Defendant: Council (represented: initially by T. Szostak and G. Marhic, and subsequently by B. Driessen and G.Étienne, Agents)

Re:

Initially, action for annulment of Council Implementing Regulation (EU) No 687/2011 of 18 July 2011 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulations No 610/2010 and (EU) No 83/2011 (OJ 2011 L 188, p. 2), and Council Decision 2011/430/CFSP of 18 July 2011 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism (OJ 2011 L 188, p. 47), in so far as the applicant organisation's name is maintained on the list of persons, groups and entities to which the freezing of funds and economic resources laid down with a view to combating terrorism.

Operative part of the order

1. *The action is dismissed as manifestly inadmissible.*

2. *There is no need to give a ruling on the European Commission's application for leave to intervene.*

3. *Hamas is ordered to bear its own costs and to pay those by the Council of the European Union.*

([1]) OJ C 126, 28.4.2012.

Order of the General Court of 14 June 2012 — Technion and Technion Research & Development Foundation v Commission

(Case T-546/11) ([1])

(Action for annulment — Sixth framework programme for research, technological development and demonstration activities — Letter confirming the findings of an audit report and informing the applicant of the next steps in the procedure — Acts inseparable from the contract — Inadmissibility)

(2012/C 250/28)

Language of the case: French

Parties

Applicants: Technion — Israel Institute of Technology (Haifa, Israel) and Technion Research & Development Foundation Ltd (Haifa) (represented by: D. Grisay and D. Piccininno, lawyers)

Defendant: European Commission (represented by: F. Dintilhac and B. Conte, Agents)

Re:

Application for annulment of the decision allegedly contained in the letter of the Commission of 2 August 2011 confirming the conclusions of the financial audit concerning the financial statements declared by Technion — Israel Institute of Technology, concerning four contracts concluded under the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European research area and to innovation (2002-06), and informing Technion of the next steps in the procedure.

Operative part of the order

1. *The action is dismissed as inadmissible;*

2. *Technion — Israel Institute of Technology and Technion Research & Development Foundation Ltd is ordered to pay the costs.*

([1]) OJ C 355, 3.12.2011.

Action brought on 25 April 2012 — AQ v European Parliament

(Case T-168/11)

(2012/C 250/29)

Language of the case: Polish

Parties

Applicant: AQ (Żary, Poland) (represented by: K. Rosiak, legal adviser)

Defendant: European Parliament

Form of order sought

The applicant's appointed representative requests the Court to:

— declare that the applicant's action is inadmissible and that there is no need to examine it; and to

— declare that there is no basis on which the applicant can receive compensation in view of the fact that no actual and certain harm was caused by any act or omission of the European Parliament.

Pleas in law and main arguments

In support of his submissions, the applicant's appointed representative relies on three pleas in law.

1. First plea in law:

   — Unless it is established that the European Parliament's letter of 7 July 2008 contains a decision of the Petitions Committee relating to an earlier petition of the applicant, the content of which corresponds in full to the content of that petition, it may be assumed that there was, in the present case, satisfaction of the condition relating to breach by the European Parliament of essential procedural requirements (Rules of Procedure of the European Parliament) and that the European Parliament failed to issue an act to the applicant in response to the petition addressed to it;

2. Second plea in law:

— In view, however, of the fact that the petition does not concern matters coming within the field of activity of the European Union, the applicant does not have any legal interest in bringing the action;

3. Third plea in law:

— furthermore, in view of the fact that the periods for effectively bringing an action under both Article 230 EC (Article 263 TFEU) and Article 232 EC (Article 265 TFEU) had already expired at the time when the applicant applied for legal aid, the action is inadmissible.

Action brought on 11 June 2012 — Hellenic Republic v Commission

(Case T-260/12)

(2012/C 250/30)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: K. Samoni and N. Dafniou)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— grant the application for annulment;

— annul the contested decision of the Commission;

— order the Commission to pay the costs;

— join, on account of identity of the factual and legal grounds, the present action for annulment with the similar action brought by the Hellenic Republic against the European Commission in Case T-105/12.

Pleas in law and main arguments

By its action, the Hellenic Republic seeks the annulment (under Article 263 TFEU) of Commission Decision 416117 of 11 April 2012 'relating to continued payment by the Hellenic Republic of the daily penalty payment of EUR 31 536 for each day of delay in implementing the measures necessary to comply with the judgment of the Court of Justice of the European Union in Case C-65/05', in so far as making of the penalty payment is sought from 22 August 2011 onwards. Under the aforementioned contested decision, given that, according to the Commission, the Hellenic Republic appears not to have undertaken the necessary measures to comply with the judgment of the Court of Justice in Case C-65/05 and subsequently its second judgment in Case C-109/08, the Hellenic Republic is called upon to pay the sum of EUR 3 847 392 as a penalty payment for the period from 1 December 2011 until 31 March 2012.

In support of its action, the applicant puts forward the following pleas for annulment.

1. First, misappraisal on the part of the Commission, in relation to adoption by the Hellenic Republic of the measures necessary to comply with the judgment of the Court of Justice

The Hellenic Republic submits that the defendant appraised and interpreted incorrectly the measures adopted by the Hellenic Republic to comply with the Court of Justice's judgment. The Hellenic Republic maintains that it has taken all the necessary measures to comply with the Court of Justice's judgment in adopting Law 4002/2011 by which the contested articles of Law 3037/2002 are repealed, in pursuance of the judgment of the Court of Justice in Case C-65/05.

2. Second, exceeding by the Commission of its power

The Commission exceeded the limits of its mandate as guardian of the Treaty, since it did not confine itself, as required of it, to establishing whether or not measures for compliance were clearly carried out. Furthermore, it went beyond the limits of the Court of Justice's judgments, given that the Hellenic Republic complied fully with those judgments.

3. Third, deficiency of reasoning on the part of the Commission

In its decision contested by the Hellenic Republic, the Commission did not explain, and did not set out expressly, the reasons for which it sought the continued making of the penalty payment for the period after the adoption of Law 4002/2011, that is to say, from 22 August 2011 until 31 March 2012.

The Hellenic Republic disputes that additional sum since it considers that it complied fully with the judgments of the Court of Justice once that law was promulgated.