

## **Operative part**

The Court:

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

**Order of the Court of First Instance (Fourth Chamber) of 26 February 2007 —  
Evropaiki Dynamiki v Commission  
(Case T-205/05)**

Actions for annulment — Arbitration clause — e-Content Programme —  
Termination of contract — Repayment — Inadmissibility

1. *Procedure — Legal basis of an action — Choice a matter for the applicant not the Community judicature (see para. 38)*
2. *Actions for annulment — Action relating in reality to a contractual dispute — Lack of jurisdiction of the Community judicature — Inadmissibility (Arts 230 EC, 238 EC and 249 EC) (see paras 39-56)*
3. *Actions for annulment — Action relating in reality to a contractual dispute — Reclassification of the action — Exclusion (Arts 230 EC and 238 EC; Rules of Procedure of the Court of First Instance, Art. 44(1)(c)) (see para. 57)*

**Re:**

ACTION for annulment, first, of the Commission's decision of 16 May 2003 to terminate contract EDC-53007 EEBO/27873; secondly, of the Commission's

decision of 12 November 2004 to reimburse to the applicant an amount for the costs of labour not exceeding EUR 85 971; and thirdly, the Commission's decision of 7 March 2005 to issue a debit note in the amount of EUR 59 485 in respect of the applicant.

### **Operative part**

The Court:

1. Dismisses the action as inadmissible;
2. Orders the applicant to bear its own costs and to pay those of the Commission.

### **Order of the President of the Court of First Instance of 26 February 2007 — Icuna.Com v Parliament**

**(Case T-383/06 R)**

Interim measures — Application for suspension of operation of a decision —  
No need to adjudicate

*Applications for interim measures — Suspension of operation of a measure — Order provisionally suspending operation of a European Parliament decision until delivery of the order concluding the interim proceedings — Indication by the Parliament of its intention not to implement that decision further — No need to adjudicate (Rules of Procedure of the Court of First Instance, Art. 105(2)) (see paras 9-12)*

**Re:**

APPLICATION for interim measures seeking, in substance, suspension of operation of the decision of the European Parliament dated 1 December 2006 accepting the