

## **Operative part**

The Court:

1. Dismisses the action as inadmissible;
2. Orders Galileo Lebensmittel GmbH & Co. KG to bear its own costs and pay those incurred by the Commission.

### **Order of the Court of First Instance (Second Chamber) of 29 August 2007 — SELEX Sistemi Integrati v Commission**

**(Case T-186/05)**

Action for damages — Non-contractual liability — Competition — Decision of the Commission rejecting a complaint under Article 82 EC — Action in part manifestly inadmissible and in part manifestly without foundation in law — Actual loss

1. *Non-contractual liability — Damage — Damage for which compensation due (Art. 288, second para., EC) (see paras 15, 16)*
2. *Non-contractual liability — Conditions — Actual and certain damage — Burden of proof (Art. 288, second para., EC) (see paras 20, 27, 33, 36)*

**Re:**

ACTION for damages for the loss allegedly suffered by the applicant as a result of the decision of the Commission of 12 February 2004 rejecting the complaint brought by the applicant against Eurocontrol in respect of alleged infringements of the provisions of the EC Treaty on competition.

**Operative part**

The Court:

1. Dismisses the action as in part manifestly inadmissible and in part manifestly without foundation in law;
2. Orders SELEX Sistemi Integrati Spa to pay the costs.