

Form of order sought

- Reservation of rights to bring a claim for damages;
- Suspension, as a matter of priority, of implementation of the procedure with regard to the subject-matter of the present proceedings;
- Annulment of the procedure of 23 December 2005 with the number MK/KS/DELTUR/(2005)/SecE/D/1614 which is the subject-matter of the present proceedings;
- Order the defendant to pay the costs.

Pleas in law and main arguments

The applicants are contesting the decision of the European Commission Delegation in Turkey of 23 December 2005 which was addressed to the applicants with regard to the call for tenders in respect of the construction of educational establishments in the provinces of Diyarbakir and Siirt.

The applicants submit, *inter alia*, that their tender was the lowest and that the file in respect thereof was complete and therefore the contract should have been awarded to them. Furthermore, they submit that the contested decision infringes European Union law.

Action brought on 23 June 2006 — ARBOS v Commission**(Case T-161/06)**

(2006/C 212/54)

*Language of the case: German***Parties**

Applicant(s): ARBOS, Gesellschaft für Musik und Theater (Klagenfurt, Austria) (represented by: H. Karl, lawyer)

Defendant(s): Commission of the European Communities

Form of order sought

- Order that the defendant pay the claimant EUR 38 545,42 plus 12 % interest since 1.1.2001 and EUR 27 618,91 plus 12 % interest since 1.3.2003;
- Order that the defendant pay the claimant EUR 26 459,38 in pre-litigation costs and bear the costs of the proceedings

Pleas in law and main arguments

The claimant claims compensation from the European Commission under Article 288 EC for the damage it claims to have suffered from the wrongful withholding of assistance. It bases its claim on two contracts for assistance concluded in 2000 in 2002 and each containing an arbitration clause in the annex.

Action brought on 26 June 2006 — Kronoply v Commission**(Case T-162/06)**

(2006/C 212/55)

*Language of the case: German***Parties**

Applicant: Kronoply GmbH & Co KG (Heiligengrabe, Germany) (represented by: R. Nierer and L. Gordalla, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- Annul the Commission's decision of 21 September 2005 regarding State aid No C 5/2004 (ex N 609/2003) by which the Commission declares the aid Germany wishes to grant the applicant to be incompatible with the common market;
- Order the Commission to bear its own costs and to pay those of the applicant.

Pleas in law and main arguments

The applicant is contesting Commission Decision C(2005) 3497 of 21 September 2005 in which the Commission decided that the investment grant which Germany intended to give Kronoply GmbH in the context of the multisectoral framework on regional aid for large investment projects⁽¹⁾ constitutes State aid which is incompatible with the common market.

The applicant submits four pleas in law in support of its application.

First, it complains that the Commission clearly erred as regards the findings of fact. In that respect it submits, *inter alia*, that the defendant did not ascertain the date on which the applicant applied for grants although it is of decisive importance with regard to an examination of the facts. Furthermore, it submits that the Commission overlooked the fact that the national administrative procedure has not yet been brought to an end.

Secondly, the applicant submits in support of its application the plea that the contested decision is not adequately reasoned.