Order of the President of the of the Court of First Instance of 16 February 2007 — Hungary v Commission

(Case T-310/06 R)

Application for interim measures — Application for suspension of operation — Agriculture — Common organisation of the market in cereals — Taking-over of maize by intervention agencies — Regulation (EC) No 1572/2006 — Lack of urgency

1. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Prima facie case — Serious and irreparable damage — Weighing-up of all the interests at stake (Arts 225(1) EC, 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 19, 20)*

2. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency — Serious and irreparable damage — Burden of proof (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 49, 50)*

3. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Serious and irreparable damage (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see para. 52)*

4. *Applications for interim measures — Suspension of operation of a measure — Conditions for granting — Serious and irreparable damage (Art. 242 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see para. 67)*

Re:

APPLICATION for suspension of operation of certain provisions of Commission Regulation (EC) No 1572/2006 of 18 October 2006 amending Regulation (EC) No 824/2000 establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals (OJ 2006 L 290, p. 29).

Operative part

The Court:

1. Rejects the application for interim measures;

2. Reserves the costs.

Order of the Court of First Instance (Fourth Chamber) of 26 February 2007 — Evropaïki Dynamiki v Commission

(Case T-205/05)

Actions for annulment — Arbitration clause — e-Content Programme — Termination of contract — Repayment — Inadmissibility

1. *Procedure — Legal basis of an action — Choice a matter for the applicant not the Community judicature (see para. 38)*

2. *Actions for annulment — Action relating in reality to a contractual dispute — Lack of jurisdiction of the Community judicature — Inadmissibility (Arts 230 EC, 238 EC and 249 EC) (see paras 39-56)*

3. *Actions for annulment — Action relating in reality to a contractual dispute — Reclassification of the action — Exclusion (Arts 230 EC and 238 EC; Rules of Procedure of the Court of First Instance, Art. 44(1)(c)) (see para. 57)*

Re:

ACTION for annulment, first, of the Commission's decision of 16 May 2003 to terminate contract EDC-53007 EEBO/27873; secondly, of the Commission's