

— By accepting the fact that there was no public hearing in the proceedings to include 'Artos de El Ejido' in the list of SICs and by not replying to the applicants' letters, the defendant has infringed basic procedural rules thereby depriving the applicants of their rights.

(¹) OJ L 259, of 21.09.2006, p. 1.

Action brought on 21 November 2006 — FRESYGA v Commission

(Case T-323/06)

(2006/C 326/150)

Language of the case: Spanish

Parties

Applicant: Fresyga (Almería, Spain) (represented by: J. Rovira Daudí, lawyer)

Defendant: Commission of the European Communities

Form of order sought by the applicant

- a declaration that this action for annulment is admissible and that the Decision of 19 July 2006 adopting, pursuant to Council Directive 92/43/EEC, the list of sites of Community importance for the Mediterranean biogeographical region is in part invalid, in so far as it affects ES6110006, and that that SCI should be removed from its sphere of application;
- or, in the alternative, a declaration that the Decision of 19 July 2006 adopting, pursuant to Council Directive 92/43/EEC, the list of sites of Community importance for the Mediterranean biogeographical region is in part invalid, in so far as the property 'Coto de Padilla' situated in the municipal (¹) district of Níjar, with an area of 8 500 000 square metres must be removed from SCI ES6110006;
- an order that the Commission should pay the costs.

Pleas in law and main arguments

This action challenges the Commission Decision of 19 July 2006 adopting, pursuant to Council Directive 92/43/EEC, the list of sites of Community importance for the Mediterranean biogeographical region, in that it declares the ES6110014 'Ramblas de Jergal, Tabernas y Sur de Sierra Alhambilla' to be a Site of Community Interest in its entirety or, in the alternative, in so far as that list includes property belonging to the applicant.

The pleas in law and main arguments are similar to those put forward in Case T-322/06 *Manuel Espinosa and Others v Commission*.

The applicant claims, in particular, that in the period elapsing between the proposal and the approval of SCI ES6110006 the Commission did not undertake any assessment of the social or economic features of the area, or of the state of protection of the pieces of land, in spite of the requests to that end made by the municipality of Níjar, but instead merely accepted the proposal made by the Regional Council of Andalucía without evaluating whether that land was suitable.

(¹) OJ L 259, 21.09.2006, p. 1.

Action brought on 23 November 2006 — Município de Gondomar v Commission

(Case T-324/06)

(2006/C 326/151)

Language of the case: Portuguese

Parties

Applicant: Município de Gondomar (Gondomar, Portugal) (represented by: J.L. da Cruz Vilaça, D. Choussey and L. Pinto Monteiro, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- a declaration that the decision of the Commission of the European Communities C(2006) 3782 of 16 August 2006 on the cancellation of the financial assistance granted by the Cohesion Fund for Project No 95/10/61/07 — Redevelopment of Grande Porto/Sul — Subsistema de Gondomar (Portugal) by Commission Decision C (95) 3281 of 18 December 1995, cancelling the total amount of the assistance of EUR 7 778 535 allocated to the project and ordering the applicant to reimburse the sum of EUR 6 222 828, is vitiated by manifest errors of assessment, is contrary to Regulation No 1164/94 (¹) and to the principles of proportionality and legal certainty and, in consequence,
- principally, annulment of the contested decision or,
- in the alternative, annulment in part of the contested decision and a declaration that the applicant is entitled to the whole of the Cohesion Fund financing, except for the sum of EUR 537 863;
- an order that the Commission should bear its own costs and also those of the applicant.