

## **Operative part**

The Court:

1. Dismisses the action as inadmissible;
2. Orders the applicants, Diy-Mar Insaat Sanayi ve Ticaret Ltd Sirketi and Musa Akar, to bear their own costs and, jointly and severally, pay the Commission's costs.

**Order of the Court of First Instance (Fifth Chamber) of 26 January 2007 —  
Theofilopoulos v Commission  
(Case T-91/06)**

Action for compensation — Application for return of letters of guarantee — Court of First Instance not having jurisdiction — Inadmissibility of action — Action clearly devoid of legal foundation

1. *Procedure — Referral to the Court of First Instance under an arbitration clause (Arts 238 EC and 240 EC; Statute of the Court of Justice, Art. 51) (see paras 16-20)*
2. *Actions for annulment — Lack of jurisdiction of the Community judicature (Arts 230 EC and 288(2) EC) (see para. 21)*
3. *Non-contractual liability — Conditions — Illegality (Art. 288(2) EC) (see paras 23-26)*

**Re:**

ACTION for compensation and application seeking the return of letters of guarantee.

## Operative part

The Court:

1. Dismisses the action;
2. Orders Mr Nikolaos Theofilopoulos to pay the costs.

**Order of the President of the Court of First Instance of 29 January 2007 —  
Olympiaki Aeroporia Ypiresies v Commission  
(Case T-423/05 R)**

Interim measures — Suspension of operation — State aid — Urgency

1. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency — Prima facie case — Cumulative requirements (Arts 225(1) EC, 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 62-64)*
2. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 66-69)*
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 70, 71),*