

Order of the President of the General Court of 25 October 2010 — Lito Maieftiko Gynaikologiko kai Cheirourgiko Kentro v Commission

(Case T-353/10 R)

(Application for interim measures — Financial assistance — Debit note for recovery of financial assistance — Application for suspension of execution — Failure to have regard to formal requirements — Inadmissibility)

(2010/C 346/86)

Language of the case: Greek

Parties

Applicant: Lito Maieftiko Gynaikologiko kai Cheirourgiko Kentro AE (Athens, Greece) (represented by: E. Tzannini, lawyer)

Defendant: European Commission (represented by: D. Triantafyllou and A. Sauka, Agents)

Re:

Application for suspension of execution of a debit note issued by the Commission on 22 July 2010 for the recovery of the sum of EUR 109 415,20 paid in the context of financial assistance in support of a medical research project.

Operative part of the order

1. *The application for interim measures is dismissed;*
2. *Costs are reserved.*

Action brought on 17 September 2010 — IEM Erga — Erevnes Meletes Perivallontos & Khorotaxias v Commission

(Case T-435/10)

(2010/C 346/87)

Language of the case: Greek

Parties

Applicant: IEM Erga — Erevnes Meletes Perivallontos & Khorotaxias A.E. (Athens, Greece) (represented by: N. Sofokleous, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the preparatory act of the European Commission's Directorate-General for Research of 7 May 2010 notifying the applicant of the decision to issue it with a demand for payment;
- annul demand for payment (debit note) No 3241004968 of the European Commission;

— order the Commission to pay the costs.

Pleas in law and main arguments

By the present action, the applicant seeks the annulment of the preparatory act of the European Commission's Directorate-General for Research of 7 May 2010 notifying it of the decision to issue it with a demand for payment and the annulment of demand for payment (debit note) No 3241004968 of 14 July 2010 which was issued under Contract FAIR-CT98-9544.

In support of its pleas, the applicant puts forward the following grounds:

- lack of lawful basis and lack of competence inasmuch as the contested measures, which were adopted in the context of Contract FAIR-CT98-9544, are administrative measures adopted without a lawful basis and without competence, because that contract, which is governed, pursuant to Article 10 thereof, exclusively by Greek law, does not grant the Commission the right to determine unilaterally and recover autonomously its claims arising from the contract;
- lack of lawful reasoning, lack of proof and denial of the Commission's assertions inasmuch as, as is shown by the General Court's judgment in Case T-7/05 and the invoices issued by the applicant for the supply of services, the sums which the applicant received from Parthenon A.E. in respect of those invoices constituted part of its remuneration for the supply of the services set out in the invoices and not an advance payment which Parthenon A.E. had received from the Commission as the applicant's representative;
- contradictory reasoning in the contested measures;
- lack of lawful reasoning and lack of proof inasmuch as the arguments by which the Commission justifies the contested measures are not demonstrated either by the grounds of the General Court's judgment in Case T-7/05 *Commission v Parthenon A.E.* or by the invoices adduced before the General Court or the other evidence.

Action brought on 17 September 2010 — Dow AgroSciences and Dintec Agroquímica — Produtos Químicos v Commission

(Case T-446/10)

(2010/C 346/88)

Language of the case: English

Parties

Applicants: Dow AgroSciences Ltd (Hitchin, United Kingdom) and Dintec Agroquímica — Produtos Químicos, Lda (Funchal, Portugal) (represented by: K. Van Maldegem and C. Mereu, lawyers)

Defendant: European Commission