

2. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Measures not prejudging the decision on the merits (Arts 233 EC, 242 EC and 243 EC) (see paras 46-49)*

**Re:**

APPLICATION for suspension of the operation of the decision of the European Parliament of 31 January 2007 annulling invitation to tender EP/DGINFO/WEBTV/2006/0003, in so far as concerns lot No 2, pending the decision of the Court of First Instance in the main action.

**Operative part**

The Court:

1. Dismisses the application for interim measures;
2. Reserves the costs.

**Judgment of the Court of First Instance (Fourth Chamber) of 10 May 2007 —  
Spain v Commission**

**(Case T-99/05)**

Fisheries — Regulation (EC) No 494/2002 — Conservation of the resources of the sea — Legal basis — Principle of non-discrimination — Obligation to state reasons

1. *Acts of the institutions — Choice of legal basis — Criteria — Commission regulation for the recovery of the stock of hake (Council Regulation No 3760/92, Art. 15(1), and No 850/98, Art. 45(1); Commission Regulation No 494/2002) (see paras 21-26)*

2. *Fisheries — Conservation of the resources of the sea — Regulation No 850/98 (Council Regulation No 850/98, Art. 45(1)) (see para. 27)*
3. *Fisheries — Conservation of the resources of the sea — Commission regulation for the recovery of the stock of hake (Council Regulation No 850/98; Commission Regulation No 494/2002) (see paras 28-31)*
4. *Fisheries — Conservation of the resources of the sea — Commission regulation for the recovery of the stock of hake (Commission Regulation No 494/2002 Art. 2(2)) (see paras 43-45)*
5. *Acts of the institutions — Statement of reasons — Obligation — Scope (Art. 253 EC) (see paras 59-61)*

**Re:**

ACTION for annulment of Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e (OJ 2002 L 77, p. 8).

**Operative part**

The Court:

1. Dismisses the action;
2. Orders the Kingdom of Spain to bear its own costs and to pay those of the Commission.