

**Order of the Court of First Instance of 9 July 2007 — De Smedt v Commission**

(Case T-415/06 P) (¹)

(Appeals — Staff Cases — Contractual agents — Former auxiliary agent — Application for revision of the classification fixed at the time of recruitment — Appeal manifestly unfounded)

(2007/C 223/15)

Language of the case: French

**Parties**

**Appellant:** Elisabeth De Smedt (Wezembeek-Oppem, Belgium) (represented by: L. Vogel and R. Kechiche, lawyers)

**Other parties to the proceedings:** Commission of the European Communities (represented by: J. Currall and G. Berscheid, Agents); and Council of the European Union (represented by: M. Arpio Santacruz and I. Sulce, Agents)

**Re:**

Appeal against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 19 October 2006 in Case F-59/05 *De Smedt v Commission*, not yet published in the ECR-SC, seeking to have that judgment set aside.

**Operative part of the order**

*The Court:*

1. Dismisses the appeal;
2. Orders Ms Elisabeth De Smedt to bear her own costs and to pay those of the Commission;
3. Orders the Council to bear its own costs.

(¹) OJ C 42, 24.2.2007.

**Order of the President of the Court of First Instance of 19 July 2007 — Du Pont de Nemours (France) and Others v Commission**

(Case T-31/07 R)

(Applications for interim measures — Application for suspension of operation of a measure — Directive 91/414/EEC — Admissibility — Prima facie case — Urgency — Balance of interests)

(2007/C 223/16)

Language of the case: English

**Parties**

**Applicants:** Du Pont de Nemours (France) SAS (Puteaux, France); Du Pont Portugal — Serviços, Sociedade Unipessoal Lda (Lisbon, Portugal); Du Pont Ibérica SL (Barcelona, Spain); Du Pont de Nemours (Belgium) BVBA (Mechelen, Belgium); Du Pont de Nemours Italiana Srl (Milan, Italy); Du Pont De Nemours (Nederland) BV (Dordrecht, Netherlands); Du Pont de Nemours (Deutschland) GmbH (Bad Homburg vor der Höhe, Germany); DuPont CZ s.r.o. (Prague, Czech Republic); DuPont Magyarország Kereskedelmi kft (Budaors, Hungary); DuPont Poland sp. z o.o. (Warsaw, Poland); DuPont Romania Srl (Bucharest, Romania); DuPont (UK) Ltd (Stevenage, United Kingdom); DuPont Agkro Ellas AE (Halandri, Greece); DuPont International Operations SARL (Grand Saconnex, Switzerland); DuPont Solutions (France) SAS (Puteaux) (represented by: D. Waelbroeck and N. Rampal, lawyers)

**Defendant:** Commission of the European Communities (represented by: L. Parpala and B. Doherty, acting as Agents)

**Re:**

Application for the suspension of certain provisions of Commission Directive 2006/133/EC of 11 December 2006 amending Council Directive 91/414/EEC to include flusilazole as active substance (OJ 2006 L 349, p. 27).

**Operative part of the order**

1. The expiry of the period for which flusilazole is included in Annex I to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market, fixed at 30 June 2008 in the Annex to Commission Directive 2006/133/EC of 11 December 2006 amending Council Directive 91/414/EEC to include flusilazole as active substance, is suspended until judgment is delivered in the main proceedings;
2. The date by which the Member States have to amend or withdraw, if necessary, after review, the authorisation of products containing flusilazole, also fixed at 30 June 2008 under the second subparagraph of Article 3(2) of Directive 2006/133, is suspended until judgment is delivered in the main proceedings;

3. The restriction contained in part A of the Specific Provisions of the Annex to Directive 2006/133 on the types of crops on which the use of flusilazole may be authorised by the Member States, namely cereals other than rice, oilseed rape, maize and sugar beet, is suspended until judgment is delivered in the main proceedings;

4. Costs are reserved.

**Action brought on 17 July 2007 — Estonia v Commission**  
**(Case T-263/07)**

(2007/C 223/17)

*Language of the case: Estonian*

**Parties**

*Applicant:* Republic of Estonia (represented by Lembit Uibo, Agent)

*Defendant:* Commission of the European Communities

**Form of order sought**

Annul the decision of the Commission of the European Communities of 4 May 2007 concerning the national greenhouse gas allocation plan submitted by Estonia in accordance with Directive 2003/87/EC of the European Parliament and of the Council (¹)

**Pleas in law and main arguments**

The Commission's decision of 4 May 2007 concerning the national greenhouse gas allocation plan submitted by Estonia in accordance with Directive 2003/87/EC of the European Parliament and of the Council should be annulled on the following grounds:

- Infringement of Article 9(1) and (3) and Article 11(2) of Directive 2003/87/EC and the consequent exceeding of competence;
- Manifest errors of assessment, since the Commission did not take into account correct information available to it, but relied on false assumptions which directly and essentially affected the outcome of the contested decision and the determination of the overall amount of emission allowances;

— Infringement of Article 175(2)(c) EC, since under the EC Treaty the Commission does not have competence to adopt measures which significantly affect a Member State's choice between different energy sources and the general structure of its energy supply;

— Breach of the principle of good administration, since the Commission did not take account when taking its decision of all the essential circumstances present in the individual case and did not verify whether all the assumptions made when taking its decision were correct;

— Breach of the obligation to state reasons.

(¹) Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

**Action brought on 9 July 2007 — Italian Republic v Commission**

**(Case T-267/07)**

(2007/C 223/18)

*Language of the case: Italian*

**Parties**

*Applicant:* Italian Republic (represented by: G. Aiello and S. Fiorentino, Avvocati dello Stato)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul Commission Decision C(2007) 1901 final of 27 April 2007 on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2006 financial year, in so far as it charges to the Italian Republic, as provided for in Article 32(5) of Regulation (EC) No 1290/2005, 50 % of the financial consequences of the non-recovery of amounts in the cases of irregularity or negligence under consideration in the present application.