judgment, in so far as the Court was required to decide the particular case before it. According to the same line of decisions, an application for interpretation of a judgment is therefore inadmissible where it relates to matters not decided by the judgment concerned or seeks to obtain from the Court in question an opinion on the application, implementation or consequences of its judgment (see the orders of 14 July 1993 in Case T-22/91 INT *Raiola-Denti and others v Council* [1993] ECR II-817, paragraph 6, and of 24 July 1997 in Case T-573/95 (129) *Caballero-Montoya v Commission* [1997] ECR SC I-A-271 and II-761, paragraph 27, and the case-law cited).
- 9 In the present case, the Council is seeking from the Court an interpretation of the main judgment as to the nature of the annulled act.
- 10 It should be noted, first, that the Council does not allege in support of its application that the operative part of the main judgment, or the essential grounds thereof, are affected by an obscurity or ambiguity.
- 11 Secondly, the application for interpretation relates to a matter not decided by the main judgment, namely, whether the annulled act has the nature of a regulation or of a decision.
- 12 Thirdly, the application for interpretation seeks more specifically to obtain from the Court an opinion on the application, implementation or consequences of the main judgment between the date when it was given and the date when the time limit for lodging an appeal expires.
- 13 In the light of the foregoing, the present application for interpretation must be rejected as manifestly inadmissible.

### **Costs**

- 14 Under Article 87(2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings. Since the Council has been unsuccessful, it must be ordered to pay the costs in accordance with the form of order sought by the PMOI.
- 15 Under the first subparagraph of Article 87(4) of the Rules of Procedure, Member States and institutions intervening in the proceedings are to bear their own costs.

On those grounds,

hereby orders:

- 1. The application for interpretation is dismissed as manifestly inadmissible.**
- 2. The Council shall bear, in addition to its own costs, the costs of the People's Mojahedin Organization of Iran.**
- 3. The French Republic and the Commission shall bear their own costs.**

Luxembourg, 17 December 2008.

E. Coulon

N. J. Forwood

Registrar

President

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1? Language of the case: English.