

Appeal brought on 20 May 2010 by KEK Diavlos against the judgment delivered on 18 March 2010 in Case T-190/07 KEK Diavlos v European Commission

(Case C-251/10 P)

(2010/C 195/20)

Language of the case: Greek

Parties

Appellant: KEK Diavlos (represented by: D. Khatsimikhalis, Dikigoros)

Other party to the proceedings: European Commission

Form of order sought

The Court is asked to:

- uphold this action in its entirety;
- set aside, for the reasons set out in the appeal, the contested judgment of the General Court (Single Judge) of 18 March 2010 in Case T-190/07, uphold all the claims in the action brought by this company against Commission Decision E (2006) 465 final of 23 February 2006 and quash that decision, together with any other related act and/or decision of the Commission;
- order the defendant, the European Commission, to pay the costs and the fees of our lawyer in both sets of proceedings.

Pleas in law and main arguments

By its appeal of 20 May 2010, the company KEK Diavlos appeals against the judgment of the General Court (Single Judge) of 18 March 2010 in Case T-190/07, asking that it be set aside and all the claims in its action against Commission Decision E (2006) final of 23 February 2006 upheld and that that decision, together with any other related act and/or decision of the Commission, be quashed.

The appellant puts forward in summary the following grounds for setting aside the judgment:

First ground of appeal: by the contested judgment our action, together with all the arguments put forward, was dismissed in its entirety on erroneous and inadequate grounds, although it should have been upheld in its entirety, or otherwise in part. In particular, the contested judgment does not take any account at all of the argument, essential to the outcome of the case, that our company performed its contractual obligation to design a printed information publication, with a print-run of 1 000 copies (in each language), which would contain all the information required to prepare school children for the transition to the euro, publishing a related multi-sided information booklet (claims viii, ix and x). The contested judgment is also vitiated by a lack of reasoning as concerns its assessment in respect of the information brochures which we published to meet our contractual obligations.

Second ground of appeal: the contested judgment is vitiated by an infringement of the law, in particular Article 48 of the Rules of Procedure, inasmuch as it rejected our proposal to adduce supplementary evidence, in particular the additional time sought by our company at the hearing of the case in order to produce certain documents concerning the 'irregularities' alleged by the Commission and the question of the time at which the costs in question were entered into the company's books in order to be considered 'allowable' under the contract and annex II thereto.

Third ground of appeal: the contested judgment of the General Court (Single Judge) of 18 March 2010 wrongly ordered us to pay the Commission's costs whereas, in application of Article 87(3) of the Rules of Procedure, the costs should have been shared by the parties, or else we should have been ordered, as the unsuccessful party, to pay only part of the Commission's legal costs in view of the circumstances.

Action brought on 19 May 2010 — European Commission v Slovak Republic

(Case C-253/10)

(2010/C 195/21)

Language of the case: Slovak

Parties

Applicant: European Commission (represented by: A. Tokár and A. Marghelis, acting as Agents)

Defendant: Slovak Republic