

— order the European Monitoring Centre for Drugs and Drug Addiction to pay the applicant's legal and other costs and expenses incurred in connection with this application as well as damages stemming from the tendering procedure.

Pleas in law and main arguments

The applicant submitted a bid in response to an open call for tender by the defendant for software programming and consultancy services (JO 2005/S 187-183846). The applicant contests the decision to reject its bid and to award the contract to another bidder.

In support of its application, the applicant submits that the contested decision was taken in violation of the principle of non-discrimination and transparency, as well as in violation of Directive 92/50 ⁽¹⁾ and the Financial Regulation ⁽²⁾. According to the applicant, its bid was rejected on criteria that were not included in the contract notice. The applicant also claims that the defendant failed to request clarifications from the applicant and therefore infringed the principle of good administration.

Finally, the applicant submits that the contested decision contains evident errors of assessment.

⁽¹⁾ 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, p. 1)

⁽²⁾ 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, p. 1)

Order of the Court of First Instance of 8 February 2006 — Aqua-Terra Bioprodukt v OHIM

(Case T -330/05) ⁽¹⁾

(2006/C 86/85)

Language of the case: German

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 296, 26.11.2005.