

Operative part

The Court:

1. The appeal is dismissed;
2. Ms Beyatli is ordered to pay the costs.

Judgment of the Court (Fourth Chamber) of 25 October 2007 — Komninou and Others v Commission

(Case C-167/06 P)

Appeal — Non-contractual liability of the Community — Complaint under Article 226 EC — Treatment of complainants by the Commission — Principles of sound administration, legitimate expectations and legal certainty — Scope — Article 21 EC — Right of complaint — Scope of the Ombudsman's findings

1. *Appeals — Grounds — Inadequate statement of reasons — Reliance by the Court of First Instance on implied reasoning — Lawfulness — Limits (Arts 21(2) and (3), EC and 225 EC) (see paras 22-27)*
2. *Citizens of the European Union — Rights of the citizen (Art. 21(2) and (3), EC) (see paras 35-37)*
3. *Appeals — Grounds — Mistaken assessment of the facts — Inadmissibility — Review by the Court of Justice of the assessment of the evidence — Possible only where the clear sense of the evidence has been distorted (Art. 225 EC; Statute of the Court of Justice, Art. 58) (see paras 40-46)*

4. *Economic and social cohesion — Structural assistance — Community financing granted for national initiatives (Art. 226 EC) (see para. 52)*
5. *Community law — Principles — Equal treatment (see para. 57)*

Re:

APPEAL brought against the order of the Court of First Instance (Fifth Chamber) of 13 January 2006, *Komninou and Others v Commission* (T-42/04), in which the Court dismissed as unfounded an application for compensation for the non-material damage allegedly suffered by the applicants following the Commission's treatment of their complaint concerning Community financing of a biological sewage treatment plant in Preveza in Greece.

Operative part

The Court:

1. Sets aside the order of the Court of First Instance of the European Communities of 13 January 2006, *Komninou and Others v Commission* (T-42/04), in so far as the Court failed to rule on the plea alleging breach of Article 21(2) and (3) EC;
2. Dismisses the remainder of the action;
3. Dismisses the application before the Court of First Instance of the European Communities, in so far as it is based on a breach of Article 21(2) and (3) EC;

4. Orders Ermioni Komninou, Grigorios Ntokos, Donatos Pappas, Vassileios Pappas, Aristeidis Pappas, Eleftheria Pappa, Lamprini Pappa, Eirini Pappa, Alexandra Ntokou, Fotios Dimitriou, Zoï Dimitriou, Petros Bolossis, Despoina Bolossi and Konstantinos Bolossis, Thomas Bolossis to pay the costs at first instance. The costs of the proceedings at first instance leading to the order of the Court of First of the European Communities of 13 January 2006, *Komninou and Others v Commission* (T-42/04), shall be borne in the manner set out in paragraph 2 of the operative part of that order.

**Judgment of the Court (Fourth Chamber) of 25 October 2007 —
Blom v Council and Commission**

(Case C-344/06 P)

Appeal — Action for damages — Non-contractual liability — Milk — Additional levy — Reference quantity — Producers who entered into a non-marketing undertaking — SLOM 1983 producers — Failure to resume production on expiry of the undertaking

1. *Non-contractual liability — Conditions — Unlawful conduct of the institutions (Art. 288, second para., EC; Council Regulation No 857/84) (see paras 41-43)*
2. *Agriculture — Common organisation of the markets — Milk and milk products — Additional levy on milk (Council Regulation No 857/84) (see paras 48, 49, 51)*