Operative part

The Court:

1. Dismisses the action;

2. Orders DTL Corporación SL to pay the costs.

Judgment of the General Court (First Chamber) of 16 December 2010 — Martin v Parliament

(Case T-276/07)

(Rules concerning expenses and allowances for Members of the European Parliament — Recovery of sums wrongly paid)

1. *Procedure — Application initiating proceedings — Formal requirements — Brief summary of the pleas in law on which the application is based (Rules of Procedure of the General Court, Art. 44(1)(c)) (see para. 58)*

2. *Actions for annulment — Interest in bringing proceedings — Need for an actual and current interest — Action against decisions not yet adopted at the time when the action was brought — Inadmissibility (Art. 230 EC) (see paras 61-63)*

3. *Procedure — Application initiating proceedings — Subject-matter of the dispute — Delimitation — Alteration once proceedings have been started — Prohibition (Rules of Procedure of the General Court, Arts 44(1) and 48(2)) (see para. 65)*

4. *European Parliament — Regulation governing the payment of expenses and allowances to Members of the European Parliament — Parliamentary assistance allowance — Liability of the Member of the European Parliament making the request vis-à-vis that institution — Paying agent to manage amounts paid — No effect (see paras 95-96)*

5. *European Parliament — Regulation governing the payment of expenses and allowances to Members of the European Parliament — Parliamentary assistance allowance — Paying agent to manage amounts paid — No documents evidencing use in accordance with rules — Obligation to repay (see paras 100, 108)*

6. *European Parliament — Regulation governing the payment of expenses and allowances to Members of the European Parliament — Recovery of sums unduly paid — Unconditional obligation (see para. 114)*

7. *Community law — Principles — Rights of the defence — Documents which were not the subject of comment by the person concerned — Exclusion as evidence — Limits (see paras 125, 127, 130)*

Re:

Application for annulment of the decision of the Secretary-General of the European Parliament of 10 May 2007 and, if necessary, the debit note of the Director-General for Finance of the Parliament, taken pursuant to the decision of 10 May 2007, and, where applicable, any decision implementing the aforementioned measures which might arise in the course of the proceedings.

Operative part

The Court:

1. Dismisses the application;

2. Orders Mr Hans-Peter Martin to pay the costs.