

3. *The restriction contained in part A of the Specific Provisions of the Annex to Directive 2006/133 on the types of crops on which the use of flusilazole may be authorised by the Member States, namely cereals other than rice, oilseed rape, maize and sugar beet, is suspended until judgment is delivered in the main proceedings;*
4. *Costs are reserved.*

- Infringement of Article 175(2)(c) EC, since under the EC Treaty the Commission does not have competence to adopt measures which significantly affect a Member State's choice between different energy sources and the general structure of its energy supply;
- Breach of the principle of good administration, since the Commission did not take account when taking its decision of all the essential circumstances present in the individual case and did not verify whether all the assumptions made when taking its decision were correct;
- Breach of the obligation to state reasons.

Action brought on 17 July 2007 — Estonia v Commission

(Case T-263/07)

(2007/C 223/17)

Language of the case: Estonian

Parties

Applicant: Republic of Estonia (represented by Lembit Uibo, Agent)

Defendant: Commission of the European Communities

Form of order sought

Annul the decision of the Commission of the European Communities of 4 May 2007 concerning the national greenhouse gas allocation plan submitted by Estonia in accordance with Directive 2003/87/EC of the European Parliament and of the Council ⁽¹⁾

Pleas in law and main arguments

The Commission's decision of 4 May 2007 concerning the national greenhouse gas allocation plan submitted by Estonia in accordance with Directive 2003/87/EC of the European Parliament and of the Council should be annulled on the following grounds:

- Infringement of Article 9(1) and (3) and Article 11(2) of Directive 2003/87/EC and the consequent exceeding of competence;
- Manifest errors of assessment, since the Commission did not take into account correct information available to it, but relied on false assumptions which directly and essentially affected the outcome of the contested decision and the determination of the overall amount of emission allowances;

⁽¹⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

Action brought on 9 July 2007 — Italian Republic v Commission

(Case T-267/07)

(2007/C 223/18)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: G. Aiello and S. Fiorentino, Avvocati dello Stato)

Defendant: Commission of the European Communities

Form of order sought

- annul Commission Decision C(2007) 1901 final of 27 April 2007 on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2006 financial year, in so far as it charges to the Italian Republic, as provided for in Article 32(5) of Regulation (EC) No 1290/2005, 50 % of the financial consequences of the non-recovery of amounts in the cases of irregularity or negligence under consideration in the present application.