

3. Orders *Lucite International Ltd and Lucite International UK Ltd* to bear 90 % of their own costs and to pay 90 % of the costs incurred by the Commission;
4. Orders the Commission to bear 10 % of its own costs and to pay 10 % of the costs incurred by *Lucite International and Lucite International UK*.

(<sup>1</sup>) OJ C 237, 30.9.2006.

**Judgment of the General Court of 9 September 2011 —  
Evropaiki Dynamiki v Commission**

(Case T-232/06) (<sup>1</sup>)

**(Public service contracts — Tendering procedure — Provision of services for specification, development, maintenance and support of customs IT services relating to IT projects — Rejection of a tender — Award of the contract to another tenderer — Action for damages — Disregard of the procedural requirements — Inadmissibility — Action for annulment — Time allowed for the receipt of tenders — Time allowed for the submission of requests for information — Equal treatment — Manifest error of assessment)**

(2011/C 311/56)

Language of the case: English

**Parties**

*Applicant:* Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis and N. Keramidis, lawyers)

*Defendant:* European Commission (represented by: M. Wilderspin and E. Manhaeve, Agents)

**Re:**

APPLICATION for (i) annulment of the Commission's decision of 19 June 2006 not to select the tender submitted by the consortium formed by the applicant and other companies in connection with a call for tenders for specification, development, maintenance and support of customs IT services relating to IT projects 'CUST-DEV' and to award the contract to another tenderer and (ii) damages.

**Operative part of the judgment**

The Court:

- Dismisses the action;
- Orders Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE to bear its own costs and to pay those incurred by the European Commission.

(<sup>1</sup>) OJ C 261, 28.10.2006.

**Judgment of the General Court of 15 September 2011 —  
Koninklijke Grolsch v Commission**

(Case T-234/07) (<sup>1</sup>)

**(Competition — Agreements, decisions and concerted practices — Dutch beer market — Decision finding a single and continuous infringement of Article 81 EC — Applicant found to have participated in the infringement — Insufficient evidence — No proper statement of reasons)**

(2011/C 311/57)

Language of the case: Dutch

**Parties**

*Applicant:* Koninklijke Grolsch NV (Enschede, Netherlands) (represented by: M. Biesheuvel and J. de Pree, lawyers)

*Defendant:* European Commission (represented by: initially, A. Bouquet, S. Noë and A. Nijenhuis, Agents, and, subsequently, A. Bouquet and S. Noë, assisted by M. Slotboom, lawyer)

**Re:**

Application for annulment of Commission Decision C(2007) 1697 of 18 April 2007 relating to a proceeding under Article 81 [EC] (Case No COMP/B-2/37.766 — Dutch beer market) in so far as it concerns the applicant and, in the alternative, application for annulment or reduction of the fine imposed on the applicant.

**Operative part of the judgment**

The Court:

- Annuls Commission Decision C(2007) 1697 of 18 April 2007 relating to a proceeding under Article 81 [EC] (Case No COMP/B-2/37.766 — Dutch beer market) in so far as it concerns Koninklijke Grolsch NV;
- Orders the European Commission to pay the costs.

(<sup>1</sup>) OJ C 211, 8.9.2007.

**Judgment of the General Court of 9 September 2011 —  
France v Commission**

(Case T-257/07) (<sup>1</sup>)

**(Animal health — Regulation (EC) No 999/2001 — Protection against transmissible spongiform encephalopathies — Sheep and goats — Regulation (EC) No 746/2008 — Adoption of less restrictive eradication measures than those earlier prescribed — Precautionary principle)**

(2011/C 311/58)

Language of the case: French

**Parties**

*Applicant:* French Republic (represented initially by E. Belliard, G. de Bergues, R. Loosli-Surrans and A.-L. During, then by E. Belliard, G. de Bergues, R. Loosli-Surrans and B. Cabouat, agents)

*Defendant:* European Commission (represented by: M. Nolin, agent)

*Intervener in support of the defendant:* United Kingdom of Great Britain and Northern Ireland (represented initially by I. Rao and C. Gibbs, then by I. Rao and L. Seeboruth, and then by L. Seeboruth and F. Penlington, agents, and T. Ward, Barrister)

**Re:**

Annulment of Commission Regulation (EC) No 746/2008 of 17 June 2008 amending Annex VII to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ 2008 L 202, p. 11), in that it authorises less restrictive measures of surveillance and eradication than those earlier prescribed for sheep and goat herds.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders the French Republic to bear its own costs and to pay those of the European Commission in respect of the main proceedings and the proceedings for interim measures;
3. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs.

(<sup>1</sup>) OJ C 211, 8.9.2007.

**Judgment of the General Court (Sixth Chamber) of 14 September 2011 — Tegebauer v Parliament**

(Case T-308/07) (<sup>1</sup>)

**(Right to petition — Petition addressed to the Parliament — Decision to take no action — Action for annulment — Actionable measure — Admissibility — Obligation to state reasons)**

(2011/C 311/59)

*Language of the case: German*

**Parties**

*Applicant:* Ingo-Jens Tegebauer (Trier, Germany) (represented initially by R. Nieporte then by H.-B. Pfriem, lawyers)

*Defendant:* European Parliament (represented initially by H. Krück and M. Windisch, then by N. Lorenz and E. Waldherr, agents)

**Re:**

Annulment of the Decision of the Committee on Petitions of the European Parliament of 20 June 2007 to file and take no further action on the petition submitted by the applicant on 7 February 2007 (Petition No 95/2007).

**Operative part of the judgment**

*The Court:*

1. Annuls the Decision of the Committee on Petitions of the European Parliament of 20 June 2007 to file and take no further action on the petition submitted by Mr Ingo-Jens Tegebauer on 7 February 2007 (Petition No 95/2007);
2. Orders the European Parliament to bear its own costs and to pay the costs incurred by Mr Tegebauer.

(<sup>1</sup>) OJ C 269, 10.11.2007.

**Judgment of the General Court of 15 September 2011 — CMB and Christof v Commission**

(Case T-407/07) (<sup>1</sup>)

**(Public supply contracts — EAR procurement procedure — Supply of equipment for the treatment of medical waste — Rejection of the tender — Action for annulment — Jurisdiction of the General Court — Period allowed for commencing proceedings — Preliminary administrative complaint — Excusable error — Award criteria — Procedural rules — Obligation to state reasons — Principle of sound administration — Non-contractual liability)**

(2011/C 311/60)

*Language of the case: English*

**Parties**

*Applicants:* CMB Maschinenbau & Handels GmbH (Gratkorn, Austria) and J. Christof GmbH (Graz, Austria) (represented initially by A. Petsche, N. Niejahr, lawyers, F. Young, Solicitor, and Q. Azau, lawyer, and subsequently by A. Petsche, N. Niejahr and Q. Azau)

*Defendant:* European Commission, as the legal successor of the European Agency for Reconstruction (EAR) (represented by: P. van Nuffel, F. Erlbacher and T. Scharf, acting as Agents)

**Re:**

First, annulment of the decision of the European Agency for Reconstruction of 29 August 2007, rejecting the tender made by the applicants in response to an invitation to tender EuropeAid/124192/D/SUP/YU concerning the supply of equipment for medical waste management (OJ 2006 S 233 248826) and awarding the contract to another tenderer, and, second, application for damages

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;