

**Action brought on 15 January 2007 — Federal Republic of Germany v Commission of the European Communities**

(Case T-14/07)

(2007/C 69/46)

*Language of the case: German*

**Parties**

*Applicant:* Federal Republic of Germany (represented by: M. Lumma, C. Schulze-Bahr, assisted by C. von Donat, lawyer)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annul Commission Decision C(2006) 5163 final of 3 November 2006 on the reduction of the financial assistance of the ERDF in the Operational Program for Nordrhein-Westfalen in the framework of the Community initiative KMU (ERDF No 94.02.10.029) in so far as the reduction exceeds the ERDF assistance not claimed;
- order the Commission to pay the costs.

**Pleas in law and main arguments**

The contested decision reduces the assistance of the European Regional Development Fund (ERDF) in the Operational Program for Nordrhein-Westfalen in the framework of the Community Initiative.

In support of its action, the applicant submits that the contested decision infringes the Commission's authorising decision K(95) 1427 of 11 July 1995.

Moreover, it submits that there is an infringement of Article 24(2) of Regulation No 4253/88 <sup>(1)</sup>, as the conditions for reduction are not satisfied. It also submits that the departures from the indicative financing plan do not constitute a significant change of the program.

Even if there were a significant change of the program, the applicant submits that the Commission previously agreed to a flexible application of the indicative financing plans by virtue of its Guidelines for the financial closure of operational measures (1994-1999) from the Structural Funds (SEK (1999) 1316).

On the assumption that the conditions for a reduction are satisfied, the applicant complains that the defendant failed to use its

discretion in relation to the specific program. The Commission should have considered whether a reduction of the ERDF assistance was proportionate.

<sup>(1)</sup> Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments (OJ L 374, 31.12.1988, p. 1).

**Action brought on 15 January 2007 — Federal Republic of Germany v Commission of the European Communities**

(Case T-15/07)

(2007/C 69/47)

*Language of the case: German*

**Parties**

*Applicant:* Federal Republic of Germany (represented by: M. Lumma, C. Schulze-Bahr, assisted by C. von Donat, lawyer)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul Commission Decision C(2006) 5164 final of 3 November 2006 on the reduction of ERDF financial assistance granted by Decision C(95) 1739 of 27 July 1995 in the Operational Programme for Nordrhein-Westfalen in the framework of the Community initiative RECHAR II (ERDF No 94.02.10.041 /ARINCO No 94.DE.16.056);
- order the Commission to pay the costs.

**Pleas in law and main arguments**

The contested decision reduces the assistance of the European Regional Development Fund (ERDF) in the Operational Program for Nordrhein-Westfalen in the framework of the Community Initiative RECHAR II.

In support of its action, the applicant submits that the contested decision infringes the Commission's authorising decision K(95) 1739 of 27 July 1995.

Moreover, it submits that there is an infringement of Article 24(2) of Regulation No 4253/88 <sup>(1)</sup>, as the conditions for reduction are not satisfied. It also submits that the departures from the indicative financing plan do not constitute a significant change of the program.

Even if there were a significant change of the program, the applicant submits that the Commission previously agreed to a flexible application of the indicative financing plans by virtue of its Guidelines for the financial closure of operational measures (1994-1999) from the Structural Funds (SEK (1999) 1316).

On the assumption that the conditions for a reduction are satisfied, the applicant complains that the defendant failed to use its discretion in relation to the specific program. The Commission should have considered whether a reduction of the ERDF assistance was proportionate.

<sup>(1)</sup> Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments (OJ L 374, 31.12.1988, p. 1).

#### **Action brought on 29 January 2007 — Kronberger v European Parliament**

(Case T-18/07)

(2007/C 69/48)

*Language of the case: German*

#### **Parties**

*Applicant:* Hans Kronberger (Vienna, Austria) (represented by: W. L. Weh, lawyer)

*Defendant:* European Parliament

#### **Form of order sought**

— Annul the decision of the Parliament to declare the mandate of one of its Members valid, by reason of its nullity;

— order the Parliament to pay the applicant's standard costs.

#### **Grounds and principal arguments**

The applicant stood for election to the European Parliament in the European Parliament elections which were held on 13 June 2004 in Austria.

By the present action, he challenges the decision of the European Parliament of 28 April 2005, according to which the applicant's challenge to the validity of the mandate of one of its Members is to be regarded as unfounded.

In support of his claim, the applicant submits in particular that the Austrian rules on allocation of preferential votes are incompatible with Article 1 of the Act concerning the election of the representatives of the Assembly by direct universal suffrage <sup>(1)</sup> and are thus contrary to Community law.

<sup>(1)</sup> OJ L 278, 8.10.1976, p. 5.

#### **Action brought on 25 January 2007 — Systran and Systran Luxembourg v Commission**

(Case T-19/07)

(2007/C 69/49)

*Language of the case: French*

#### **Parties**

*Applicants:* Systran SA and Systran Luxembourg (represented by: J.-P. Spitzer and E. de Boissieu, lawyers)

*Defendant:* Commission of the European Communities

#### **Form of order sought**

The applicants claim that the Court should:

— order the immediate cessation of the acts of infringement and of disclosure by the European Community, acting through the Commission;