

## GENERAL COURT

### Judgment of the General Court of 30 April 2014 — Tisza Erőmű v Commission

(Case T-468/08) <sup>(1)</sup>

*(State aid — Aid awarded by the Hungarian authorities to certain electricity generators — Power purchase agreements concluded between a public undertaking and certain electricity generators — Decision declaring the State aid incompatible with the common market and ordering its recovery — Obligation to state reasons — Concept of State aid — Advantage — Selective nature — State resources — Imputability to the State — Effect on trade between Member States — Rights of the defence — Legal certainty — Legitimate expectations — Equal treatment — Proportionality — Misuse of powers — Article 10 of the Energy Charter Treaty)*

(2014/C 194/23)

Language of the case: English

#### Parties

*Applicant:* Tisza Erőmű kft, formerly AES-Tisza Erőmű kft (Tiszaújváros, Hungary) (represented initially by T. Ottervanger and E. Henny, lawyers, and subsequently by T. Ottervanger)

*Defendant:* European Commission (represented by: L. Flynn, N. Khan and K. Talabér-Ritz, acting as Agents)

#### Re:

Application for the annulment of Commission Decision 2009/609/EC of 4 June 2008 on the State aid C 41/05 awarded by Hungary through Power Purchase Agreements (OJ 2009 L 225, p. 53).

#### Operative part of the judgment

*The Court:*

- 1) Dismisses the action;
- 2) Orders Tisza Erőmű kft to pay the costs, including those incurred in the proceedings for interim measures.

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<sup>(1)</sup> OJ C 6, 10.1.2009.

### Judgment of the General Court of 30 April 2014 — Dunamenti Erőmű v Commission

(Case T-179/09) <sup>(1)</sup>

*(State aid — Aid awarded by the Hungarian authorities to certain electricity generators — Power purchase agreements concluded between a public undertaking and certain electricity generators — Decision declaring the State aid incompatible with the common market and ordering its recovery — Concept of State aid — Advantage — New aid — Operating aid — Legitimate expectations — Legal certainty)*

(2014/C 194/24)

Language of the case: English

#### Parties

*Applicant:* Dunamenti Erőmű Zrt. (Százhalombatta, Hungary) (represented by: initially J. Lever QC, A. Nourry, R. Griffith and S. Spence, Solicitors, and subsequently J. Philippe and F.-H. Boret, lawyers)

*Defendant:* European Commission (represented by: L. Flynn and K. Talabér-Ritz, Agents)

**Re:**

Application for, in essence, the annulment of Commission Decision 2009/609/EC of 4 June 2008 on the State aid C 41/05 awarded by Hungary through Power Purchase Agreements (OJ 2009 L 225, p. 53) and, in the alternative, the annulment of Articles 2 and 5 of that decision.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Dunamenti Erőmű Zrt. to bear its own costs and to pay those incurred by the European Commission.*

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<sup>(1)</sup> OJ C 167, 18.7.2009.

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**Judgment of the General Court of 30 April 2014 — Euris Consult v Parliament**

(Case T-637/11) <sup>(1)</sup>

*(Public service contracts — Tender procedure — Provision of translation services into Maltese — Rules relating to the procedure for the submission of tenders — Rejection of a tenderer's bid — Failure to comply with the rules on submission designed to ensure the confidentiality of the contents of tenders before opening — Plea of inapplicability — Proportionality — Equal treatment — Rights of the defence — Obligation to state reasons — Article 41 of the Charter of Fundamental Rights of the European Union — Article 98(1) of Regulation (EC, Euratom) No 1605/2002 — Article 143 of Regulation (EC, Euratom) No 2342/2002)*

(2014/C 194/25)

*Language of the case: English*

**Parties**

*Applicant:* Euris Consult Ltd (Floriana, Malta) (represented by: F. Moyse, lawyer)

*Defendant:* European Parliament (represented by: L. Darie and F. Poilvache, acting as Agents)

*Intervener in support of the defendant:* European Commission (represented by: R. Lyal and F. Dintilhac, acting as Agents)

**Re:**

Application for annulment of the decision of the Parliament of 18 October 2011 rejecting the tender submitted by the applicant in the context of the interinstitutional call for tenders MT/2011/EU, concerning translation services into Maltese

**Operative part of the judgment**

*The Court:*

- 1) *Dismisses the action;*
- 2) *Orders Euris Consult Ltd to pay the costs.*

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<sup>(1)</sup> OJ C 32, 4.2.2012.