

**Judgment of the Court of First Instance (Third Chamber) of
19 July 2007 — FG Marine SA v Commission**

(Case T-360/04) ⁽¹⁾

**(Non-contractual liability — Decision ordering repayment of
State aid granted by France to the company Stardust Marine
— Annulment of the decision by judgment of the Court)**

(2007/C 211/63)

Language of the case: French

Parties

Applicant: FG Marine SA (Roissy Charles de Gaulle, France)
(represented by: M.-A. Michel, lawyer)

Defendant: Commission of the European Communities (repre-
sented by: G.Rozet and C. Giolito, Agents)

Re:

Claim for compensation for loss allegedly caused by Commis-
sion Decision 2000/513/EC of 8 September 1999 on aid
granted by France to the company Stardust Marine.

Operative part of the judgment

The Court:

1. Dismisses the action as unfounded;
2. Orders the applicant to pay the costs.

⁽¹⁾ OJ C 262, 23.10.2004.

**Order of the President of the Court of First Instance of
27 June 2007 — V v Parliament**

(Case T-345/05 R II)

**(Application for interim measures — Waiver of the immunity
of a Member of the European Parliament — Application for
suspension of operation — Urgency)**

(2007/C 211/64)

Language of the case: English

Parties

Applicant: V (represented by: J. Lofthouse and E. Hayes,
Barristers, and M. Monan, Solicitor)

Defendant: European Parliament (represented by: H. Krück, D.
Moore and M. Windisch, acting as Agents)

Re:

Application for re-examination of the applicant's first
application for interim measures, dismissed by order of the
President of the Court of First Instance of 16 March 2007 in
Case T-345/05 R V v Parliament, not published in the ECR.

Operative part of the order

1. The application for interim measures is dismissed.
2. The costs are reserved.

**Order of the Court of First Instance of 25 June 2007 —
Drax Power and Others v Commission**

(Case T-130/06) ⁽¹⁾

**(Application for annulment — Environment — Directive
2003/87/EC — Scheme for greenhouse gas emission allow-
ance trading — Proposed amendment to national allocation
plan — Refusal by the Commission — Inadmissibility)**

(2007/C 211/65)

Language of the case: English

Parties

Applicants: Drax Power Ltd (Selby, United Kingdom); Great
Yarmouth Power Ltd (Swindon, United Kingdom); International
Power plc (London, United Kingdom); Npower Cogen Ltd
(Swindon); RWE Npower plc (Swindon); ScottishPower Genera-
tion Ltd (Glasgow, United Kingdom); and Scottish and Southern
Energy plc (Perth, United Kingdom) (represented by: I. Glick,
QC, and M. Cook, Barrister)

Defendant: Commission of the European Communities (repre-
sented by U. Wölker and X. Lewis, acting as Agents)

Re:

Application for annulment of Commission Decision C(2006) 426 final of 22 February 2006 concerning the proposed amendment to the national allocation plan for the allocation of greenhouse gas emission allowances notified by the United Kingdom in accordance with Directive 2003/87/EC of the European Parliament and of the Council

Operative part of the order

1. *The application is dismissed as inadmissible.*
2. *The applicants are to bear their own costs and pay those incurred by the Commission.*

(¹) OJ C 165, 15.7.2006.

Action brought on 31 May 2007 — KEK DIAVLOS v Commission of the European Communities

(Case T-190/07)

(2007/C 211/66)

Language of the case: Greek

Parties

Applicant: KEK DIAVLOS (Peristeri, Attiki (Greece)) (represented by: D. Khatsimikhalis, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- annulment of Decision 23/II/2006 of the Commission of the European Communities and any other related act and/or decision of the Commission of the European Communities on the grounds set out;
- an order that the Commission of the European Communities pay the costs and our lawyer's fees.

Pleas in law and main arguments

This action is brought against Decision E(2006) 465 final of the Commission of the European Communities of 23 February 2006 requiring the applicant to pay the basic sum of EUR 71 981 in repayment of the advance received by KEK

KSINI (¹) in respect of funding under the PRINCE information programme for Europe's citizens, together with interest, on the ground of unjustified delay and lack of proof of completion of the project. The applicant maintains that the decision in question is unfounded, incorrect, improper and contains insufficient and incorrect reasoning.

In contrast to the Commission's findings which, in the applicant's view are incorrect and unjustifiable, the applicant maintains that it complied fully with its obligations under the funding contract which it signed in order to participate in the programme in question and that, in the cases in which delays were recorded because of objective difficulties, the applicant informed the competent bodies of the European Union in good time.

The applicant also claims that KEK KSINI never received the remainder of the amount of the funding after receipt of the original advance of EUR 71 981, although it considers that the work performed and the expenditure incurred in connection with the above programme exceed that sum.

Accordingly the applicant maintains that the contested decision should be annulled; it was issued as a result of erroneous information given by the staff of the company to the bodies of the European Union which carried out on-the-spot checks, since, because of a change in the staff who were in charge of the programme, it was not initially possible for new employees to be fully briefed so as to gather all the required information and give full replies directly.

(¹) Pursuant to the amendment to the company's articles on 12 April 2006, the company KEK KSINI was renamed KEK DIAVLOS.

Action brought on 26 June 2007 — Las Palmeras v Council and Commission

(Case T-217/07)

(2007/C 211/67)

Language of the proceedings: Spanish

Parties

Applicant: Las Palmeras S. Coop. And. (Seville, Spain) (represented by: L. Ortiz Blanco, lawyer)