

Third, the applicant claims that the Commission failed to undertake an assessment of all relevant facts and evidence in deciding whether to enact the contested regulation and therefore manifestly erred in its assessment. The applicant further claims that he has never engaged in any form of terrorism related activity, or that any form of financial sanctions or preventive measures against him is necessary.

Fourth, the applicant submits that the indefinite restrictions of the applicant's right to property imposed by the contested regulation amount to a disproportionate and intolerable interference with the applicant's right to respect for property which is not justified by compelling evidence.

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- (¹) Commission Regulation (EC) No 954/2009 of 13 October 2009 amending for the 114th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban (OJ 2009 L 269, p. 20)
- (²) Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan (OJ 2002 L 139, p. 9)
- (³) Commission Regulation (EC) No 2049/2003 of 20 November 2003 amending for the 25th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 (OJ 2003 L 303, p. 20)
- (⁴) Commission Regulation (EC) No 46/2008 of 18 January 2008 amending for the 90th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban (OJ 2008 L 16, p. 11)
- (⁵) Judgment of the Court of Justice of 3 December 2009, *Hassan v Council and the Commission* (C-399/06 P) and *Ayadi v Council* (C-403/06 P), not yet published in the ECR

Action brought on 11 January 2010 — Sviluppo Globale v Commission

(Case T-6/10)

(2010/C 51/85)

Language of the case: Italian

Parties

Applicant: Sviluppo Globale GEIE (Rome, Italy) (represented by: F. Sciaudone, R. Sciaudone and A. Neri, lawyers)

Defendant: European Commission

Form of order sought

- Annul the decisions of 10 November 2009 and 26 November 2009.
- Order the Commission to pay the costs.

Pleas in law and main arguments

The present action is brought, first, against the Commission's decision of 10 November 2009 by which the Commission rejected the tender submitted by the ITAK consortium (of which the applicant was a member, being responsible for the whole of the management and administration of the consortium itself) in call for tenders EUROPEAID/127843/D/SER/KOS for the provision of support services to the customs and tax authorities in Kosovo, and, second, against the Commission's decision of 26 November 2009 concerning ITAK's application for access to documents relating to the call for tenders in question.

In support of its application for annulment of the decision of 10 November 2010, the applicant makes the following pleas:

- Infringement of the duty to state reasons, insofar as the Commission never provided information on the characteristics and relative advantages of the successful tender.
- Infringement of the Commission's obligations under point 2.4.15 of the 'Practical Guide to contract procedures for EU external actions' of the European Community and of the Commission's duty to exercise due care in administrative procedure. It is submitted in this connection that the defendant failed to reply to the complaints lodged in accordance with the procedure laid down in point 2.4.15 of the Practical Guide.
- Manifest error of assessment of the quality of the technical proposal submitted by the ITAK consortium, insofar as the evaluation committee considered that a proposal submitted by three administrations (tax and customs) of as many as three EU Member States was insufficient and technically inadequate.
- Manifest error of assessment of the quality of the technical proposal of the successful bid. It is submitted in this connection that the evaluation committee awarded an extremely high number of points to a bid submitted a consortium of computer experts with a team leader who, in the past, had been assessed as mediocre by the Commission.

In support of its application for annulment of the decision of 26 November 2009, the applicant makes the following pleas:

- Infringement of Article 7 of Regulation No 1049/2001, (¹) insofar as the Commission failed to handle promptly the application for access, failed to send an acknowledgement of receipt, and took the view that it could simply disregard the application.

— Infringement of Article 8 of Regulation No 1049/2001, insofar as the Commission failed to handle promptly the confirmatory application submitted by the ITAK consortium, failed to send, even in those circumstances, an acknowledgment of receipt and, lastly, took the view that it was entitled to reply to the application after the period prescribed for its reply had expired.

— Infringement of the general principles relating to access to documents established in Regulation No 1049/2001 and the case-law pertaining thereto. In particular, the Commission went so far as to fail even to provide information which had previously sent to the applicant.

— Lastly, the applicant submits that the Commission infringed Article 4(2), (3) and (6) of Regulation No 1049/2001.

(¹) Regulation (EC) NO 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

Order of the General Court of 18 December 2009 — Balfe and Others v Parliament

(Case T-219/09) (¹)

(2010/C 51/86)

Language of the case: French

The President of the Second Chamber has ordered that the case be removed in part from the register.

(¹) OJ C 205, 29.8.2009.

Order of the General Court of 5 January 2010 — Shell Hellas v European Commission

(Case T-245/09) (¹)

(2010/C 51/87)

Language of the case: French

The President of the Eighth Chamber has ordered that the case be removed from the register.

(¹) OJ C 193, 15.8.2009.

Order of the General Court of 5 January 2010 — Société des Pétroles Shell v European Commission

(Case T-251/09) (¹)

(2010/C 51/88)

Language of the case: French

The President of the Eighth Chamber has ordered that the case be removed from the register.

(¹) OJ C 193, 15.8.2009.

Order of the General Court of 14 December 2009 — Serifo v Commission and Education, Audiovisual and Culture Executive Agency

(Case T-438/09) (¹)

(2010/C 51/89)

Language of the case: Italian

The President of the Fifth Chamber has ordered that the case be removed from the register.

(¹) OJ C 312, 19.12.2009.