

GENERAL COURT

Judgment of the General Court of 4 February 2016 — Heitkamp BauHolding v Commission

(Case T-287/11) ⁽¹⁾

(State aid — German tax legislation concerning loss carry-forward to future tax years (Sanierungsklausel) — Decision declaring the aid incompatible with the internal market — Action for annulment — Individual concern — Admissibility — Concept of State aid — Selectivity — Nature and general scheme of the tax system)

(2016/C 098/34)

Language of the case: German

Parties

Applicant: Heitkamp BauHolding GmbH (Herne, Germany) (represented initially by W. Niemann, M. Kiera-Nöllen and S. Geringhoff, and subsequently by W. Niemann, S. Geringhoff and P. Dodos, lawyers)

Defendant: European Commission (represented initially by R. Lyal, T. Maxian Rusche and M. Adam, and subsequently by R. Lyal, T. Maxian Rusche and C. Egerer, acting as Agents)

Intervener in support of the applicant: Federal Republic of Germany (represented by: T. Henze and K. Petersen, acting as Agents)

Re:

Application for annulment of Commission Decision 2011/527/EU of 26 January 2011 on State aid C 7/10 (ex CP 250/09 and NN 5/10) implemented by Germany — Scheme for the carry-forward of tax losses in the case of restructuring of companies in difficulty (Sanierungsklausel) (OJ 2011 L 235, p. 26).

Operative part of the judgment

The Court:

1. Rejects the objection of inadmissibility;
2. Dismisses the action as unfounded;
3. Orders Heitkamp BauHolding GmbH to bear its own costs and to pay two thirds of the European Commission's costs, and orders the Commission to bear one third of its own costs;
4. Orders the Federal Republic of Germany to bear its own costs.

⁽¹⁾ OJ C 238, 13.8.2011.

Judgment of the General Court of 28 January 2016 — Slovenia v Commission

(Case T-507/12) ⁽¹⁾

(State aid — Manufacture of leisure equipment — Restructuring aid — Decision declaring the aid to be incompatible with the internal market and ordering its recovery — Obligation to state reasons — Whether imputable to the State — Private investor test)

(2016/C 098/35)

Language of the case: Slovenian

Parties

Applicant: Republic of Slovenia (represented by: V. Klemenc and A. Grum, acting as Agents)

Defendant: European Commission (represented by: É. Gippini Fournier, T. Maxian Rusche, M. Kocjan and B. Rous Demiri, acting as Agents, assisted initially by M. Ulčar and M. Ménard, and subsequently by M. Ménard, P. Božičko and A. Krošel, lawyers)

Re:

Application for annulment of Commission Decision 2014/273/EU of 19 September 2012 on the measures SA.26379 (C 13/10) (ex NN 17/10) implemented by Slovenia in favour of Elan d.o.o. (OJ 2014 L 144, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Republic of Slovenia to pay the costs, including those incurred in the proceedings for interim measures.

⁽¹⁾ OJ C 32, 2.2.2013.

Judgment of the General Court of 28 January 2016 — Zafeiropoulos v Cedefop

(Case T-537/12) ⁽¹⁾

(Public service contracts — Tendering procedure — Provision of medical services for the benefit of Cedefop staff — Rejection of the bid of one tenderer and award of the contract to another tenderer — Refusal to allow access to certain documents concerning other tenderers who participated in the tendering procedure — Obligation to state reasons — Protection of commercial interests and reputation — Personal data protection — Protection of the decision-making process — Non-contractual liability)

(2016/C 098/36)

Language of the case: Greek

Parties

Applicant: Panteleimon Zafeiropoulos (Thessaloniki, Greece) (represented by: M. Kontogiorgos, lawyer)

Defendant: European Centre for the Development of Vocational Training (Cedefop) (represented by: M. Fuchs, acting as Agent, assisted initially by E. Petritsi and subsequently by P. Anestis, lawyers)

Re:

Application, first, for annulment of (i) the decision of Cedefop of 8 October 2012 rejecting the tender submitted by the applicant in response to the contract notice of 19 June 2012 published in the *Supplement to the Official Journal of the European Union* (OJ 2012/S 115-189528) concerning the provision of medical services to Cedefop staff in Thessaloniki (Greece); (ii) the decision of Cedefop of 9 October 2012 awarding the contract set out in that contract notice to a tenderer other than the applicant; and (iii) the decision of Cedefop rejecting the applicant's request for access to certain documents relating to the contract award procedure; and, secondly, for compensation for the harm suffered by the applicant as a result of the infringements allegedly committed by Cedefop.