

*Defendant:* European Commission (represented: initially by N. Bambara and E. Manhaeve, and subsequently by E. Manhaeve, acting as Agents, assisted by P. Wytinck and B. Hoorelbeke, lawyers)

## Re:

Application, first, for annulment of the Commission's decision of 21 November 2008 to reject the tender submitted by the applicant in the context of call for tenders REGIO-A4-2008-01 for the maintenance and development of the Directorate-General for Regional Policy's information systems (OJ 2008/S 117-155067) and the decision to award the contract to another tenderer and, secondly, for damages.

## Operative part of the judgment

*The Court:*

1. Dismisses the action;
2. Orders *Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE* to pay the costs.

<sup>(1)</sup> OJ C 90, 18.4.2009.

## Judgment of the General Court of 19 April 2012 — Würth and Fasteners v Council

(Case T-162/09) <sup>(1)</sup>

**(Actions for annulment — Dumping — No individual concern — Inadmissibility)**

(2012/C 165/28)

*Language of the case: German*

## Parties

*Applicants:* Adolf Würth GmbH & Co. KG (Künzelsau, Germany) and Arnold Fasteners (Shenyang) Co. Ltd (Shenyang, China) (represented by: M. Karl and M. Mayer, lawyers)

*Defendant:* Council of the European Union (represented by: initially J.-P. Hix, Agent, assisted by G. Berrisch and G. Wolf, lawyers, then J.-P. Hix and B. Driessen, Agents, assisted by G. Berrisch)

*Parties intervening in support of the defendant:* European Commission: (represented by: H. van Vliet and B. Martenczuk, Agent); and European Industrial Fasteners Institute AISBL (EIFI) (Brussels, Belgium) (represented by: initially J. Bourgeois, Y. van Gerven and E. Wåktare, then J. Bourgeois, lawyers)

## Re:

Application for annulment of Council Regulation (EC) No 91/2009 of 26 January 2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China (OJ 2009 L 29, p. 1).

## Operative part of the judgment

*The Court:*

1. Dismisses the action as inadmissible.
2. Orders *Adolf Würth GmbH & Co. KG and Arnold Fasteners (Shenyang) Co. Ltd* to bear their own costs and to pay those incurred by the Council of the European Union and by the European Industrial Fasteners Institute AISBL.
3. Order the European Commission to bear its own costs.

<sup>(1)</sup> OJ C 167, 18.07.2009.

## Judgment of the General Court of 27 April 2012 — De Nicola v EIB

(Case T-37/10) <sup>(1)</sup>

**(Appeal — Civil service — Staff of the EIB — Appraisal — Promotion — Appraisal and promotion in respect of 2006 — Decision of the Appeals Committee — Scope of the review — Sickness insurance — Refusal to bear medical costs — Claim for compensation)**

(2012/C 165/29)

*Language of the case: Italian*

## Parties

*Appellant:* Carlo De Nicola (Strassen, Luxembourg) (represented by: L. Isola, lawyer)

*Other party to the proceedings:* European Investment Bank (represented by: G. Nuvoli and F. Martin, acting as Agents, and A. Dal Ferro, lawyer)

## Re:

Appeal against the judgment of the European Union Civil Service Tribunal (First Chamber) of 30 November 2009 in Case F-55/08 *De Nicola v European Investment Bank*, not yet published in the ECR, seeking to have that judgment set aside.

## Operative part of the judgment

*The Court:*

1. Sets aside the judgment of the European Union Civil Service Tribunal (First Chamber) in Case F-55/08 *De Nicola v EIB* [2009], not yet published in the ECR, in so far as it dismisses, firstly, Mr Carlo De Nicola's claims seeking annulment of the decision of the Appeals Committee of the European Investment Bank (EIB); secondly, his claims seeking annulment of the decision to refuse his promotion for 2006 and all the acts connected with, consecutive and prior to that decision; and, thirdly, his claims seeking recognition of the liability of the EIB for the harassment of him which it carried out and seeking compensation for the losses alleged on that basis;
2. Dismisses the remainder of the appeal;

3. Refers the matter back to the Civil Service Tribunal;
4. Reserves the costs.

<sup>(1)</sup> OJ C 80, 27.3.2010.

**Judgment of the General Court of 24 April 2012 —  
Samskip Multimodal Container Logistics v Commission**

(Case T-166/10) <sup>(1)</sup>

*(Action for annulment — Decision awarding Community financial assistance to improve the environmental performance of the freight transport system — Marco Polo II programme — Termination of the grant agreement and definitive abandonment of the project — No longer any interest in bringing proceedings — No need to adjudicate)*

(2012/C 165/30)

Language of the case: English

**Parties**

**Applicant:** Samskip Multimodal Container Logistics BV ('s-Gravenzande, Netherlands) (represented by: K. Platteau, Y. Maasdam and P. Broers, lawyers)

**Defendant:** European Commission (represented by: K. Simonsson, Agent, assisted by J. Grayston and P. Gjørtler, lawyers)

**Re:**

APPLICATION for annulment of Commission Decision C(2010) 580 of 27 January 2010 on the financial assistance for proposals for actions submitted in the 2009 selection procedure in the European Union programme 'improving the environmental performance of the freight transport system' (the Marco Polo II programme), in so far as it selects Proposal TREN/B4/SUB/01-2009 MP-II/6 concerning the G2G@2XL project for funding in the amount of EUR 2 190 539.

**Operative part of the judgment**

The Court:

1. Declares that there is no longer any need to adjudicate on the present action;
2. Orders the European Commission to bear four fifths of the costs of Samskip Multimodal Container Logistics BV and four fifths of its own costs;
3. Orders Samskip Multimodal Container Logistics to bear one fifth of the Commission's costs and one fifth of its own costs.

<sup>(1)</sup> OJ C 209, 31.7.2010.

**Judgment of the General Court of 25 April 2012 —  
Manufacturing Support & Procurement Kala Naft v Council**

(Case T-509/10) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures against the Islamic Republic of Iran with the aim of preventing nuclear proliferation — Freezing assets — Action for annulment — Admissibility — Power of the Council — Misuse of power — Entry into force — Non-retroactivity — Obligation to state the reasons on which the decision is based — Rights of the defence — Right to effective judicial protection — Error of law — Concept of support for nuclear proliferation — Error of assessment)*

(2012/C 165/31)

Language of the case: French

**Parties**

**Applicant:** Manufacturing Support & Procurement Kala Naft Co., Tehran (Tehran, Iran) (represented by: F. Esclatine and S. Perrotet, lawyers)

**Defendant:** Council of the European Union (represented by: M. Bishop and R. Liudvinaviciute-Cordeiro, Agents)

**Intervener in support of the defendant:** European Commission (represented by: M. Konstantinidis and É. Cujo, Agents)

**Re:**

Application for annulment of Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39), Council implementing Regulation (EU) No 668/2010 of 26 July 2010 implementing Article 7(2) of Regulation (EC) No 423/2007 concerning restrictive measures against Iran (OJ 2010 L 195, p. 25), Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413/CFSP concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 281, p. 81) and Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007 (OJ 2010 L 281, p. 1), in so far as those acts concern the applicant.

**Operative part of the judgment**

The Court:

1. Declares that it does not have jurisdiction to give a ruling on the second part of the first plea;
2. Annuls, as far as they concern Manufacturing Support & Procurement Kala Naft Co. Tehran:

— Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP