Operative part

The Court:

1. Dismisses the action;

2. Orders the applicant, Georgia-Pacific Sàrl, to pay the costs.

Order of the Court of First Instance (Fourth Chamber) of 17 January 2007 — Diy-Mar Insaat Sanayi ve Ticaret and Akar v Commission

(Case T-129/06)

Action for annulment — Essential procedural requirements — Natural and legal persons required to be represented by a lawyer entitled to practise before a court of a Member State — Application in proper form lodged out-of-time — Inadmissibility of the action

1. *Procedure — Application initiating proceedings — Formal requirements (Statute of the Court of Justice, Arts 19, third and fourth paras, 21, second para., and 53, first para.; Rules of Procedure of the Court of First Instance, Arts 43(1) and 44(3)) (see paras 25-30)*

2. *Procedure — Time-limit for instituting proceedings — Time barred — Excusable error — Definition (Statute of the Court of Justice, Art. 21, second para.; Rules of Procedure of the Court of First Instance, Art. 44(6)) (see paras 31-44)*

Re:

APPLICATION for, first, annulment of Decision MK/KS/DELTUR/(2005)/SecE/D/1614 of 23 December 2005 concerning the award of a public works contract for the construction of educational establishments in the Provinces of Siirt and Diyarbakir (EuropeAid/121601/C/W/TR) and, second, suspension of the award procedure in question.

Operative part

The Court:

1. Dismisses the action as inadmissible;

2. Orders the applicants, Diy-Mar Insaat Sanayi ve Ticaret Ltd Sirketi and Musa Akar, to bear their own costs and, jointly and severally, pay the Commission's costs.

Order of the Court of First Instance (Fifth Chamber) of 26 January 2007 — Theofilopoulos v Commission

(Case T-91/06)

Action for compensation — Application for return of letters of guarantee — Court of First Instance not having jurisdiction — Inadmissibility of action — Action clearly devoid of legal foundation

1. *Procedure — Referral to the Court of First Instance under an arbitration clause (Arts 238 EC and 240 EC; Statute of the Court of Justice, Art. 51) (see paras 16-20)*

2. *Actions for annulment — Lack of jurisdiction of the Community judicature (Arts 230 EC and 288(2) EC) (see para. 21)*

3. *Non-contractual liability — Conditions — Illegality (Art. 288(2) EC) (see paras 23-26)*

Re:

ACTION for compensation and application seeking the return of letters of guarantee.