

The applicant puts forward the following pleas in law in support of its claims:

First, the applicant claims that the contested measure was adopted by the Commission with breach of procedural requirement of a written proposal made by a Consultant prior to the Commission decision, as required by the General Conditions and Specific Guidelines applicable to the Framework Contract project 'Value Chain Mapping Analysis'.

Second, the applicant submits that the contested measure was adopted with violation of its right to be heard by impartial authority.

Third, it argues that the contested measure was adopted with breach of its right to be dealt with by an authority free of a conflict of interest.

Further, the applicant contends that, when adopting the contested measure, the defendant failed to correctly and fairly calculate and analyse the number of working days deducted from the total number of the days allocated to the applicant for carrying out its tasks.

Finally, the applicant claims that the Commission misused its power when adopting the contested measure as it didn't take into account for the evaluation of a number of working days allocated to the applicant the mistakes committed by the Consultant.

medical treatments and medications to alleviate and or treat his impaired health, referred to in the first claim above, which are not available to him through the socialized medical system of his Member State;

- order the Commission to pay reasonable legal costs and disbursements incurred by the applicant in bringing the present proceedings.

### Pleas in law and main arguments

In the present case, the applicant is bringing an action for non-contractual liability arising from the damages it claims to have incurred as a result of the alleged illegal refusal by the Commission to comply with plenary resolution of the European Parliament <sup>(1)</sup> and to enforce the application by Denmark of the provisions of Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation <sup>(2)</sup> to the case of workers, including the applicant, involved in a nuclear accident in Thule, Greenland.

<sup>(1)</sup> European Parliament report of 20 April 2007 on the public health consequences of the 1968 Thule crash (Petition 720/2002 [2006/2012(INI)]).

<sup>(2)</sup> OJ L 159, p. 1.

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**Action brought on 27 Novembre 2008 — Eriksen/Commission**

**(Case T-516/08)**

(2009/C 44/90)

*Language of the case: English*

### Parties

*Applicant:* Heinz Helmuth Eriksen (Ebeltoft, Denmark) (represented by: I. Anderson, advocate)

*Defendant:* Commission of the European Communities

### Form of order sought

- order the Commission to pay to the applicant the sum of 800 000 EUR or such other sum as the Court may considerable just and equitable for past, present and future pain, suffering and diminution of the enjoyment of life from serious impairments to his health resulting from the Commission's capricious and unlawful refusal to enforce the implementation of medical monitoring of former Thule workers for radiation related illnesses and conditions;
- order the Commission to pay to the applicant or the medical treating facilities or care givers, the future costs of

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**Action brought on 2 December 2008 — AIB-Vinçotte Luxembourg v Parliament**

**(Case T-524/08)**

(2009/C 44/91)

*Language of the case: French*

### Parties

*Applicant:* AIB-Vinçotte Luxembourg ASBL (Luxembourg, Luxembourg) (represented by R. Adam, lawyer)

*Defendant:* European Parliament

### Form of order sought

- annul the decision of the European Parliament of 2 October 2008 rejecting the offer made by the applicant in connection with call for tenders INLO — A — BATI LUX — 07 268 & 271 — 00 for the refurbishment and extension of the Konrad Adenauer Building, Luxembourg,
- reserve to the applicant all other rights, remedies, pleas and actions, in particular an order that the Parliament pay damages in connection with the loss incurred;
- in any event, order the Parliament to pay the costs.