

**Form of order sought**

- annul the procurement notice under reference EuropeAid/125672/C/SER/CY for the conclusion of a contract entitled 'Technical Assistance on animal husbandry', which was published, only in English, on the webpage <http://ec.europa.eu/europaid/tender/data/> on or around 27 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's pleas in law and main arguments are identical or similar to those advanced in Cases T-91/08, T-92/08 and T-93/08 *Cyprus v Commission*.

**Action brought on 14 March 2008 — Republic of Cyprus v Commission**

(Case T-122/08)

(2008/C 142/54)

*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/126316/C/SER/CY for the conclusion of a contract entitled 'Establishment of a Programme Management Unit to support the implementation of investments projects in the field of water/wastewater and solid waste', which was published, only in English, on the webpage <http://ec.europa.eu/europaid/tender/data/> on or around 4 January 2008, 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's pleas in law and main arguments are identical or similar to those advanced in Cases T-91/08, T-92/08 and T-93/08 *Cyprus v Commission*.

**Action brought on 25 March 2008 — CBI and Abisp v Commission**

(Case T-128/08)

(2008/C 142/55)

*Language of the case: French***Parties**

*Applicants:* Coordination Bruxelloise d'Institutions sociales et de santé (CBI) (Brussels, Belgium) and Association Bruxelloise des Institutions de Soins Privées (Abisp) (Brussels, Belgium) (represented by: D. Waelbroeck, lawyer, and D. Slater, solicitor)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annul the Commission's decision;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The applicants seek the annulment of the Commission's decision of 10 January 2008 rejecting their complaint made on 7 September and 17 October 2005 against the State aid granted by the Kingdom of Belgium to public hospitals of the IRIS network in the Brussels-Capital Region and refusing to initiate the formal investigation procedure in respect of the aid in question pursuant to Article 88(2) EC.

The applicants submit, first of all, that the contested decision is vitiated by procedural defects inasmuch as it should have been adopted by the Commission as a body, addressed to the Member State concerned, and published in the *Official Journal of the European Union*.

As to the merits, the applicants submit that the Commission made manifest errors of assessment and failed to fulfil its obligations to state reasons in taking the view that the measures in question were compatible with Article 86(2) EC and that it was not necessary to initiate the formal investigation procedure pursuant to Article 88(2) EC.

The applicants claim that the conditions for the application of Article 86(2) EC are not satisfied in this case, since:

- the public-service mission of the hospitals receiving the aid is not clearly defined;
- the compensation criteria have not been established in advance;
- the compensation exceeds the costs incurred; and
- no comparison has been made between the hospitals receiving the aid and comparable private hospitals.