

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Zehnder Group International AG to pay the costs.

⁽¹⁾ OJ C 194, 24.6.2014.

**Judgment of the General Court of 27 April 2016 — Österreichische Post v Commission
(Case T-463/14) ⁽¹⁾**

(Directive 2004/17/EC — Procurement procedures of entities operating in the water, energy, transport and postal services sectors — Implementing decision exempting certain services in the postal sector in Austria from the application of Directive 2004/17 — Article 30 of Directive 2004/17 — Duty to state reasons — Manifest error of assessment)

(2016/C 211/57)

Language of the case: German

Parties

Applicant: Österreichische Post AG (Vienna, Austria) (represented by: H. Schatzmann, J. Bleckmann and M. Oder, lawyers)

Defendant: European Commission (represented by: A. Tokár and C. Vollrath, acting as Agents)

Re:

Application for annulment in part of Implementing Commission Decision 2014/184/EU of 2 April 2014 exempting certain services in the postal sector in Austria from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ 2014 L 101, p. 4), in so far as that directive continues to apply to the award of contracts for certain postal services in Austria.

Operative part of the judgment

The Court:

1. Annuls Implementing Commission Decision 2014/184/EU of 2 April 2014 exempting certain services in the postal sector in Austria from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors, in so far as it states that that directive continues to apply to the market for postal services for addressed letters between business customers and between business customers and private customers on an international level in Austria;
2. Dismisses the action as to the remainder;
3. Orders Österreichische Post AG to bear its own costs and to pay eight tenths of the costs incurred by the European Commission;
4. The Commission shall bear two tenths of its own costs.

⁽¹⁾ OJ C 303, 8.9.2014.