

In addition, the applicant claims that there has been an infringement of the principle of *nemini licet venire contra factum proprium* (estoppel), because several Commission documents show that the Commission itself assumes that it does not have the authority to conduct an *ex-post* control without cause.

⁽¹⁾ Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises (OJ 2001 L 10, p. 33).

⁽²⁾ Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid (OJ 1998 L 142, p. 1).

Action brought on 24 September 2007 — Evropaiki Dynamiki v Commission

(Case T-377/07)

(2007/C 297/87)

Language of the case: English

Parties

Applicant: Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE (represented by: N. Korogiannakis, lawyer)

Defendant: Commission of the European Communities

Form of order sought

— Annul the Commission's decision of the Direction General for Informatics to reject the bid of the applicant — filed in response to the open Call for Tender ENTR/05/86 — Content Interoperability for European eGovernment Services (OJ S 128, 8.7.2006) communicated to the applicant by letter dated 13 July 2007 and to award the contracts to the successful contractor;

— order the Commission (DIGIT) to pay the applicant's legal and other costs and expenses incurred in connection with this application, even if the current application is rejected;

— order the Commission (DIGIT) to pay the applicant's damages suffered on account of the tendering procedure in question for an amount of EUR 3,5 million for lot 2.

Pleas in law and main arguments

The applicant submitted a bid in response to the defendant's call for an open tender for the contract 'content interoperability technologies for European eGovernment services' (OJ 2006/S 128-136080). The applicant contests the decision to reject its bid and to award the contract to another bidder.

The pleas in law and main arguments relied on by the applicant are identical to those relied on in Case T-300/07 *Evropaiki Dynamiki v Commission* ⁽¹⁾.

⁽¹⁾ JO 2007 C 235, p. 22.

Action brought on 2 October 2007 — CNH Global v OHIM (Figurative mark representing a tractor in red, black and grey)

(Case T-378/07)

(2007/C 297/88)

Language of the case: English

Parties

Applicant: CNH Global NV (Amsterdam, Netherlands) (represented by: M. Edenborough, Barrister, and R. Harrison, Solicitor)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought

— The decision of the First Board of Appeal No R 1642/2006-1 be annulled in its entirety; and

— the Office pays to the applicant/appellant the costs incurred by the applicant/appellant in connection with this appeal.