

Operative part of the judgment

The Court:

1. *annuls the decision of the applicant's superior of 27 February 2004 refusing to sign his application to carry over annual leave from 2003 to 2004, in so far as it refuses to grant the carrying over, in addition to the 12 days which may be carried over as of right, of eight days of annual leave referred to by the director of resources of the Joint Research Centre in an email of 11 February 2003;*
2. *orders the Commission to pay the applicant a sum corresponding to eight thirtieths of his monthly remuneration at the time of leaving the service, together with default interest as from 13 September 2004. The rate of default interest to be applied is to be calculated on the basis of the European Central Bank's rate for its main refinancing operations, in force during the period concerned, plus two percentage points;*
3. *dismisses the action as to the remainder;*
4. *orders the Commission to bear its own costs and to pay the costs incurred by the applicant.*

(¹) OJ C 300, 4.12.2004.

**Judgment of the Court of First Instance of 18 April 2007
— Deloitte Business Advisory v Commission**

(Case T-195/05) (¹)

(Public service contracts — Call for tenders for programme evaluation activities and other activities in the public health sector — Rejection of a tender — Conflict of interest)

(2007/C 96/70)

Language of the case: Dutch

Parties

Applicant: Deloitte Business Advisory NV (Brussels, Belgium) (represented by: D. Van Heuven, S. Ronse and S. Logie, lawyers)

Defendant: Commission of the European Communities (represented by: L. Pignataro-Nolin and E. Manhaeve, acting as Agents)

Re:

Application for annulment, firstly, of the Commission's decision rejecting the tender from Euphet for the public procurement contract 'Evaluation Framework Contract covering the policy areas of [the Directorate-General for Health and Consumer Protection], Lot 1 (Public Health) — call for tenders SANCO/2004/01/041' and, secondly, of the Commission's decision awarding that contract to a third party

Operative part of the judgment

The Court:

1. *Dismisses the action.*
2. *Orders the applicant, Deloitte Business Advisory NV, to pay the costs, including those of the application for interim measures.*

(¹) OJ C 193, 6.8.2005.

**Order of the Court of First Instance of 19 March 2007 —
Tokai Europe GmbH v Commission of the European
Communities**

(Case T-183/04) (¹)

(Action for annulment — Common Customs Tariff — Classification in the Combined Nomenclature — Person not individually concerned — Inadmissibility)

(2007/C 96/71)

Language of the case: German

Parties

Applicant: Tokai Europe GmbH (Mönchengladbach, Germany) (represented by: H. Kroemer, lawyer)

Defendant: Commission of the European Communities (represented by: X. Lewis and B. Schima, acting as Agents)

Re:

Action for annulment of Commission Regulation (EC) No 384/2004 of 1 March 2004 concerning the classification of certain goods in the Combined Nomenclature (OJ 2004 L 64, p. 21)