Judgment of the Court of First Instance (Fourth Chamber) of 27 June 2007 — Nuova Gela Sviluppo v Commission

(Case T-65/04)

ERDF — Conclusion of Community financial assistance — Action for annulment — Action for damages — Arbitration clause

1. *Acts of the institutions — Statement of reasons — Obligation — Scope (Art. 253 EC) (see paras 43-50)*

2. *Economic and social cohesion — Structural assistance — Community financing — Decision concluding financial assistance (Council Regulation No 4253/88, as amended by Regulation No 2082/93, Art. 25(5)) (see paras 61-74)*

Re:

PRIMARILY, ANNULMENT of the decision contained in the Commission's letter of 16 December 2003 concerning the closure of assistance ERDF 98.05.26.001, annulment of the Commission decisions reducing the assistance, withdrawing the assistance and recovering the balance of the assistance, and annulment of Article 6.2 of Commission Decision SEC (1999) 1316 of 9 September 1999 on guidelines for the financial closure of operational assistance (1994-1999) from the Structural Funds, and, in the alternative, compensation for the loss suffered by the applicant and performance of the agreement of 13 September 1999 between the applicant and the Commission.

Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.