Operative part

The Court:

1. Dismisses the action;

2. Orders Mr Nikolaos Theofilopoulos to pay the costs.

Order of the President of the Court of First Instance of 29 January 2007 — Olympiaki Aeroporia Ypiresies v Commission

(Case T-423/05 R)

Interim measures — Suspension of operation — State aid — Urgency

1. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency —* Prima facie *case — Cumulative requirements (Arts 225(1) EC, 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 62-64)*

2. *Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 66-69)*

3. *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 paras 70, 71),*

Re:

APPLICATION for the suspension of operation of Article 2(1) in combination with Article 1(2) to (4) of the Commission's decision concerning State aid (C 11/2004 (ex NN 4/2003) – Olympic Airways – Restructuring and privatisation) of 14 September 2005.

Operative part

The Court:

1. Dismisses the application for interim measures;

2. Reserves the costs.

Judgment of the Court of First Instance (Fourth Chamber) of 1 February 2007 — Commission v IAMA Consulting

(Case T-242/04)

Esprit Programme — Community financing — Counterclaim brought pursuant to an arbitration clause — Reimbursement of excessive amounts of aid paid by the Commission

Procedure — Referral to the Court of First Instance under an arbitration clause (Art. 238 EC) (see paras 21-23)

Re:

APPLICATION by the Commission for an order that IAMA Consulting Srl reimburse the amount that the Commission unduly paid to it in the course of the performance of the Regis 22337 contract and the Refiag 23200 contracts, which are covered by the Community's Esprit Programme.