

**Order of the President of the Court of First Instance of
23 January 2009 — Pannon Hőerőmű v Commission**

(Case T-352/08 R)

(Interim measures — State aid — Commission decision declaring State aid granted by Hungary in favour of certain electricity producers by way of electricity purchasing agreements incompatible with the common market — Application for stay of execution — Lack of urgency — Balancing of interests)

(2009/C 82/44)

Language of the case: Hungarian

Parties

Applicant: Pannon Hőerőmű Energiatermelő, Kereskedelmi és Szolgáltató Zrt. (Pannon Hőerőmű Zrt.) (Pécs, Hungary) (represented by: M. Kohlrusz, P. Simon and G. Ormai, lawyers)

Defendant: Commission of the European Communities (represented by: C. Giolito and K. Talabér-Ritz, acting as Agents)

Re:

Application for stay of execution of Article 2 of Commission Decision C(2008) 2223 final of 4 June 2008 on State aid granted by the Republic of Hungary by way of electricity purchasing agreements.

Operative part of the order

1. *The application for interim measures is rejected.*
2. *Costs are reserved.*

**Order of the President of the Court of First Instance of
23 January 2009 — Unity OSG FZE v Council and EUPOL
Afghanistan**

(Case T-511/08 R) ⁽¹⁾

(Application for interim measures — Public procurement — Rejection of a tender — Application for suspension of operation of a measure — Loss of opportunity — No urgency)

(2009/C 82/45)

Language of the case: English

Parties

Applicant: Unity OSG FZE (Sharjah, United Arab Emirates) (represented by: C. Bryant and J. McEwen, Solicitors)

Defendants: Council of the European Union (represented by: G. Marhic and A. Vitro, Agents) and European Union Police Mission in Afghanistan (EUPOL Afghanistan) (Kabul, Afghanistan)

Re:

Application for suspension of the operation of the decision, taken by EUPOL Afghanistan in the context of a call for tenders, to reject the applicant's tender and to award the contract for the provision of guarding and close protection services in Afghanistan to another tenderer.

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *Costs are reserved.*

⁽¹⁾ OJ C 32, 7.2.2009.

**Action brought on 3 October 2008 — CISAC v
Commission**

(Case T-442/08)

(2009/C 82/46)

Language of the case: English

Parties

Applicant: International Confederation of Societies of Authors and Composers (CISAC) (Neuilly-sur-Seine, France) (represented by: J.-F. Bellis and K. Van Hove, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- annul Article 3 of the Commission decision of 16 July 2008 relating to a proceeding under Article 81 EC and Article 53 EEA (Case COM/C2/38.698 — CISAC); and
- order the Commission to pay the costs.

Pleas in law and main arguments

By means of this application, the applicant seeks the annulment, pursuant to Article 230 EC, of Article 3 of the Commission decision of 16 July 2008 (Case COM/C2/38.698 — CISAC), determining that 24 of CISAC's EEA based societies engaged in a concerted practice in violation of Article 81 EC and Article 53 EEA 'by coordinating the territorial delineations of the reciprocal representation mandates granted to one another in a way which limits a licence to the domestic territory of each collecting society'.