

— providing reasoning which contained substantive inaccuracies and by misreading the language criterion referred to in Article 45(1) of the Staff Regulations (see paragraphs 50 and 51 of the judgment under appeal)

2. Second plea in law, alleging that the Civil Service Tribunal, when examining the second plea in law claiming infringement of Article 59(1) of the Staff Regulations and failure to observe the non-discrimination principle, reached a conclusion lacking all legal foundation, in so far as it rejected the second plea as ineffective because the first plea had not been established, whereas it made several errors of law in concluding that the first plea in law was not established (paragraphs 59 and 60 of the judgment under appeal).

Action brought on 7 March 2012 — Spain v Commission

(Case T-109/12)

(2012/C 126/44)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: A. Rubio González)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— Annul Commission Decision C(2011) 9992 of 22 December 2011 reducing the assistance from the Cohesion Fund granted to the following projects: 'Measures to be undertaken to implement the 2nd phase of the master plan for urban solid waste management in the Autonomous Community of Extremadura' (CCI No 2000.ES.16.C.PE.020); Outfall: 'Middle basin, Getafe and lower basin of the Arroyo del Culebro (Tagus basin-Wastewater drainage)' (CCI No 2002.ES.16.C.PE.002); 'Re-use of treated water for the irrigation of green spaces in Santa Cruz de Tenerife' (CCI No 2003.ES.16.C.PE.003) and 'Technical assistance for the study and drafting of the project to supply water to the Mancomunidad de Algodor and to increase that supply' (CCI No 2002.ES.16.C.PE.040);

— order the European Commission to pay the costs.

Pleas in law and main arguments

In support of its action, the applicant relies on five pleas in law.

1. First plea in law, alleging infringement of Article 18(3) of Commission Regulation (EC) No 1386/2002 of 29 July

2002 laying down detailed rules for the implementation of Council Regulation (EC) No 1164/94 as regards the management and control systems for assistance granted from the Cohesion Fund and the procedure for making financial corrections,⁽¹⁾ since more than three months elapsed between the date of the hearing and the decision.

2. Second plea in law, alleging infringement of Article H of Annex II of Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund,⁽²⁾ since the procedure laid down in that article was applied without the necessary verifications having been completed.

3. Third plea in law, alleging infringement of Article H of Annex II of Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund, on the ground that there was a lack of verification to refute the end-of-project declarations.

4. Fourth plea in law, alleging infringement of Article H of Annex II of Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund, since it has not been established that there were irregularities.

5. Fifth plea in law, alleging failure to observe the principle of the protection of legitimate expectations, in relation to Project CCI No 2000.ES. 16.C PE.020, since the Commission applied to that project criteria from a document (the guidelines for determining financial corrections for public procurement, presented to the Member States at the Coordination Committee of the Funds of 28 November 2007) which was not made public until some 29 months after the Spanish authorities had submitted the documents for the final balance.

⁽¹⁾ OJ 2002 L 201, p. 5.

⁽²⁾ OJ 1994 L 130 p. 1, amended by Council Regulation (EC) No 1264/1999 of 21 June 1999 (OJ 1999 L 161, p. 57).

Action brought on 27 February 2012 — Iranian Offshore Engineering & Construction v Council

(Case T-110/12)

(2012/C 126/45)

Language of the case: Spanish

Parties

Applicant: Iranian Offshore Engineering & Construction Co. (Tehran, Iran) (represented by: J. Viñals Camallonga, L. Barriola Urruticoechea and J. Iriarte Ángel, lawyers)

Defendant: Council of the European Union