

**Action brought on 5 August 2011 — Computer Resources
v Publications Office****(Case T-422/11)**

(2011/C 290/17)

*Language of the case: English***Parties**

Applicant: Computer Resources International (Dommeldange, Luxembourg) (represented by: S. Pappas, lawyer)

Defendant: Publications Office of the European Union

Form of order sought

- Annul the decision of the Publications Office of the European Union of 22 July 2011, to reject the offers submitted by the applicant in the framework of the open tender No AO 10340 ‘Computing services — software development, maintenance, consultancy and assistance for different types of IT applications’ (OJ 2011/S 66-106099); and
- Order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging that the defendant disregarded an essential formal requirement, as the contested decision does not contain any reasoning as far as the particular grounds that the awarding authority took into account when concluding that the offer of the applicant was abnormally low.
2. Second plea in law, alleging that the defendant violated the applicable procedure, as enshrined in Article 139 of Commission Regulation (EC, Euratom) No 2342/2002 ⁽¹⁾.
3. Third plea in law, alleging that the defendant has made a misuse of procedure or issued its decision with no proper legal basis or at least erred as far as its reasoning is concerned, as the clarifications given by the applicant were not understood and remained unanswered.

⁽¹⁾ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 357, p. 1).

Action brought on 2 August 2011 — Makhlouf v Council**(Case T-432/11)**

(2011/C 290/18)

*Language of the case: French***Parties**

Applicant: Rami Makhlouf (Damascus, Syria) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the applicant’s application admissible and well-founded;
- annul Council Decision 2011/273/CFSP of 9 May 2011 and the subsequent measures implementing that decision which keep the applicant on the list of persons covered by the restrictive measures, and Council Regulation (EU) No 442/2011 of 9 May 2011 and the subsequent measures implementing it, in so far as they relate to the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law: infringement of the rights of the defence and of the right to effective judicial protection provided for in Articles 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (‘ECHR’) and in Articles 41 and 47 of the Charter of Fundamental Rights of the European Union.
2. Second plea in law: infringement of the obligation to state reasons, in so far as the applicant complains that the Council’s reasoning does not meet the obligation on the institutions of the European Union laid down in Article 6 of the ECHR, Article 296 TFEU and Article 41 of the Charter of Fundamental Rights of the European Union.
3. Third plea in law: the contested measures restrict the applicant’s fundamental rights in an unjustified and disproportionate manner, in particular his right to property, provided for in Article 1 of the First Additional Protocol to the ECHR and Article 17 of the Charter of Fundamental Rights of the European Union, his right to respect for his good name and reputation, provided for in Articles 8 and 10 of the ECHR and, lastly, the principle of the presumption of innocence provided for in Article 6 of the ECHR and Article 48 of the Charter of Fundamental Rights of the European Union.