

**Judgment of the General Court of 9 September 2010 —
Evropaiki Dynamiki v Commission**

(Case T-300/07) ⁽¹⁾

(Public service contracts — Community tendering procedure — Provision of information technology services relating to the management and maintenance of an internet portal — Rejection of the bid submitted by a tenderer — Award criteria — Obligation to state the reasons on which a decision is based — Manifest error of assessment — Equal treatment — Transparency)

(2010/C 288/60)

Language of the case: English

Parties

Applicant: Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis, lawyer)

Defendant: European Commission (represented by: E. Manhaeve, acting as Agent, and by J. Stuyk, lawyer)

Re:

APPLICATION (i) for annulment of the Commission's decisions of 21 May 2007 and 13 July 2007 rejecting the tenders submitted by the applicant in tendering procedure ENTR/05/78 for Lot 1 (Editorial Work and Translation) and Lot 2 (Infrastructure Management) for the management and maintenance of the 'Your Europe' portal (OJ 2006/S 143-153057) and awarding those contracts to another tenderer and (ii) for damages

Operative part of the judgment

The Court:

1. Annuls the Commission's decision of 13 July 2007 rejecting the tender submitted by Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE in tendering procedure ENTR/05/78 for Lot 2 (Infrastructure Management) for the management and maintenance of the 'Your Europe' portal and awarding that contract to another tenderer;
2. Dismisses the remainder of the claim for annulment;
3. Dismisses the claim for damages;
4. Orders Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis to pay 50 % of its own costs

and 50 % of the costs incurred by the European Commission, and the European Commission to pay 50 % of its own costs and 50 % of those incurred by Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE.

⁽¹⁾ OJ C 235, 6.10.2007.

**Judgment of the General Court of 9 September 2010 —
Al-Aqsa v Council**

(Case T-348/07) ⁽¹⁾

(Common foreign and security policy — Restrictive measures against certain persons and entities with a view to combating terrorism — Freezing of funds — Common Position 2001/931/CFSP and Regulation (EC) No 2580/2001 — Action for annulment — Adaptation of heads of claim — Judicial review — Conditions for implementation of a European Union measure freezing funds)

(2010/C 288/61)

Language of the case: Dutch

Parties

Applicant: Stichting Al-Aqsa (Heerlen (Netherlands) (represented by: J. Pauw, G. Pulles, A.M. van Eik and M. Uiterwaal, lawyers)

Defendant: Council of the European Union (represented by: E. Finnegan, G.-J. Van Hegelsom and B. Driessen, Agents)

Interveners in support of the defendant: Kingdom of the Netherlands (represented by: C.M. Wissels, M. de Mol and Y. de Vries, Agents); and European Commission, (represented by: P. van Nuffel and S. Boelaert, Agents)

Re:

Application, originally, in essence, for annulment of Council Decision 2007/445/EC of 28 June 2007 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decisions 2006/379/EC and 2006/1008/EC (OJ 2007 L 169, p. 58), in so far as that act concerns the applicant

Operative part of the judgment

The Court:

1. Annuls Council Decision 2007/445/EC of 28 June 2007 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decisions 2006/379/EC and 2006/1008/EC; Council Decision 2007/868/EC of 20 December 2007 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2007/445; Council Decision 2008/583/EC of 15 July 2008 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2007/868; Council Decision 2009/62/EC of 26 January 2009 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2008/583; and Council Regulation (EC) No 501/2009 of 15 June 2009 implementing Article 2(3) of Regulation No 2580/2001 and repealing Decision 2009/62, in so far as those acts concern Stitching Al-Aqsa;
2. Dismisses the application as to the remainder;
3. Orders the Council of the European Union to bear, in addition to its own costs, the costs of Stichting Al-Aqsa;
4. Orders the Kingdom of the Netherlands and the European Commission to bear their own costs.

⁽¹⁾ OJ C 269, 10.11.2007.

Judgment of the General Court of 9 September 2010 — Axis v OHIM — Etra Investigación y Desarrollo (ETRAX)

(Case T-70/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark ETRAX — Earlier national figurative marks containing the word elements ETRA I+D — Relative ground for refusal — Admissibility of the appeal before the Board of Appeal — Rule 49(1) of Regulation (EC) No 2868/95 and Article 59 of Regulation (EC) No 40/94 (now Article 60 of Regulation (EC) No 207/2009))

(2010/C 288/62)

Language of the case: English

Parties

Applicant: Axis AB (Lund, Sweden) (represented by: J. Norderyd, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: A. Folliard-Monguiral, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Etra Investigación y Desarrollo, SA (Valencia, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 27 November 2007 (Case R 334/2007-2) relating to opposition proceedings between Etra Investigación y Desarrollo, SA and Axis AB.

Operative part of the order

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 27 November 2007 (Case R 334/2007-2) relating to opposition proceedings between Etra Investigación y Desarrollo, SA and Axis AB;
2. Orders OHIM to bear its own costs and to pay those incurred by Axis AB.

⁽¹⁾ OJ C 107, 26.4.2008.

Judgment of the General Court of 9 September 2010 — Now Pharm v Commission

(Case T-74/08) ⁽¹⁾

(Medicinal products for human use — Orphan Designation Procedure — Request for designation of the medicinal product ‘Chelidonii radix special liquid extract’ (‘Ukrain’) as an orphan medicinal product — Commission decision refusing designation as an orphan medicinal product)

(2010/C 288/63)

Language of the case: German

Parties

Applicant: Now Pharm AG (Luxembourg, Luxembourg) (represented by: initially C. Kaletta and I.-J. Tegebauer and subsequently C. Kaletta, lawyers)

Defendant: European Commission (represented by: B. Schima and M. Šimerdová, Agents)