

**Action brought on 23 December 2008 — Proges v Commission**

(Case T-577/08)

(2009/C 44/110)

*Language of the case: Italian***Parties***Applicant:* Proges srl (Rome, Italy) (represented by: M. Falcetta, lawyer)*Defendant:* Commission of the European Communities**Forms of order sought**

- Annul the contested decision, thereby giving rise to all consequential measures, including compensation for damages;
- Order the defendant to pay the costs of the proceedings, together with all related fees and expenses.

**Pleas in law and main arguments**

The present action is brought against the measure by which the Commission declined to award the applicant the contract covered by invitation to tender ENV.G.1./SER/2008/0050 for the creation of land use models and, in particular, for the assessment of environmental impact.

In support of its claims, the applicant submits that:

- the decision was incorrect in so far as it stated that the applicant's bid focused exclusively on the Driving force-Pressure-State-Impact-Response (DPSIR) model; in any event, the tender specifications specifically require the integrated use of 'social, economic and environmental institutional indicators of land use changes', with DPSIR being the most internationally established tool for the management and integration of such indicators. Moreover, DPSIR has been developed and properly used by the European Environment Agency. The tool in fact proposed by the applicant is a DPSIR model updated in accordance with an innovative methodology and already successfully used in several projects of the United Nations and the International Union for the Conservation of Nature (IUCN);
- contrary to what is stated in the contested decision, it is specifically stated in the applicant's bid that a land use model will be developed integrating the various models arising from the Sixth Framework Research Programme;
- there is no reason to doubt the appropriateness of involving the applicant's director in the implementation of the project;

- geographical representativeness is rightly not referred to in the invitation to tender since the project is not concerned with development, integration and/or inter-European cohesion. Furthermore, it is not understood on what basis, for the purposes of assessing a company, European experience is deemed more valuable than the United Nations and IUCN experience possessed by the applicant.

**Action brought on 23 December 2008 — Eridania Sadam v Commission**

(Case T-579/08)

(2009/C 44/111)

*Language of the case: Italian***Parties***Applicant:* Eridania Sadam SpA (Bologna, Italy) (represented by: G.M. Roberti, lawyer, I. Perego, lawyer, B. Amabile, lawyer, and M. Serpone, lawyer)*Defendant:* Commission of the European Communities**Forms of order sought**

The applicant claims that the Court should:

- annul the contested Decision;
- require by way of measure of inquiry, in accordance with Articles 65 and 66 of the Rules of Procedure, the production before the Court of the documents in the Commission's case-file;
- order the Commission to pay the costs.

**Pleas in law and main arguments**

By the present action, Eridania Sadam SpA contests, in accordance with the fourth paragraph of Article 230 EC, the Commission's decision of 16 July 2008 in State aid case C 29/2004 (ex N 328/2003).

In support of its action, the applicant relies on four pleas in law, respectively alleging:

- misapplication of Article 87(1) EC to the facts and, in any event, erroneous assessment of the facts and failure to state sufficient reasons, in so far as the Commission found that the financial aid scheme duly notified by the Italian authorities was likely, if implemented, to affect trade between Member States and to distort competition;