

Re:

Application for interim measures seeking, in substance, suspension of operation of the decision of the European Parliament dated 1 December 2006 accepting the tender submitted by Mostra and rejecting the applicant's tender in the context of call for tenders EP/DGINFO/WEBTV/2006/2003 and also of the implementation of any contract entered into with Mostra, pending the decision of the Court in the main action.

Operative part of the order

1. *There is no longer any need to adjudicate on the application for interim measures.*
2. *Costs are reserved.*

**Order of the President of the Court of First Instance of
1 March 2007 — Dow AgroSciences v EFSA**

(Case T-397/06 R)

(Applications for interim measures — Application for suspension of operation of a measure — Directive 91/414/CEE — European Food Safety Authority — Inadmissibility)

(2007/C 95/88)

Language of the case: English

Parties

Applicant: Dow AgroSciences Ltd (Hitchin, United Kingdom) (represented by: K. Van Maldegem and C. Mereu, lawyers)

Defendant: European Food Safety Authority (EFSA) (represented by: A. Cuvillier and D. Detken, Agents)

Re:

Application for suspension of operation of the decision of the European Food Safety Authority (EFSA) of 28 July 2006, updated on 6 October 2006, concerning the evaluation of the active substance haloxyfop-R for the purposes of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market (OJ 1991 L 230, p. 1), and for the grant of other interim measures

Operative part of the order

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

**Order of the President of the Court of First Instance of
26 February 2007 — Sumitomo Chemical Agro Europe v
Commission**

(Case T-416/06 R)

(Application for interim measures — Application for suspension of operation — Directive 91/414/EEC — No urgency)

(2007/C 95/89)

Language of the case: English

Parties

Applicant: Sumitomo Chemical Agro Europe SAS (Saint-Didier-au-Mont-d'Or, France) (represented by: K. Van Maldegem and C. Mereu, lawyers)

Defendant: Commission of the European Communities (represented by: L. Parpala and B. Doherty, Agents)

Re:

Application for suspension of certain provisions of Commission Directive 2006/132/EC of 11 December 2006 amending Council Directive 91/414/EEC to include procymidone as an active substance (OJ 2006 L 349, p. 22), and for certain other interim measures.

Operative part of the order

- (1) *The application for interim measures is dismissed.*
- (2) *The costs are reserved.*

Action brought on 20 February 2007 — Fahas v Council

(Case T-49/07)

(2007/C 95/90)

Language of the case: German

Parties

Applicant: Sofiane Fahas (Milkendorf, Germany) (represented by: F. Zillmer, lawyer)

Defendant: Council of the European Union

Form of order sought

- Annul Decision 2002/848/EC of 28 October 2002 implementing Article 2(3) of Regulation (EC) No 2580/2001 and repealing Decision 2002/460/EC, by which the Council drew up an updated list of persons, groups and entities to which that regulation applies, and all decisions adopted in the meantime by the Council of the European Union in the meantime including Decision 2006/1008/EC of 21 December 2006, which is currently in force, in so far as they concern the applicant;
- declare all aforementioned decisions up to and including Decision 2006/1008/EC of 21 December 2006 inapplicable to the applicant;
- order the Council of the European Union to pay the applicant damages for the harm suffered, the amount to be determined at the Court's discretion, but at least EUR 2 000;
- order the defendant to pay the costs.

Pleas in law and main arguments

By its application, the applicant challenge Decision 2006/1008/EC ⁽¹⁾ and all previous decisions since Decision 2002/848/EC ⁽²⁾, in so far as he is expressly listed in the contested legislation.

In support of his claim, the applicant alleges infringement of his right to a fair hearing and his right to effective legal protection. In addition, Decision 2006/1008/EC is unfounded and thus is in breach of Article 253 EC.

⁽¹⁾ Council Decision 2006/1008/EC of 21 December 2006 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ 2006 L 379, p. 123).

⁽²⁾ Council Decision 2002/848/EC of 28 October 2002 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2002/460/EC (OJ 2002 L 295, p. 12).

Action brought on 23 February 2007 — Portuguese Republic v Commission

(Case T-50/07)

(2007/C 95/91)

*Language of the case: Portuguese***Parties**

Applicant: Portuguese Republic (Lisbon, Portugal) (represented by: Inez Fernandes and P. Barros da Costa, acting as Agents, and M. Figueiredo, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- Annulment of Commission Decision 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) ⁽¹⁾, in so far as it applies to Portugal a financial correction of 5 % in aid for arable crops, in respect of the additional payment for durum wheat, in the sum of EUR 3 945 827,00, under the system created by Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops ⁽²⁾;
- as an ancillary matter, annulment of the decision in so far as it excludes from Community financing expenditure incurred by the Portuguese Republic before 16 December 2003, in the sum of EUR 3 231 650,20;
- an order that the Commission of the European Communities should pay the costs.

Pleas in law and main arguments

The applicant relies on the following grounds:

- Infringement of the fourth subparagraph of Article 7(4)(a) of Regulation No 1258/99 ⁽³⁾: in this connection the applicant alleges breach of the duty to state reasons and disregard of essential procedural requirements;
- with regard to the late performance of inspections on the spot in the marketing years 2002 and 2003 laid to its charge by the contested decision, the applicant alleges breach of the principle of subsidiarity, breach of the principle of equality of Member States, breach of the principle of proportionality and error as to the factual grounds;
- the applicant also argues that the EAGGF has sustained no financial loss;
- furthermore, the applicant challenges the Commission's finding as to the allegedly insufficient number of site visits regarding durum wheat in 2002.

⁽¹⁾ OJ 2006 L 355, p. 96.

⁽²⁾ OJ 1999 L 160, p. 1.

⁽³⁾ Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy (OJ 1999 L 160, p. 103).