

## GENERAL COURT

**Judgment of the General Court of 9 October 2012 — Italy  
v Commission**(Case T-426/08) <sup>(1)</sup>*(EAGGF — Guarantee Section — EAGF — Expenditure excluded from financing — Fruit and vegetables — Sugar — Processing of citrus fruits — Milk — Arable crops — Flat-rate financial correction — Proportionality — Obligation to state reasons — No error of assessment)*

(2012/C 366/52)

Language of the case: Italian

**Parties***Applicant:* Italian Republic (represented by: P. Gentili, agent)*Defendant:* European Commission (represented by: P. Rossi and F. Jimeno, agents)**Re:**

Application for annulment of Commission Decision 2008/582/EC of 8 July 2008 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and under the European Agricultural Guarantee Fund (EAGF) (OJ 2008 L 186, p. 39), in so far as it excludes from Community financing EUR 174 704 912,66 of expenditure incurred by the Italian Republic.

**Operative part of the judgment***The Court:*

1. *Dismisses the action;*
2. *Orders the Italian Republic to bear its own costs and those incurred by the European Commission.*

<sup>(1)</sup> OJ C 301, 22.11.2008.**Judgment of the General Court of 5 October 2012 —  
Evropaiki Dynamiki v Commission**(Case T-591/08) <sup>(1)</sup>*(Public service contracts — Tendering procedure — Provision of information technology services — Selection of the tenderer as second contractor in the cascade procedure — Action for annulment — Grounds for exclusion from the tendering procedure — Conflict of interests — Obligation to state the reasons on which the decision is based — Manifest error of assessment — Equal treatment — Non-contractual liability)*

(2012/C 366/53)

Language of the case: English

**Parties***Applicant:* Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis and P. Katsimani, lawyers)*Defendant:* European Commission (represented: initially by B. Simon and E. Manhaeve, acting as Agents, assisted by P. Wytinck, lawyer, and subsequently by E. Manhaeve, assisted by P. Wytinck and B. Hoorelbeke, lawyers)**Re:**

Application for (i) annulment of the Commission decisions of 17 October 2008 selecting the applicant's tender as second contractor in the cascade for Lots 2 and 3 under the call for tenders launched in the field of 'Statistical Information Technologies', concerning advisory and development services relating to the format for the exchange of statistical data and metadata (SDMX) (OJ 2008/S 120-159017), and of all further related decisions, including the decisions awarding the contract to other tenderers, and (ii) damages.

**Operative part of the judgment***The Court:*

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

<sup>(1)</sup> OJ C 82, 4.4.2009.