

Other parties to the proceedings: Commission of the European Communities (represented by: D. Martin, acting as Agent, assisted by C. Falmagne, lawyer) (T-40/07 P); and José António de Brito Sequeira Carvalho (Brussels, Belgium) (represented by: O. Martins, lawyer) (T-62/07 P)

Re:

Two appeals against the judgment of the Civil Service Tribunal of the European Union (Third Chamber) of 13 December 2006 in Case F-17/05 *de Brito Sequeira Carvalho v Commission* EC- SC-I-A-1-149 and II-A-I 577, seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. Dismisses the appeal in Case T-40/07 P;
2. Orders José António de Brito Sequeira Carvalho to bear his own costs and to pay those incurred by the Commission in the present proceedings;
3. Sets aside the judgment of the Civil Service Tribunal of the European Union (Third Chamber) of 13 December 2006 in Case F-17/05 *de Brito Sequeira Carvalho v Commission* EC- SC-I-A-1-149 and II-A-I 577, in so far as it annulled the decision of 13 July 2004 and the decisions to extend the compulsory medical leave subsequent to the decision of 22 September 2004;
4. Dismisses the action brought by Mr de Brito Sequeira Carvalho before the Civil Service Tribunal in Case F-17/05 as inadmissible as regards the decision of 13 July 2004 and the decisions to extend the compulsory medical leave subsequent to the decision of 22 September 2004;
5. Dismisses the appeal in case T-62/07 P as to the remainder;
6. In Case T-62/07 P, orders Mr de Brito Sequeira Carvalho to bear half of his own costs relating to the proceedings before the Civil Service Tribunal and the present proceedings;
7. In Case T-62/07 P, orders the Commission to bear its own costs and to pay half the costs incurred by Mr de Brito Sequeira Carvalho relating to the proceedings before the Civil Service Tribunal and the present proceedings.

⁽¹⁾ OJ C 82, 14.04.2007.

Judgment of the Court of First Instance of 30 September 2009 — Netherlands v Commission

(Case T-55/07) ⁽¹⁾

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Rural development support — Transitional measures — Concept of ‘multi-annual expenditure’ — Article 4(2) and (3) of Regulation (EC) No 2603/1999)

(2009/C 282/77)

Language of the case: Dutch

Parties

Applicant: Kingdom of the Netherlands (represented by: initially H. Sevenster and M. de Grave, subsequently M. de Grave, C. Wissels and M. Noort, acting as Agents)

Defendant: Commission of the European Communities (represented by: T. van Rijn and F. Jimeno Fernández, acting as Agents)

Re:

Application for partial annulment of Commission Decision 2006/932/EC of 14 December 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2006 L 355, p. 96) in so far as it relates to the Kingdom of the Netherlands and more particularly with regard to the financial correction applied to the reimbursement of ineligible expenditure in the framework of the EAGGF, Guarantee Section, for the year 2002 in the amount of EUR 5.67 million.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Order the Kingdom of the Netherlands to pay the costs.

⁽¹⁾ OJ C 82, 14.04.2007.