Re:

APPLICATION for annulment of Commission Decision 2004/136/EC of 4 February 2004 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2004 L 40, p. 31) in so far as it excludes certain expenditure incurred by the Republic of Finland in connection with area aid in certain regions, because of the insufficiency of the system of control applied.

Operative part

The Court:

1. Dismisses the action;

2. Orders The Republic of Finland to pay the costs.

Judgment of the Court of First Instance (Fourth Chamber) of 12 September 2007 — Commission v Trends

(Case T-448/04)

Arbitration clause — Fourth framework programme for research, technological development and demonstration — Contracts involving projects in the field of telematics applications of common interest — Lack of supporting documents and non-compliance with the contractual requirements for part of the declared expenses — Reimbursement of the sums paid

1. *Procedure — Time-limit for producing evidence (Rules of Procedure of the Court of First Instance, Art. 48(1) and 66(2)) (see paras 52, 56)*

2. *Procedure — Referral to the Court of First Instance under an arbitration clause (Art. 238 EC; European Parliament and Council Decision No 1110/94; Council Decision 94/801) (see paras 63, 64, 91-94)*

Re:

APPLICATION by the Commission under an arbitration clause within the meaning of Article 238 EC seeking an order that Trends reimburse the Commission in the sum of EUR 48 046 plus contractual interest or, in the alternative, plus default interest.

Operative part

The Court:

1. Dismisses the interlocutory application;

2. Orders Transport Environment Development Systems (Trends) to pay to the Commission the sum of EUR 48 046 plus default interest at the rate of 5.5% per annum from 1 January 1999 until payment in full of the sum owed;

3. Orders Trends to pay the costs.