

Defendant: European Commission

Form of order sought

— Annul Commission Decision C(2010) 4147 of 30 June 2010, reducing the assistance granted from the Cohesion Fund to the following (groups of) projects: 'Water supply to settlements in the Guadiana basin: Andévalo area' (2000.ES.16.C.PE.133), 'Drainage and water treatment in the Guadalquivir basin: Guadaira, Aljarafe and the areas of natural protection of the Guadalquivir' (2000.16.C.PE.066) and 'Water supply to multi-municipal systems in the provinces of Granada and Málaga' (2002.ES.16.C.PE.061), and

— order the Commission to pay the costs.

Pleas in law and main arguments

In the context of the Cohesion Fund, the Commission granted assistance to various projects, in relation to 'Water supply to settlements in the Guadiana basin: Andévalo area' (2000.ES.16.C.PE.133) [Decision C(2001) 4113 of 18 December 2001], 'Drainage and water treatment in the Guadalquivir basin: Guadaira, Aljarafe and the areas of natural protection of the Guadalquivir' (2000.16.C.PE.066) [Decision C(2000) 4316 of 29 December 2000], and 'Water supply to multi-municipal systems in the provinces of Granada and Málaga' (2002.ES.16.C.PE.061) [Decision C(2002) 4689 of 24 December 2002].

The different projects were to be carried out by means of various contracts for work.

The contested decision reduces the assistance initially granted by the Cohesion Fund, by means of the corresponding financial corrections.

In support of its claims, the applicant relies on the following pleas in law:

1. Breach of Article H.2 of Regulation No 1994/1164 EC, ⁽¹⁾ in so far as:

— a financial correction is being applied for breaches of EU public procurement directives to contracts which are not, however, subject to those directives;

— a financial correction is being applied for a breach of EU legislation which has not, however, taken place, since the subject-matter of the contracts has not been unlawfully split up.

2. Alternatively, in relation to the all of the foregoing, breach of the regulation referred to, in so far as Directive 93/37/EEC on public works contracts has not been infringed in relation to experience or average price.

3. In the further alternative, the applicant alleges that the principle of proportionality has been breached in a number of respects.

⁽¹⁾ Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund (OJ 1994 L 130, p. 1).

Order of the General Court of 6 September 2010 — British American Tobacco (Investments) v Commission

(Case T-170/03) ⁽¹⁾

(2010/C 288/116)

Language of the case: English

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

⁽¹⁾ OJ C 171, 19.7.2003.

Order of the General Court of 1 September 2010 — Universal v Commission

(Case T-34/06) ⁽¹⁾

(2010/C 288/117)

Language of the case: English

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

⁽¹⁾ OJ C 60, 11.3.2006.