

Defendant: European Commission (represented by: P.Van Nuffel and S.Bartlet, agents)

Re:

An action under article 265 of TFEU seeking a declaration that the Commission had unlawfully refrained from acceding to the applicant's request to extend the period for payments from the European Union pursuant to the contract for the work of removing 74 wrecks from the Bay of Nouadhibou (Mauritania) between the Islamic Republic of Mauritania and the applicant and accepted for financing by the Commission under the Eighth European Development Fund and, in the alternative, an action ordering the Commission to pay the invoices issued by the applicant under the above-mentioned contract on the basis of the contractual liability of the European Union and, in the further alternative, an action seeking recognition of the non-contractual liability of the European Union.

Operative part of the order

1. *The action is dismissed.*
2. *Mammoet Salvage is ordered to pay the costs.*

⁽¹⁾ OJ C 184, 16.6.2014.

Action brought on 17 February 2015 — European Dynamics Luxembourg and Evropaiki Dynamiki/Commission

(Case T-74/15)

(2015/C 171/30)

Language of the case: English

Parties

Applicants: European Dynamics Luxembourg SA (Luxembourg, Luxembourg), Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: I. Ampazis and M. Sfyri, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul the decision of the Commission (ESTAT/G0/MHF/GI/MH/nf D (2014) of 8 December 2014), notified to the applicants as an attachment to Customer Additional Information Form DESIS III-000455-6000494078-REQ-O1-CINF-03 of 9 December 2014, which rejected their offer in relation to the Request for services No DESIS III-000455-6000494078-REQ-01 within the context of framework contract ESP DESIS III Lot no 4,
- annul the decision of the Commission, notified to the applicants as an attachment to Customer Additional Information Form DESIS III-000485-6000494078-REQ-01-CINF-02 of 12 December 2014, which rejected their offer in relation to the Request for Services No DESIS III-000485-6000494078-REQ-01, within the context of framework contract ESP-DESI III Lot no 4,
- order the Commission to pay the applicants' damages suffered for the loss of opportunity in the case of DESIS III-000485-6000494078-REQ-OI-CINF-02, for an amount of 12 000,00 euros, plus interest,
- order the Commission to pay the applicants' legal fees and other costs and expenses incurred in connection with this application, even if the current application is rejected.

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

Firstly, the applicants argue that the Commission infringed the obligation to state reason within the evaluation of their offers in DESIS III-000455-6000494078-REQ-01 and DESIS III-000485-6000494078-REQ-01.

Secondly, the applicants argue that the Commission committed several manifest errors of assessment within the evaluation of their offer in DESIS 111-000485-6000494078-REQ-01.

Action brought on 25 February 2015 — Uganda Commercial Impex v Council**(Case T-107/15)**

(2015/C 171/31)

*Language of the case: English***Parties**

Applicant: Uganda Commercial Impex Ltd (Kampala, Uganda) (represented by: S. Zaiwalla, P. Reddy, K. Mittal and Z. Burbeza, Solicitors, and R. Blakeley, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Decision 2014/862/CFSP⁽¹⁾ and Council Implementing Regulation (EU) No 1275/2014⁽²⁾ insofar as they apply to the applicant (including the entry of the applicant in entry b) 9 of the Annex to Decision 2014/862/CFSP);
- insofar as necessary to declare Article 9(1) of Council Regulation (EC) No 1183/2005 of 18 July 2005 (as amended) inapplicable to the applicant; and
- order the Council to pay the applicant's costs of this application.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging that the Council has failed to undertake any or any adequate independent assessment of the applicant's designation, as it was required to do, and has erred in law in following the decision of the UN Sanctions Committee without undertaking any EU-level assessment.
2. Second plea in law, alleging that the Council committed a manifest error of assessment and/or the applicant's designation is unlawful because the criteria for designation are not met in the applicant's case. In particular, there is no basis for alleging that the applicant has breached the arms embargo and the Council cannot and/or has failed to establish any relevant matters set out in its statement of reasons.