

- 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 <sup>(2)</sup> ('the 2003 Act of Accession') and Protocol No 10, on Cyprus, to the 2003 Act of Accession <sup>(3)</sup>;
- 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.

<sup>(1)</sup> OJ 2006 L 65, p. 5.

<sup>(2)</sup> OJ 2003 L 236, p. 33.

<sup>(3)</sup> OJ 2003 L 236, p. 955.

**Action brought on 22 February 2008 — Republic of Cyprus v Commission**

**(Case T-91/08)**

(2008/C 142/50)

*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 aEuropeAid/126172/C/SER/CY for the conclusion of a contract entitled 'Development and restructuring of telecommunications infrastructure — Training, Capacity building and Project management', which was published, only in English, on the webpage <http://ec.europa.eu/europaid/tender/data/> on or around 12 December 2007, and annul points 5 and 28 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 <sup>(1)</sup>;

- 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 <sup>(2)</sup> ('the 2003 Act of Accession') and Protocol No 10, on Cyprus, to the 2003 Act of Accession <sup>(3)</sup>;
- 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);
- fourth, because the notice is contrary to and/or incompatible with the principle of sincere cooperation between the institutions of the European Union and the Member States, as laid down under Article 10 EC; and
- fifth, because the notice was not published in the Official Journal.

<sup>(1)</sup> OJ 2006 L 65, p. 5.

<sup>(2)</sup> OJ 2003 L 236, p. 33.

<sup>(3)</sup> OJ 2003 L 236, p. 955.

**Action brought on 22 February 2008 — Republic of Cyprus v Commission**

**(Case T-92/08)**

(2008/C 142/51)

*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/126111/C/SER/CY for the conclusion of a contract entitled 'Technical Assistance to support the ongoing reform of the primary and secondary education sector', which was published, only in English, on the webpage <http://ec.europa.eu/europaid/tender/data/> on or around 14 December 2007, and annul points 5 and 28.2 of the notice;
- order the Commission of the European Communities to pay the costs.