

Operative part

The Court:

1. Dismisses the action;
2. Orders Enercon GmbH to pay the costs.

Order of the President of the Court of First Instance of 16 November 2007 — Dimos Peramatos v Commission

(Case T-312/07 R)

Application for interim measures — Decision to recover financial assistance —
Application for suspension of operation of a measure — Admissibility — Lack of
urgency

1. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Prima facie case — Urgency — Cumulative nature — Weighing-up of all the interests at stake (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 10, 11)*
2. *Applications for interim measures — Suspension of operation of a measure — Conditions of admissibility — Prima facie admissibility of the main action (Art. 242 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 22-24)*
3. *Applications for interim measures — Suspension of operation of a measure — Conditions for granting — Serious and irreparable damage (Art. 242 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 34-36)*

Re:

APPLICATION for suspension of operation of Commission Decision C(2005) 5361, of 7 December 2005, concerning the recovery of financial assistance paid in the context of a subsidy granted to the Dimos Peramatos (Commune of Perama) by Decision C 97/1997/final of 17 July 1997.

Operative part

The Court:

1. Dismisses the application for interim measures;
2. Reserves the costs.

**Order of the Court of First Instance (Third Chamber) of 21 November 2007 —
Gargani v Parliament
(Case T-94/06)**

Action under Article 230 EC — Defendant — Natural or legal person — Manifest inadmissibility

Actions for annulment — Action of a natural or legal person against another natural or legal person (Art. 230, fourth para., EC) (see paras 26, 27, 30, 32, 35)

Re:

APPLICATION for a declaration that the action of Mr Josep Borrell Fontelles, then President of the European Parliament, in the reference for a preliminary ruling in Case C-305/05 was unlawful.