Operative part

The Court:

1. Declares that, by failing to develop and implement waste reception and handling plans for all its ports, the Republic of Finland has failed to fulfil its obligations under Articles 5(1) and 16(1) of Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues;

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

Order of the Court (Third Chamber) of 4 October 2007 — É.R. and Others v Council and Commission

(Case C-100/07 P)

Appeal — Non-contractual liability of the Community — Bovine spongiform encephalopathy — Lack of adequate measures taken by the Council and the European Commission to prevent the spread of the disease — Appeal manifestly unfounded

1. *Non-contractual liability — Conditions (Art. 288, second para., EC; Statute of the Court of Justice, Art. 46) (see para. 27)*

2. *Appeals — Grounds — Plea against a ground of the judgment not necessary to support the operative part — Invalid plea in law (Art. 225 EC; Statute of the Court of Justice, Art. 58, first para.) (see para. 40)*

Re:

APPEAL against the judgment of the Court of First Instance (First Chamber) of 13 December 2006 in Case T-138/03 *É.R. and Others* v *Council and Commission*, by which the Court dismissed as partially inadmissible and, for the remainder, as unfounded, the action brought by the applicants seeking compensation under Article 235 EC and the second paragraph of Article 288 EC for the damage allegedly suffered as a consequence of the infection and subsequent death of members of their families who suffered from a new variant of Creutzfeldt-Jakob disease, which was linked to the outbreak and spread in Europe of bovine spongiform encephalopathy, for which the Council and the Commission were allegedly responsible — Conditions giving rise to non contractual liability of the Communities.

Operative part

1. The appeal is dismissed;

2. É.R., O.O., J.R., A.R., B.P.R., T.D., J.D., D.D., V.D., D.E., É.E., C.R., H.R., M.S.R., I.R., B.R., M.R., and C.S. are ordered to pay the costs.

Order of the Court (Third Chamber) of 11 October 2007 — Wilfer v OHIM

(Case C-301/05 P)

Appeal — Community trade mark — Word sign 'ROCKBASS' — Refusal to register — No need to adjudicate

Community trade mark — Appeals procedure — No need to adjudicate (Council Regulation No 40/94, Art. 63) (see para. 20, operative part)