

In the alternative, the applicant complains of breach of Article 7(4) of Regulation No 1258/1999 <sup>(1)</sup> and of Article 5(2) (c) of Regulation No 729/90 <sup>(4)</sup>, by virtue of the incorrect application of those articles in the contested decision, the Community not having suffered any financial damage as a result of the procedure followed by the Netherlands authorities.

In the further alternative, the applicant alleges breach of the principle of proportionality because a correction was applied in the full amount of the sum concerned, when those EAGGF monies, as is undisputedly the case, were correctly used by the Netherlands authorities in the sense that the Community did not suffer any financial damage as a result of the procedure followed by the Netherlands authorities.

Lastly, the applicant alleges breach of the obligation to state reasons because a correction was applied in the full amount of the sum concerned without any reasons being given and contrary to the findings of the conciliation body, when those EAGGF monies, as is undisputedly the case, were correctly used by the Netherlands authorities in the sense that the Community did not suffer any financial damage as a result of the procedure followed by the Netherlands authorities.

<sup>(1)</sup> Commission Regulation (EC) No 2603/1999 of 9 December 1999 laying down rules for the transition to the rural development support provided for by Council Regulation (EC) No 1257/1999 (OJ 1999 L 316, p. 26).

<sup>(2)</sup> Council Regulation (EC) No 1257/1999 of 17 May 1999 on the support of rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain regulations (OJ 1999 L 160, p. 80).

<sup>(3)</sup> Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy (OJ 1999 L 160, p. 103).

<sup>(4)</sup> Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy (OJ 1970 L 94, p. 13).

**Order of the Court of First Instance of 8 February 2007 —  
Banca Sanpaolo Imi v Commission**

**(Case T-37/02) <sup>(1)</sup>**

(2007/C 82/109)

*Language of the case: Italian*

The President of the Fourth Chamber Extended Composition has ordered that the case be removed from the register.

<sup>(1)</sup> OJ C 109, 4.5.2002.

**Order of the Court of First Instance of 8 February 2007 —  
Banca Intesa Banca Commerciale italiana v Commission**

**(Case T-39/02) <sup>(1)</sup>**

(2007/C 82/110)

*Language of the case: Italian*

The President of the Fourth Chamber Extended Composition has ordered that the case be removed from the register.

<sup>(1)</sup> OJ C 109, 4.5.2002.

**Order of the Court of First Instance of 8 February 2007 —  
Capitalia, formerly Banca di Roma v Commission**

**(Case T-40/02) <sup>(1)</sup>**

(2007/C 82/111)

*Language of the case: Italian*

The President of the Fourth Chamber Extended Composition has ordered that the case be removed from the register.

<sup>(1)</sup> OJ C 109, 4.5.2002.

**Order of the Court of First Instance of 8 February 2007 —  
MCC v Commission**

**(Case T-41/02) <sup>(1)</sup>**

(2007/C 82/112)

*Language of the case: Italian*

The President of the Fourth Chamber Extended Composition has ordered that the case be removed from the register.

<sup>(1)</sup> OJ C 109, 4.5.2002.