

**Judgment of the Court of First Instance (Third Chamber)
of 14 December 2006 — Germany v Commission**

(Joined Cases T-314/04 and T-414/04)

European Regional Development Fund — Reduction of financial assistance —
Action for annulment — Act against which proceedings can be brought —
Preparatory act — Inadmissibility

Actions for annulment — Actionable measures — Definition — Measures producing binding legal effects (Art. 230 EC; Council Regulation No 4253/88, Art. 24) (see paras 38-43)

Re:

ACTIONS for annulment of the decisions contained in two letters of the Directorate-General for Regional Policy of the Commission of 17 May and 9 August 2004 sent to the applicant concerning reduction of the assistance from the European Regional Development Fund granted for the Objective 2 Programme 1997-1999 North Rhine-Westphalia and the Operational Programme Resider II North Rhine-Westphalia 1994-1999, and the refusal in consequence to pay the applicant the balances of EUR 5 488 569.24 and EUR 2 268 988.33 respectively.

Operative part

The Court:

1. Dismisses the actions as inadmissible;
2. Orders the Commission to bear its own costs and half of those incurred by the applicant. The applicant is to bear half of its own costs.