

4. *Costs reserved.*

(¹) OJ C 102, 1.5.2009.

**Judgment of the General Court of 12 July 2011 — Slovenia
v Commission**

(Case T-197/09) (¹)

**(EAGGF — ‘Guarantee’ Section — Expenditure excluded
from Community financing — Arable crops)**

(2011/C 252/76)

Language of the case: Slovene

Parties

Applicant: Republic of Slovenia (represented initially by: Ž. Cilenšek Bončina, Agent, and subsequently by L. Bembič, Agent, and J. Sladič, lawyer)

Defendant: European Commission (represented initially by: T. van Rijn and K. Banks, subsequently by F. Jimeno Fernández and M. Žebre, and finally by F. Jimeno Fernández and B. Rous, acting as Agents)

Re:

Annulment of Commission Decision 2009/253/EC of 19 March 2009 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of European Agricultural Guidance and Guarantee Fund (EAGGF) and under the European Agricultural Guarantee Fund (EAGF) (OJ 2009 L 75, p. 15), in so far as it excludes certain expenditure incurred by the Republic of Slovenia.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Republic of Slovenia to bear its own costs and to pay those incurred by the European Commission.*

(¹) OJ C 180, 1.8.2009.

**Order of the President of the General Court of 21 June
2011 — MB System v Commission**

(Case T-209/11 R)

**(Application for interim measures — State aid — Recovery
obligation — Application for stay of execution — Urgency —
Balancing of interests)**

(2011/C 252/77)

Language of the case: German

Parties

Applicant: MB System GmbH & Co. KG (Nordhausen, Germany) (represented by: G. Brügggen, M. Ackermann and C. Geiert, lawyers)

Defendant: European Commission (represented by: F. Erlbacher and T. Maxian Rusche, acting as Agents)

Re:

Application for suspension in part of Commission Decision C(2010) 8289 final of 14 December 2010 on State aid No C 38/2005 (ex NN 52/2004) granted by Germany to the Biria Group.

Operative part of the order

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

**Action brought on 16 May 2011 — Zinātnes, inovāciju un
testēšanas centrs v European Commission**

(Case T-259/11)

(2011/C 252/78)

Language of the case: Latvian

Parties

Applicant: Zinātnes, inovāciju un testēšanas centrs (represented by: E. Darapolskis, lawyer)

Defendant: European Commission

Form of order sought

— Annulment of the decision of the European Commission concerning contract 2003/004-979-06-03/1/0027 ‘Būvmateriālu inivāciju un testēšanas centra izveide’ concluded in the framework of the 2003 Latvian national PHARE programme, and a declaration that there are no grounds for the recovery of the financing for the PHARE programme in the amount of EUR 1 576 010,80.

Pleas in law and main arguments

By the decision of the European Commission (‘Commission’) concerning contract 2003/004-979-06-03/1/0027 ‘Būvmateriālu inivāciju un testēšanas centra izveide’ concluded in the framework of the 2003 Latvian national PHARE programme (‘the contested decision’) it was decided to recover financial aid granted by the European Union amounting to EUR 1 474 200.

The applicant considers that, by adopting the contested decision, the Commission has disregarded the financial protocol adopted on 19 September 2003 by the European Community and the Republic of Latvia, concerning the financing of the 2003 Latvian national PHARE programme (‘financial protocol’), on the basis of which a contract regarding the grant of financing was concluded with the applicant on 23 August 2005 and aid under PHARE was