

**Action brought on 25 July 2007 — cApStAn v Commission**

(Case T-287/07)

(2007/C 223/26)

*Language of the case: French*

**Appeal brought on 3 August 2007 by Alessandro Lofaro against the order of the Civil Service Tribunal delivered on 24 May 2007 in Joined Cases F-27/06 and F-75/06, Lofaro v Commission**

(Case T-293/07 P)

(2007/C 223/27)

*Language of the case: French*

### Parties

*Applicant:* cApStAn Sprl (Brussels, Belgium) (represented by: J. Bublot, lawyer)

*Defendant:* Commission of the European Communities

### Form of order sought

— Annulment of the Commission's rejection decision.

### Pleas in law and main arguments

By this action, the applicant seeks the annulment of the Commission's decision of 22 May 2007 rejecting its tender submitted in connection with the tendering procedure 'Post-editing services PER 2007' <sup>(1)</sup> on account of an absence of evidence of relevant experience.

In support of its application for annulment of the contested decision, the applicant claims that the Commission erred manifestly in its reading of its application because the call for tenders related precisely to its area of activity, which the applicant claims to have stated in its tender. The applicant also states that it had already secured a public contract in that area from the Commission and that the services provided on that occasion were never called in question.

In addition, the applicant claims that the contested decision is based on manifestly incorrect reasons and that that error amounts to a lack of reasoning.

<sup>(1)</sup> OJ 2007/S 21-023949.

### Parties

*Appellant:* Alessandro Lofaro (Lisbon, Portugal) (represented by: J.-L. Laffineur, lawyer)

*Other party to the proceedings:* Commission of the European Communities

### Form of order sought by the appellant

- declare the appeal admissible and well founded and, accordingly,
- set aside the order of the Civil Service Tribunal in Cases F-27/06 and 75/06 delivered on 24 May 2007;
- rule on the merits and uphold the appellant's original application.

### Pleas in law and main arguments

In his appeal, the appellant claims that the Civil Service Tribunal erred in law in its interpretation of Article 90(2) of the Staff Regulations and, in particular, as regards the period laid down for lodging the complaint and the date to be taken into account for the expiry of that period. The appellant claims that the Tribunal's interpretation prejudices general principles of Community law, such as the principle of legal certainty, of non-discrimination and of proportionality, as well as the rights of the appellant. He further submits that the Tribunal did not respond to all the pleas put forward by him in his actions and that, accordingly, the order is vitiated by a defective statement of reasons which is inadequate and incorrect.