

**Order of the Court of First Instance of 1 April 2009 —
Perry v Commission**

(Case T-280/08) ⁽¹⁾

(Action for damages — Limitation period — Admissibility)

(2009/C 141/87)

Language of the case: French

Parties

Applicant: Claude Perry (Paris, France) (represented by: J. Culioli, lawyer)

Defendant: Commission of the European Communities (represented by: J.-P. Keppenne and P. van Nuffel, Agents)

Re:

Application for damages seeking compensation for the damage allegedly suffered by the applicant as a result of allegations of misuse of Community subsidies in the performance of certain contracts concluded by the Commission with the applicant's companies.

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *Mr Claude Perry is ordered to pay the costs.*

⁽¹⁾ OJ C 260, 11.10.2008.

**Order of the Court of First Instance of 31 March 2009 —
Spain v Commission**

(Case T-359/08) ⁽¹⁾

(Action for annulment — Withdrawal of the contested measure — No need to give a decision)

(2009/C 141/88)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: J. Rodríguez Cárcomo, Agent)

Defendant: Commission of the European Communities (represented by: A. Steiblyté and S. Pardo Quintillán, Agents)

Re:

Annulment of Commission Decision C(2008) 3243 of 25 June 2008 reducing the financial assistance granted from the Cohesion Fund for the group of projects No 2001.ES.16.C.P.E.045 (Waste Management in Galicia — 2001 (Group II)) by Decision C(2001) 4193 of 20 December 2001

Operative part of the order

1. *There is no need to give a decision in the present action.*

2. *The Commission shall bear its own costs and pay those incurred by the Kingdom of Spain.*

⁽¹⁾ OJ C 272, 25.10.2008.

**Order of the Court of First Instance of 31 March 2009 —
Spain v Commission**

(Case T-360/08) ⁽¹⁾

(Action for annulment — Withdrawal of the contested measure — No need to give a decision)

(2009/C 141/89)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: J. Rodríguez Cárcomo, Agent)

Defendant: Commission of the European Communities (represented by: A. Steiblyté and S. Pardo Quintillán, Agents)

Re:

Annulment of Commission Decision C(2008) 3247 of 25 June 2008, reducing the financial assistance granted from the Cohesion Fund for project group No. 2001.ES.16.C.P.E.036 ('Cleaning of the Hydrographic Basic of North-Galicia-2001') by Decision C(2001) 4084 of 20 December 2001.

Operative part of the order

1. *There is no need to give a decision in the present action.*
2. *The Commission shall bear its own costs and pay those incurred by the Kingdom of Spain.*

⁽¹⁾ OJ C 272, 25.10.2008.

**Order of the Court of First Instance of 2 April 2009 —
Cachuera v OHIM — Gelkaps (Ayanda)**

(Case T-43/09) ⁽¹⁾

(Application initiating proceedings — Formal requirements — Inadmissibility)

(2009/C 141/90)

Language of the case: Spanish

Parties

Applicant: La Cachuera, SA (Misiones, Argentina) (represented by: E. Armijo Chávarri, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal of OHIM: Gelkaps GmbH (Pritzwalk, Germany)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 19 November 2008 (Case RE 87/2008-2), relating to opposition proceedings between La Cachuera, SA and Gelkaps GmbH

Operative part of the order

The Court:

1. Dismisses the action.
2. Orders La Cachuera, SA to bear its own costs.

⁽¹⁾ OJ C 69, 21.3.2009.

Order of the President of the Court of First Instance of 24 April 2009 — Nycomed Danmark v EMEA

(Case T-52/09 R)

(Application for interim measures — Marketing authorisation for a medicinal product — Ultrasound echocardiographic imaging agent for diagnostic purposes (perflubutane) — Refusal by the EMEA to grant a waiver from the obligation to submit a paediatric investigation plan — Application for suspension of operation of a measure and interim measures — No urgency)

(2009/C 141/91)

Language of the case: English

Parties

Applicant: Nycomed Danmark ApS (Roskilde, Denmark) (represented by: C. Schoonderbeek and H. Speyart van Woerden, lawyers)

Defendant: European Medicines Agency (EMA) (represented by: V. Salvatore and N. Rampal Olmedo, Agents)

Re:

APPLICATION, first, for suspension of the operation of the EMA's decision of 28 November 2008 rejecting the application for a product-specific waiver concerning perflubutane and, secondly, for the grant of interim measures.

Operative part of the order

1. The application for interim measures is dismissed.
 2. Costs are reserved.
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Order of the President of the Court of First Instance of 3 April 2009 — UCAPT v Commission

(Case T-96/09 R)

(Interim measures — Application for suspension of operation of a measure — Failure to comply with the formal requirements — Inadmissible)

(2009/C 141/92)

Language of the case: French

Parties

Applicant: Union des Coopératives agricoles des producteurs de tabac de France (UCAPT) (Paris, France) (represented by: B. Peignot and D. Garreau, lawyers)

Defendant: Commission of the European Communities (represented by: M. Moore and P. Mahnič Bruni, acting as Agents)

Re:

Application for suspension of operation of Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ 2009 L 30, p. 16).

Operative part of the order

1. The application for interim measures is dismissed.
 2. Costs are reserved.
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Action brought on 24 March 2009 — Viasat Broadcasting UK v Commission

(Case T-114/09)

(2009/C 141/93)

Language of the case: English

Parties

Applicant: Viasat Broadcasting UK Ltd (London, United Kingdom) (represented by: S. Kalsmose-Hjelmborg and M. Honoré, lawyers)

Defendant: Commission of the European Communities

Form of order sought

— annul the decision of the European Commission of 4 August 2008 in Case N 287/2008; and

— order the Commission to pay the costs.