

Re:

APPLICATION for annulment in part of the Commission's Decision of 29 November 2006 on the national plan for the allocation of greenhouse gas emission allowances notified by the Federal Republic of Germany for the period from 2008 to 2012 pursuant to 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 2003 L 275, p. 32).

Operative part

1. The application is dismissed as inadmissible;
2. Fels-Werke GmbH, Saint-Gobain Glass Deutschland GmbH and Spenner Zement GmbH & Co. are ordered to pay the costs.

**Judgment of the Court of First Instance (Second Chamber)
of 12 September 2007 — Nikolaou v Commission**

(Case T-259/03)

Non-contractual liability — Inquiry of the European Anti-Fraud Office (OLAF) concerning a Member of the Court of Auditors — Divulging of information — Protection of personal information — Access to the inquiry file and to OLAF's report — Sufficiently serious breach of the rules of law conferring rights on individuals — Causal link — Loss

1. *Non-contractual liability — Conditions — Illegality — Damage — Causal link (Art. 288, second para., EC) (see paras 37, 38, 141, 142)*
2. *Non-contractual liability — Conditions — Sufficiently serious breach of a rule conferring rights on individuals — Hearing (Art. 288, second para., EC) (see paras 39-44)*
3. *Non-contractual liability — Compensation for damage caused by servants of the Community in the performance of their duties (Art. 288, second para., EC; European Parliament and Council Regulations No 1073/1999, Art. 8(3), and No 45/2001, Arts 2(a) and (b), 3, 4(1) and (5)) (see paras 193-199)*
4. *Non-contractual liability — Conditions — Sufficiently serious breach of a rule conferring rights on individuals (Art. 288, second para., EC; European Parliament and Council Regulations No 1073/1999, Art. 8(3), and No 45/2001, Arts 2, 3, 4(1) and 5(a) and (e)) (see paras 200-216, 230-233)*
5. *European Anti-Fraud Office (OLAF) — Regulation No 1073/1999 concerning investigations conducted by OLAF (European Parliament and Council Regulation No 1073/1999) (see paras 236-246, 250, 251)*
6. *Non-contractual liability — Conditions — Damage — Causal link (Art. 288, second para., EC) (see paras 304, 320, 330, 333)*

Re:

ACTION for damages, pursuant to the second paragraph of Article 288 EC, for the loss suffered by the applicant following publication of information concerning an inquiry carried out concerning her by the European Anti-Fraud Office (OLAF) and OLAF's refusal to grant her access to the inquiry file and to supply her with a copy of its final report.

Operative part

The Court:

1. Orders the Commission to pay the applicant compensation of EUR 3 000;
2. Dismisses the remainder of the action;
3. Orders the applicant to bear three quarters of her own costs and three quarters of the costs incurred by the Commission, which is to bear a quarter of its own costs and pay a quarter of the costs incurred by the applicant.

Judgment of the Court of First Instance (Second Chamber) of 12 September 2007 — Koninklijke Friesland Foods v Commission

(Case T-348/03)

State aid — Tax scheme of aid implemented by the Netherlands — International financing activities of groups of companies — Decision declaring the aid scheme to be incompatible with the common market — Transitional provision — Protection of legitimate expectations — Principle of equal treatment — Admissibility — Legal interest in bringing proceedings

1. *Actions for annulment — Interest in bringing proceedings — Need for an actual and current interest (Art. 230, fourth para., EC) (see paras 58, 72)*