Re:

ACTION for annulment of Commission Decision 2004/813/EC of 7 December 2004 adopting, pursuant to Council Directive 92/43/EEC, the list of sites of Community importance for the Atlantic biogeographical region (OJ 2004 L 387, p. 1).

Operative part

The Court:

1. Dismisses the action as inadmissible;

2. Orders the applicants to bear their own costs and pay those of the Commission, including those relating to the application for interim measures.

Order of the Court of First Instance (Second Chamber) of 26 September 2006 — Athinaïki Techniki v Commission

(Case T-94/05)

Action for annulment — State aid — Complaint — Decision to take no further action on the complaint — Inadmissible

Applications for interim measures — Actionable measures — Measures challengeable by a complainant against State aid (Arts 81 EC, 82 EC, 230, fourth para., EC, and 232, third para., EC; Council Regulation No 659/1999, Arts 4, 20, and 25) (see paras 28-33)

Re:

APPLICATION for annulment of the Commission's letter of 2 December 2004, informing the applicant of the decision to take no further action on its complaint concerning State aid allegedly granted by the Hellenic Republic to the Hyatt Regency consortium in connection with the Casino Mont Parnès public contract.

Operative part

The Court:

1. Dismisses the action as inadmissible;

2. Orders Athinaïki Techniki AE to pay all the costs.

Judgment of the Court of First Instance (First Chamber) of 27 September 2006 — Telefónica v OHIM — Branch (emergia)

(Case T-172/04)

Community trade mark — Opposition proceedings — Application for the figurative Community trade mark emergia — Earlier word Community trade mark EMERGEA — Likelihood of confusion — Refusal to register — Article 8(1)(b) of Regulation (EC) No 40/94

Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services (Council Regulation No 40/94, Art. 8(1)(b)) (see paras 74, 75, 82)