

Operative part

The Court:

1. Dismisses the action as inadmissible;
2. Orders 2K-Teint SARL, Mohammed Kermoudi, Khalid Kermoudi, Laila Kermoudi, Mounia Kermoudi, Salma Kermoudi and Rabia Kermoudi to pay, in addition to their own costs, the costs incurred by the Commission and the European Investment Bank (EIB).

Order of the Court of First Instance (Eighth Chamber) of 10 April 2008 — Imelios v Commission

(Case T-97/07)

(Application for annulment — Action for damages — Fifth framework programme of the Community for research, technological development and demonstration activities (1998-2002) — Arbitration clause — Debit note — Inadmissible)

1. *Procedure — Legal basis of an action — Choice a matter for the applicant not the Community judicature (see para. 19)*
2. *Actions for annulment — Action relating in reality to a contractual dispute — Lack of jurisdiction of the Community judicature — Inadmissibility (Arts 230 EC and 238 EC) (see paras 21, 22, 27-30)*

3. *Actions for annulment — Action relating in reality to a contractual dispute — Reclassification of the action — Inadmissibility (Arts 230 EC and 238 EC; Rules of Procedure of the Court of First Instance, Art. 44(1)(c)) (see paras 32-34)*
4. *Procedure — Application initiating proceedings — Formal requirements — Brief summary of the pleas in law on which the application is based (Rules of Procedure of the Court of First Instance, Art. 44(1)(c) and (d)) (see paras 39-41)*
5. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link (Art. 288, second para., EC; Rules of Procedure of the Court of First Instance, Art. 44(1)(c) and (d)) (see paras 45-47)*

Re:

APPLICATION for, first, annulment of the decision adopted by the Commission following an audit report by the European Anti-Fraud Office (OLAF) to recover, by way of the debit note of 17 January 2007, payments made in the framework of the contract, reference number IST-1999-10934-Assist relating to the 'Knowledge for Help Desk Operators' programme, concluded in the context of the Fifth Framework Programme of the Community for research, technological development and demonstration activities (1998-2002) in the field of user-friendly information, second, a request for payment of EUR 34 368 in respect of an instalment of a grant still to be paid under the contract and, third, a claim for compensation for damage allegedly suffered by the applicant as a result of that decision.

Operative part

The Court:

1. Dismisses the action;
2. Orders Imelios SA to bear its own costs and pay those incurred by the Commission.