

Pleas in law and main arguments

By this action, the applicant requests that the defendant be ordered to repay the balance of the advance disbursed to it by the Community, together with default interest, following its failure to perform the part of the cost reimbursement contract EP No 26970 concluded with the consortium of which it was a member, concerning the project 'Neutral Archiving of EDA Data (ARCHIVE)', implemented within the framework of the Fourth European Strategic Programme for Research and Development in Information Technologies (ESPRIT) (1994-1998).

Action brought on 4 January 2008 — Kinotita Grammatikou v Commission

(Case T-13/08)

(2008/C 79/57)

Language of the case: Greek

Parties

Applicant: Kinotita Grammatikou (Community of Grammatiko) (Athens, Greece) (represented by: A. Papakonstantinou and M. Khaintarlis, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- annul Commission Decision C(2004) 5509 of 21 December 2004 relating to the grant of assistance from the Cohesion Fund for the project 'Construction of a Landfill Site at the Integrated Waste Management Facility of North-East Attica at the location "Mavro Vouno Grammatikou", in the Hellenic Republic';
- in the event of doubt, order an on-the-spot inspection in the project area and seek independent technical opinions to corroborate the applicant's submissions;
- order the Commission to pay the applicant's costs.

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As regards its locus standi to bring the action for annulment on the basis of Article 230 EC, the applicant considers that the contested decision, which seeks the creation of a landfill site on an area which is within the boundaries of the Community of Grammatiko, is of direct and individual concern to it because it is a public body responsible for the protection of public health

and the environment in the area where the project that is being financed is located.

The applicant submits that the contested decision, the content of which it maintains came to its notice on 9 November 2007, infringes a number of provisions of primary Community law for the protection of health and the environment as well as provisions of secondary Community law giving concrete expression to the primary law.

Specifically, the applicant claims that the financing of the project contravenes the aims of maintaining, protecting and improving the quality of the environment, of protecting public health and of using natural resources in a wise and rational manner. In addition, in the applicant's view the contested Commission decision infringes first and foremost Articles 3, 4 and 6 of Directive 75/442 ⁽¹⁾ and Articles 3 and 4 of Directive 91/156 ⁽²⁾, which lay down specific obligations in the areas of prevention or reduction of waste production and its harmfulness.

Lastly, according to the applicant, it is clear that the creation of a waste management and disposal facility within a protected area cannot in any circumstances be regarded as a project eligible for financing by a financial instrument such as the Cohesion Fund, which by definition should finance only works complying with the requirements of protection of the environment.

⁽¹⁾ Council Directive 75/442/EEC of 15 July 1975 on waste (OJ 1975 L 194, p. 39).

⁽²⁾ Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste (OJ 1991 L 78, p. 32).

Action brought on 18 January 2008 — Liga para a Protecção da Natureza v Commission of the European Communities

(Case T-29/08)

(2008/C 79/58)

Language of the case: Portuguese

Parties

Applicant: Liga para a Protecção da Natureza (LPN) (Lisbon, Portugal) (represented by: P. Vinagre e Silva, lawyer)

Defendant: Commission of the European Communities