

- annul the investigation report sent to the Italian judicial authorities;
- annul any measure arising from and/or relating to those decisions which may be taken subsequently to the bringing of this action;
- order OLAF and the Commission to pay damages, assessed on an equitable basis at EUR 30 000, subject to increase and/or decrease in the course of the proceedings;
- in any event, order the defendant to pay the costs.

*Pleas in law and main arguments*

In support of her action, the applicant puts forward pleas identical to those put forward by the applicants in Case T-22/05.

**Action brought on 16 February 2005 by Dimos Ano Liosia, a self-administering local entity against the Commission of the European Communities**

(Case T-85/05)

(2005/C 106/78)

(Language of the Case: Greek)

An action was brought on 16 February 2005 against the Commission of the European Communities by Dimos Ano Liosion, established in Ano Liosia, Attica, and by Theodora Goula, Argiris Argiropoulos, Ioannis Manis, Eleni Dalipi, Vasilis Papagrighoriou and Yiorgos Frankalexis, residents of Ano Liosia, represented by Y-E. Kalvros, lawyer.

The applicants claim that the Court of First Instance should:

- annul in its entirety Commission Decision No 5522 of 21 December 2004 concerning the grant of assistance by the Cohesion Fund for Phase 2 of construction works for a hygienic infill site for domestic waste in Skalistiri in the Deme of Phylis in the Western Attica region of the Hellenic Republic (No CCI:2004 GR 16 C PE 001) and
- order the Commission to pay the costs.

*Pleas and main arguments*

In support of their action the applicants claim that the contested decision is contrary to the objectives of the mainte-

nance, protection and development of the quality of the environment, the protection of human health and prudent and rational use of natural resources, as provided for in Articles 2, 4(1) and 174 EC. That is owing to the fact that under that decision the district of Ano Liosia, which is regarded by the applicants as polluted and degraded, is obliged to accept much greater quantities of waste than the two other proposed areas for waste management in Attica. In the same context the applicants raise various problems concerning the siting chosen for construction of the facility, such as the fact that essentially it constitutes an extension of an existing establishment, the relevant area has been designated as an area of absolute protection of the natural environment and is in part wooded and in part to be reafforested, is not secured from private view and, according to the environmental impact study, is not the most appropriate area.

The applicants further claim that the contested decision is contrary to the obligations incumbent on the Hellenic Republic to:

- take appropriate measures to encourage the prevention or reduction of waste production and its harmfulness, in particular by the development of clean technologies which are more sparing in their use of natural resources, and to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, as provided for in Articles 3 and 4 of Directive 91/156; <sup>(1)</sup>
- adhere to the plans for restricting, recycling and processing of waste, as provided for in Articles 3, 4 and 6 of Directive 75/442; <sup>(2)</sup>
- verify in advance that the new installation will be operated in such a way that appropriate preventive measures are taken against pollution in order to ensure that no significant pollution is caused, as provided for in Article 3 of Directive 96/61. <sup>(3)</sup>

<sup>(1)</sup> Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste (OJ 1991 L 78, p. 32).

<sup>(2)</sup> Council Directive 75/442/EEC of 15 July 1975 on waste (OJ 1975 L 194, p. 39).

<sup>(3)</sup> Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ L 257, p. 26).