

## 3. Third plea in law, alleging

- that the contested Regulation is inadequately reasoned, contrary to Article 296 TFEU.

**Action brought on 5 July 2011 — Diadikasia Symbouloi Epicheiriseon/Commission and others**

(Case T-369/11)

(2011/C 282/59)

*Language of the case: English***Parties**

*Applicant:* Diadikasia Symbouloi Epicheiriseon AE (Chalandri, Greece) (represented by: A. Krystallidis, lawyer)

*Defendants:* European Commission; EU Delegation to Turkey (Ankara, Turkey); and Central Finance & Contracts Unit (CFCU) (Ankara)

**Form of order sought**

- Make good damages caused to the applicant by the allegedly unlawful decision of one of the defendants (EU Delegation to Turkey) of 5 April 2011 (and any subsequent one) cancelling the award of tender: Enlargement of the European Turkish Business Centres Network to Sivas, Antakya, Batman and Van — Europe Aid/128621/D/SER/TR to the Consortium<sup>(1)</sup> due to allegedly made a 'false declaration';
- Order the defendants to pay the costs.

**Pleas in law and main arguments**

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

## 1. First plea in law, alleging

- that the defendants frustrated its legitimate expectations, acting in violation of Article 10 of the European Code of Good Administrative Behaviour, by unexpectedly cancelling the decision to award the project in question to the Consortium on the ground of the allegedly made a 'false declaration';

## 2. Second plea in law, alleging

- that the defendants infringed the general principle of legal certainty and the provisions of article 4 of the European Code of Good Administrative Behaviour, by accusing the applicant of having made a false declaration, without previously identifying any of the documents submitted as falsified;

## 3. Third plea in law, alleging

- that the defendants violated its right to be heard by not informing the applicant about their intention to cancel the award, contrary to article 16 of the Code of Good Administrative Behaviour;

## 4. Fourth plea in law, alleging

- that the defendants failed to provide reasoned statement as regards which documents had allegedly been falsified by the applicant, contrary to article 18 of the Code of Good Administrative Behaviour;

## 5. Fifth plea in law, alleging

- that the defendants failed to inform the applicant of the available actions in law to challenge the decision taken against it, contrary to articles 11 and 19 of the Code of Good Administrative Behaviour;

## 6. Sixth plea in law, alleging

- that the defendants acted in abuse of their discretion to decide upon the facts presented before them and hence exceeded the limits of their powers in that the reasons put forward by the contracting authority could have had only be applied to disqualify an offer during the tendering procedure, as not complying with the evaluation criteria, and not once the award had actually been made.

<sup>(1)</sup> 'DIADIKASIA BUSINESS CONSULTANTS S.A. (GR) — WYG INTERNATIONAL LTD (UK) — DELEEUW INTERNATIONAL LTD (TR) — CYBERPARK (TR)'

**Action brought on 15 July 2011 — Palirria Souliotis v Commission**

(Case T-380/11)

(2011/C 282/60)

*Language of the case: English***Parties**

*Applicant:* Anonymi Viotechniki kai Emporiki Etairia Kataskevis Konservon — Palirria Souliotis AE (Psacha, Greece) (represented by: S. Pappas, lawyer)

*Defendant:* European Commission

**Form of order sought**

- Annul Commission Implementing Regulation (EU) No 447/2011 of 6 May 2011 concerning the classification of certain goods in the Combined Nomenclature (OJ 2011 L 122, p. 63); and
- Order the Commission to bear the costs of the proceedings.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the Commission infringed an essential procedural requirement as it failed to properly consult the Nomenclature Committee. In addition, the Commission failed to address the opinion submitted by the applicant.