Order of the Court (Fifth Chamber) of 20 September 2006 — Quariachi v Commission

(Case C-4/06 P)

Appeal — Action for damages — Non-contractual liability of the Community — Appeal manifestly inadmissible

1. *Appeal — Grounds — Mere repetition of the pleas and arguments put forward before the Court of First Instance — Failure to identify the error of law relied on — Inadmissible (Art. 225 EC; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court, Art. 112(1)(c)) (see paras 23, 24, 29)*

2. *Appeal — Grounds — Incorrect assessment of the facts — Inadmissible — Review of the evidence by the Court of Justice — Possible only where the clear sense of the evidence has been distorted (Art. 225 EC; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court, Art. 112(1)(c)) (see paras 26, 27, 29)*

Re:

APPEAL brought against the order of the Court of First Instance (Fifth Chamber) of 26 October 2005 in Case T-124/04 *Ouariachi* v *Commission* by which it dismissed, as being manifestly unfounded, the application brought by the present appellant for damages to compensate for the loss which he allegedly suffered as a result of the alleged unlawful conduct of a member of staff of the Commission delegation in Khartoum (Sudan).

Operative part

The Court:

1. Dismisses the appeal;

2. Orders Mr Ouariachi to pay the costs.