

**Re:**

Application based on Article 270 TFEU and seeking annulment of the Council's decision of 22 June 2016, by which the appointing authority of that institution refused to recognise that the applicant's granddaughter was a 'dependent child' of the applicant within the meaning of the third sentence of Article 2(2) of Annex VII to the Staff Regulations of Officials of the European Union.

**Operative part of the judgment**

*The Court hereby:*

1. *Dismisses the action;*
2. *Orders SE to pay the costs.*

---

<sup>(1)</sup> OJ C 213, 3.7.2017.

---

**Action brought on 7 December 2017 — Intercontact Budapest v CdT**

**(Case T-809/17)**

(2018/C 072/48)

*Language of the case: Hungarian*

**Parties**

*Applicant:* Intercontact Budapest Fordító és Pénzügyi Tanácsadó Kft. (Budapest, Hungary) (represented by: É. Subasicz, lawyer)

*Defendant:* Translation Centre for the Bodies of the European Union (CdT)

**Form of order sought**

The applicant claims that the Court should:

- Primarily, declare whether the points awarded to each tenderer are accurate on the basis of the comparison of the bids submitted and whether they comply with the principles of equal treatment, non-discrimination, proportionality and transparency.
- In the alternative, annul the defendant's decision of 10 July 2017 concerning the result of the public procurement procedures FL/GEN 16-01 and FL/GEN 16-02.
- In the further alternative, annul the public procurement procedures.
- Order the defendant to pay the costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging infringement of the principles of equal treatment, non-discrimination, proportionality and transparency, inasmuch as the defendant applied different approaches to the tenderers in the public procurement procedures, in that it assessed identical activities differently in each procedure. <sup>(1)</sup>
2. Second plea in law, alleging that the defendant misused its powers by not sending the applicant the information required in the public procurement procedures. <sup>(2)</sup>

3. Third plea in law, alleging infringement of the transparency of public procurement procedures, inasmuch as the defendant only published the result of the procedure in the *Official Journal* out of time and without including all the information prescribed by the EU Directive. <sup>(3)</sup>
4. Fourth plea in law alleging that the defendant infringed the Directive on public procurement by failing to give notice of the time limit for review, thus limiting the possibility of review. <sup>(4)</sup>

<sup>(1)</sup> Recitals 1 and 90 of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ 2014 L 94, p. 65).

<sup>(2)</sup> Article 113 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ 2012 L 298, p. 1).

<sup>(3)</sup> Article 50 of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ 2014 L 94, p. 65).

<sup>(4)</sup> Annex V, Part D (point 16) of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ 2014 L 94, p. 65).

## Action brought on 14 December 2017 — Luxembourg v Commission

(Case T-816/17)

(2018/C 072/49)

*Language of the case: French*

### Parties

*Applicant:* Grand Duchy of Luxembourg (represented by: D. Holderer, acting as Agent, and D. Waelbroeck and A. Steichen, lawyers)

*Defendant:* European Commission

### Form of order sought

The applicant claims that the Court should:

- declare the present action admissible and well founded;
- principally, annul the Commission Decision of 4 October 2017 relating to State aid SA.38944 allegedly granted by Luxembourg to Amazon;
- alternatively, annul the Commission Decision of 4 October 2017 relating to State aid SA.38944 allegedly granted by Luxembourg to Amazon to the extent that it orders recovery of the aid;
- order the Commission to pay the costs.

### Pleas in law and main arguments

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

1. First plea in law, which is divided into three parts, alleging infringement of Article 107 TFEU in that the Commission has failed to establish the existence of an advantage in favour of Amazon EU S.à r.l. ('LuxOpCo').
  - First part, alleging that the application of the tax ruling and its renewal in 2011 did not lead to any advantage being granted inasmuch as the royalty fee that a third party would have paid for a licence for intangible assets would have been greater than the fee paid by LuxOpCo to Amazon Europe Holding Technologies SCS ('LuxSCS') under the licence agreement. The applicant maintains that the Commission Decision of 4 October 2017 relating to State aid SA.38944 allegedly granted by Luxembourg to Amazon ('the contested decision') erred in finding that the royalty fee actually paid by LuxOpCo differs from the arm's-length price.