

According to the applicants, the contested decision does not specify the species and habitats for which the sites listed are of Community importance and is based on erroneous technical information. It would appear that the areas in question were listed on the basis of the presence of the great crested newt and of calamarian grasslands. The applicants argue that the former is not a priority species and the latter is not a priority habitat and that, therefore, they do not know to which priority natural habitat type or species the contested decision refers.

(<sup>1</sup>) OJ L 387 p. 1

(<sup>2</sup>) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

**Action brought on 2 February 2005 by European Dynamics S.A. against the Commission of the European Communities**

**(Case T-59/05)**

(2005/C 106/63)

*(Language of the case: English)*

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 2 February 2005 by European Dynamics S.A., established in Athens (Greece), represented by N. Korogiannakis, lawyer.

The applicant claims that the Court should:

- annul the decision of the Commission (DG Agriculture), to evaluate the applicant's bid as not successful and award the contract to the successful contractor;
- order the Commission to pay the applicant's legal costs and other costs and expenses incurred in connection with the application, even if the application is rejected.

*Pleas in law and main arguments*

The applicant company filed a bid in response to the Commission's call for tenders AGRI-2004-S4FA-I3-01 for the provision of information system development, maintenance and support services for the DG Agriculture Financial Information Systems (<sup>1</sup>). By the contested decision this bid was rejected and the contract awarded to another bidder.

In support of its application for annulment of that decision the applicant claims first of all the Commission violated the Financial Regulation (<sup>2</sup>) as well as Article 17(1) of Directive 92/50 (<sup>3</sup>) by using evaluation criteria that were extremely vague. The applicant further contends that the Commission failed, in response to the applicant's questions, to explain in a clear and objective manner what precisely was requested of the tenderers.

The applicant further considers that the Commission committed manifest errors of appreciation in its evaluation of the applicant's tender. In this respect the applicant contends that the Evaluation Committee did not correctly evaluate the offers, failing to take into account that contrary to the applicant both members of the successful consortium had extremely limited experience. The applicant also maintains that its own bid was more advantageous.

The applicant also invokes a violation, by the Commission, of its obligation, under Article 253 EC, to state reasons and a failure to provide pertinent information requested by the applicant on the grounds for the rejection of its bid. The applicant also submits that the Commission violated the principle of good administration and diligence by acting with significant delay and by not offering adequate answers to the applicant's requests for information prior to the submission of the bids.

(<sup>1</sup>) OJ 2004 S 59-050031.

(<sup>2</sup>) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16/09/2002, p. 1.

(<sup>3</sup>) Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts, OJ L 209, 24/07/1992, p. 1.

**Action brought on 10 February 2005 by Cornelius Roze-meijer and others against the Council of the European Union**

**(Case T-61/05)**

(2005/C 106/64)

*(Language of the case: French)*

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 10 February 2005 by Cornelius Rozemeijer, residing in Alkmaar (Netherlands), Gaston Vaesken, residing in Sanary-sur-Mer (France) and Pierrette Vaesken, residing in Sanary-sur-Mer (France), represented by G. Vandersanden, L. Levi and A. Finchelstein, lawyers.