

The applicant puts forward that the difference between the amounts owed by the Greek State to OA/OAS as approximately assessed in Commission Decision 2003/372/EC⁽¹⁾ and the compensation for damages awarded to OA/OAS by the ruling of 20 December 2006 constitutes an advantage within the meaning of state aid rules, granted to the company. The grant of such advantage is attributable, according to the applicant, to the Greek State because the arbitration Court has acted as an organ of the State.

The applicant further submits that the Commission was under a duty to carry out a diligent and impartial examination of the complaint received in order to either adopt a decision declaring that the State measures did not amount to aid within the meaning of Article 87(1) EC, or that those measures were to be classified as aid within the meaning of the said provision but were compatible with the common market under Article 87(2) and (3) EC, or to initiate a procedure under Article 88(2) EC.

The applicant further submits that the period of seven months which elapsed between the applicant's complaint and its letter of formal notice was unreasonably long, and the inaction of the Commission during that period constitutes failure to act within the meaning of Article 232 EC.

⁽¹⁾ Commission Decision 2003/372/EC of 11 December 2002 on aid granted by Greece to Olympic Airways (notified under document number C(2002) 4831) (OJ, L 132, p. 1).

Appeal brought on 30 November 2007 by Nikos Giannopoulos against the judgment of the Civil Service Tribunal delivered on 20 September 2007 in Case F-111/06, Giannopoulos v Council

(Case T-436/07 P)

(2008/C 22/94)

Language of the case: French

Parties

Appellant: Nikos Giannopoulos (Wezembeek-Oppem, Belgium) (represented by S. Rodrigues and C. Bernard-Glanz, Lawyers)

Other party to the proceedings: Council of the European Union

Form of order sought by the appellant

- declare the present appeal admissible;
- annul the judgment of the Civil Service Tribunal delivered on 20 September 2007 in Case F-111/06;

- uphold the claims for annulment and for compensation submitted by the appellant at first instance;
- order the defendant at first instance to pay all the costs of the proceedings at first instance and on appeal.

Pleas in law and main arguments

In support of his appeal, the appellant puts forward pleas in law alleging failures to state reasons and manifest errors of assessment in the response given by the Civil Service Tribunal in relation to the first plea in law, alleging breach of Article 31(2) of the Staff Regulations, which the appellant put forward in the proceedings at first instance.

Action brought on 5 December 2007 — Huta Buczek v Commission

(Case T-440/07)

(2008/C 22/95)

Language of the case: Polish

Parties

Applicant: Huta Buczek sp. z o.o. (Sosnowiec, Poland) (represented by: D. Szlachetko-Reiter, legal adviser)

Defendant: Commission of the European Communities

Form of order sought

- declare invalid Articles 1, 3(1) and 3(3) of the Commission decision of 23 October 2007 in Case No C 23/2006 (ex NN 35/2006) concerning State aid granted by Poland to the steel producer Grupa Technologie Buczek;
- in the alternative, declare invalid Articles 1, 3(1) and 3(3) of the Commission decision of 23 October 2007 in Case No C 23/2006 (ex NN 35/2006) concerning State aid granted by Poland to the steel producer Grupa Technologie Buczek in so far as the Commission orders recovery to be effected from the company Huta Buczek sp. z o.o.;
- declare invalid Articles 4 and 5 of the Commission decision of 23 October 2007 in Case No C 23/2006 (ex NN 35/2006) concerning State aid granted by Poland to the steel producer Grupa Technologie Buczek in so far as those provisions concern the effecting of recovery from Huta Buczek sp. z o.o.;
- order the Commission to pay the costs of the proceedings.