

principle, as the defendant did not make available to the applicant all information relating to the circumstances and the factual backgrounds for its decision not to reveal relevant information for the assessment of the existence of an information advantage of the winning tenderer.

Third, the applicant argues that the contested decisions are in breach of Article 84 (a) of the Financial Regulation ⁽¹⁾, given that the winning tenderer was subject to a conflict of interest with regard to the contract to be awarded.

Fourth, the applicant claims that the contested decisions are in breach of the provisions in Articles 93 and 100(2) (h) of the Implementing Rules ⁽²⁾, given that the decision of the defendant to award the contracts in the tender procedure F4E-2009-OPE-053 (MS-MG) were taken following an open procedure, instead of a competitive dialogue procedure or negotiated procedure.

Fifth, it contends that the contested decisions are in breach of the provision of Article 23 (2) Directive 2004/18/EC ⁽³⁾ (which applies to this tender procedure by way of an analogy), given that the terms and conditions used in the model contract of the tender specifications in the procedure are contrary to the applicable Spanish law and qualify as having the effect of creating unjustified obstacles to the opening up of public procurement for competition.

Sixth, the applicant submits that by making use of vague and unclear requirements in the technical specifications, the defendant has breached the principle of transparency and has disregarded the provision in Article 116(1) of the Implementing Rules.

Finally, it claims that the defendant has breached the principles of transparency and equal treatment by applying award criteria in the tender specifications for the current procedure that are

vague and non-transparent and do not refer to the subject of the contract, but to the qualification and selection of the tenderer.

⁽¹⁾ Decision of 22 October 2007 of the Governing Board of the European Joint Undertaking for ITER and the development of Fusion Energy adopting the Financial Regulation

⁽²⁾ Decision of 22 October 2007 the Governing Board of the European Joint Undertaking for ITER and the development of Fusion Energy adopting the Implementing Rules of the Financial Regulation (Implementing Rules)

⁽³⁾ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, OJ 2004 L 134, p. 114

Order of the General Court of 29 June 2010 — Bavaria v Council

(Case T-178/06) ⁽¹⁾

(2010/C 234/93)

Language of the case: Dutch

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

⁽¹⁾ OJ C 224, 16.9.2006.

Order of the General Court of 30 June 2010 — Torres v OHIM — Torres de Anguix (A TORRES de ANGUIX)

(Case T-286/07) ⁽¹⁾

(2010/C 234/94)

Language of the case: Spanish

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

⁽¹⁾ OJ C 235, 6.10.2007.