

Sixthly, in view of the automatic application of the scale of reductions in Regulation (EC) No 296/96 ⁽²⁾ concerning advances, and without any doubt being cast on the veracity of the reasons which prompted late payments, with the consequence that 100 % of expenditure on late payments was excluded, the applicant alleges infringement of the Community rules and guidelines for the clearance of accounts.

⁽¹⁾ Judgment of 7 July 2005 in Case C-5/03 *Hellenic Republic v Commission* [2005] ECR I-5925.

⁽²⁾ Commission Regulation (EC) No 296/96 of 16 February 1996 on data to be forwarded by the Member States and the monthly booking of expenditure financed under the Guarantee Section of the Agricultural Guidance and Guarantee Fund (EAGGF) and repealing Regulation (EEC) No 2776/88 (OJ 1996 L 39, p. 5).

Action brought on 18 February 2008 — Republic of Cyprus v Commission

(Case T-87/08)

(2008/C 142/48)

Language of the case: Greek

Parties

Applicant: Republic of Cyprus (represented by: P. Kliridis)

Defendant: Commission of the European Communities

Form of order sought

- annul the procurement notice under reference EuropeAid/126225/C/SER/CY for the conclusion of a contract entitled 'Technical assistance for engineering works for waste management infrastructure and rehabilitation of dumping sites in the northern part of Cyprus', which was published, only in English, on the webpage <http://ec.europa.eu/europaid/tender/data/> on or around 8 December 2007, and annul points 5 and 28.2 of the notice;
- order the Commission of the European Communities to pay the costs.

Pleas in law and main arguments

The applicant submits that the notice is unlawful for the following reasons:

- first, because, in issuing the notice, the Commission exceeded and/or infringed its legal basis, to be specific Council Regulation (EC) No 389/2006 of 27 February 2006 establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community and amending Council Regulation (EC) No 2667/2000 on the European Agency for Reconstruction ⁽¹⁾;
- second, because the notice is contrary to and/or incompatible with Article 299 EC, as amended by Article 19 of the

Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic ⁽²⁾ ('the 2003 Act of Accession') and Protocol No 10, on Cyprus, to the 2003 Act of Accession ⁽³⁾;

- third, because the notice is contrary to or incompatible with both obligations flowing from rules of mandatory international law and United Nations Security Council Resolutions 541(1983) and 550(1984); and
- fourth, because the notice was not published in the Official Journal.

⁽¹⁾ OJ 2006 L 65, p. 5.

⁽²⁾ OJ 2003 L 236, p. 33.

⁽³⁾ OJ 2003 L 236, p. 955.

Action brought on 18 February 2008 — Republic of Cyprus v Commission

(Case T-88/08)

(2008/C 142/49)

Language of the case: Greek

Parties

Applicant: Republic of Cyprus (represented by: P. Kliridis)

Defendant: Commission of the European Communities

Form of order sought

- annul the procurement notice under reference EuropeAid/125242/C/SER/CY for the conclusion of a contract entitled 'Technical assistance to support implementation of the Rural Development Sector Programme', which was published, only in English, on the webpage <http://ec.europa.eu/europaid/tender/data/> on or around 6 December 2007, and annul points 5 and 28.2 of the notice;
- order the Commission of the European Communities to pay the costs.

Pleas in law and main arguments

The applicant submits that the notice is unlawful for the following reasons:

- first, because, in issuing the notice, the Commission exceeded and/or infringed its legal basis, to be specific Council Regulation (EC) No 389/2006 of 27 February 2006 establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community and amending Council Regulation (EC) No 2667/2000 on the European Agency for Reconstruction ⁽¹⁾;