

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

The Court:

1. Dismisses the action as unfounded;
2. Orders the Commission to pay its own costs and one fifth of those incurred by Evropaïki Dynamiki — Proigmena Sistimata Tilepikinonion Pliroforikis kai Tilematikis AE;
3. Orders Evropaïki Dynamiki to bear four fifths of its costs.

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

(Case T-348/05)

(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)

Common commercial policy — Protection against dumping — Review procedure — Modification of the definition of the product concerned by existing measures — Incorporation of the product concerned into new products — Applicability of existing measures to the new products — None — Need to open a new investigation (Council Regulation No 384/96, Arts 1, 5, 11(3) and 13) (see paras 61-64, 66, 68-70)

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

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.