Operative part

1. The appeal is dismissed;

2. Polyelectrolyte Producers Group is ordered to pay the costs.

Order of the Court (Sixth Chamber) of 12 December 2006 — Autosalone Ispra v Commission

(Case C-129/06 P)

Appeal — Non-contractual liability of the European Atomic Energy Community — Overflowing drain — Misinterpretation of the evidence — Measures of inquiry

1. *Appeal — Grounds — Plea against a ground of the judgment not necessary to support its operative part — Plea inoperative (see para. 17)*

2. *Appeal — Grounds — Review by the Court of the assessment of the evidence — Possible only where the clear sense of the evidence has been distorted (see para. 22)*

3. *Appeal — Grounds — Incorrect assessment of the facts — Inadmissible — Review by the Court of the assessment of the evidence — Possible only where the clear sense of the evidence has been distorted (Art. 225 EC; Statute of the Court of Justice, Art. 58) (see para. 28)*

4. *Procedure — Application initiating proceedings — Formal requirements (Statute of the Court of Justice, Art. 21; Rules of Procedure of the Court, Art. 112(1)(c)) (see para. 30)*

Re:

Appeal against the judgment of the Court of First Instance (Second Chamber) of 30 November 2005 in Case T-250/02 *Autosalone Ispra* v *Commission*, in which the Court of First Instance dismissed an application for a declaration that the Community was liable for the damage allegedly suffered by the applicant as a result of an overflowing drain the management and maintenance of which are the responsibility of the Joint Research Centre in Ispra — Breach of the procedural rules concerning the burden of proof.

Operative part

The Court:

1. Dismisses the appeal;

2. Orders Autosalone Ispra Snc to pay the costs.

Order of the Court (Sixth Chamber) of 14 December 2006 — Meister v OHIM

(Case C-12/05 P)

Appeal — Employment — Reassignment of a head of service as legal adviser to the Vice-President for Legal Affairs — Appeal in part manifestly inadmissible and in part manifestly unfounded

1. *Appeal — Grounds — Incorrect assessment of the facts — Inadmissible — Review by the Court of the assessment of the evidence — Possible only where the clear sense of the evidence has been distorted (Art. 225 EC; Statue of the Court of Justice, Art. 58, first para.) (see paras 39-41)*