

**Judgment of the Court of First Instance of 10 September 2008 — Evropaïki Dinamiki v Commission**

(Case T-59/05) <sup>(1)</sup>

*(Public service contracts — Community tendering procedure — Provision of development, maintenance and support services for the financial information systems of the Directorate-General for Agriculture — Selection and award criteria — Rejection of a submitted tender — Obligation to state the reasons on which the decision is based — No manifest error of assessment — Principles of diligence and good administration)*

(2008/C 272/30)

Language of the case: English

**Parties**

*Applicants:* Evropaïki Dinamiki — Proigmena Sistimata Tilepikinonion Pliroforikis kai Tilematikis AE, (Athens, Greece) (represented by: N. Korogiannakis, lawyer)

*Defendant:* Commission of the European Communities (represented: initially by K. Banks and E. Manhaeve, and subsequently by E. Manhaeve and M. Wilderspin, acting as Agents)

**Re:**

Annulment of the decision of the Commission of 23 November 2004 rejecting the bid filed by the applicant in the tendering procedure for the provision of computer and related services linked to the information systems of the Directorate-General for Agriculture and of the decision of the Commission to award the contract to another bidder.

**Operative part of the judgment**

*The Court:*

1. *The action is dismissed as being unfounded.*
2. *The Commission shall bear its own costs and shall pay one fifth of the costs incurred by Evropaïki Dinamiki — Proigmena Sistimata Tilepikinonion Pliroforikis kai Tilematikis AE.*
3. *Evropaïki Dinamiki shall bear four fifths of its costs.*

<sup>(1)</sup> OJ C 106, 30.4.2005.

**Judgment of the Court of First Instance of 10 September 2008 — JSC Kirovo-Chepetsky Khimichesky Kombinat v Council**

(Case T-348/05) <sup>(1)</sup>

*(Dumping — Imports of ammonium nitrate originating in Russia and Ukraine — Amendment of the definition of the product concerned — Application of existing measures to new product types)*

(2008/C 272/31)

Language of the case: English

**Parties**

*Applicant:* JSC Kirovo-Chepetsky Khimichesky Kombinat (Kirovo-Chepetsk, Russia) (represented: initially by B. Servais and Y. Melin, and subsequently by B. Servais, lawyers)

*Defendant:* Council of the European Union (represented by: J.-P. Hix, acting as Agent, assisted by G. Berrisch, lawyer)

*Intervener in support of the defendant:* Commission of the European Communities (represented by: E. Righini and K. Talabér-Ritz, acting as Agents)

**Re:**

Action for annulment of Council Regulation (EC) No 945/2005 of 21 June 2005 amending Regulation (EC) No 658/2002 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia and Regulation (EC) No 132/2001 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in, *inter alia*, Ukraine, following a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 (OJ 2005 L 160, p. 1)

**Operative part of the judgment**

*The Court:*

1. *Annuls Council Regulation (EC) No 945/2005 of 21 June 2005 amending Regulation (EC) No 658/2002 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia and Regulation (EC) No 132/2001 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in, inter alia, Ukraine, following a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96;*
2. *Orders the Council to bear its own costs and those incurred by JSC Kirovo-Chepetsky Khimichesky Kombinat;*
3. *Orders the Commission to bear its own costs.*

<sup>(1)</sup> OJ C 281, 12.11.2005.