

3. *The Commission is ordered to pay the costs of the interim proceedings. As to the remainder, the Commission and Industria Masetto Schio Srl (IMS) are ordered to bear half of the costs each.*

4. *The French Republic is ordered to bear its own costs.*

(¹) OJ C 20, 27.1.2007.

**Order of the Court of First Instance of 15 January 2009 —
Braun-Neumann v Parliament**

(Case T-306/08 P) (¹)

(Appeal — Staff case — Pensions — Survivor's pension — Payment of 50% owing to the existence of another surviving spouse — Act adversely affecting an official — Complaint out of time)

(2009/C 90/43)

Language of the case: German

Parties

Appellant: Kurt-Wolfgang Braun-Neumann (Lohr a. Main, Germany) (represented by: P. Ames, lawyer)

Other party to the proceedings: European Parliament (represented by: K. Zejdová and S. Seyr, Agents)

Re:

Appeal against the order of the European Union Civil Service Tribunal (First Chamber) of 23 May 2008 in Case F-79/07 *Braun-Neumann v Parliament* [2008] ECR-SC I-A-000, seeking annulment of that order.

Operative part of the order

1. *The Appeal is dismissed.*
2. *Each party is ordered to bear its own costs incurred at first instance.*

(¹) OJ C 247, 27.9.2008.

**Action brought on 6 February 2009 — Hellenic Republic v
Commission**

(Case T-46/09)

(2009/C 90/44)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: V. Kontolaimos, I. Khalkias and S. Kharitaki, State Legal Advisers, and S. Papaioannou, Legal Representative in the State Legal Service)

Defendant: Commission of the European Communities

Form of order sought

— annul or alter the contested decision as more specifically set out in the application and order the Commission to pay the costs.

Pleas in law and main arguments

This action challenges Commission Decision C(2008) 7820 final of 8 December 2008 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and under the European Agricultural Guarantee Fund (EAGF), notified to the applicant under reference number SG-Greffe (2008) D 207864/09-12-2008.

The applicant puts forward 12 pleas in support of its claim for annulment.

More specifically, in the citrus sector, the applicant submits under the first plea for annulment that the Commission misinterpreted and misapplied, with regard to the amount of the proposed correction, Commission documents AGRI VI 5330/97, AGRI 61495/2002/REV I and AGRI/60637/2006 (Calculation of financial consequences when clearing EAGGF accounts — Guidelines — Repeated shortcomings — Recurrence), since there was not a lack of basic controls, nor repeated shortcomings in the citrus aid regime, while the applicant submits in the second plea for annulment that the Commission appraised the factual circumstances incorrectly and imposed a disproportionate financial correction since the administrative and financial controls were effected and payment in cash related to just one instance.