

Judgment of the General Court of 14 July 2016 — Germany v Commission(Case T-143/12) ⁽¹⁾

(State aid — Postal sector — Financing of the additional labour and social costs relating to some of the staff of Deutsche Post by means of subsidies and revenue generated by the remuneration for price-regulated services — Decision declaring the aid incompatible with the internal market — Concept of advantage — ‘Combus’ judgment — Demonstration of the existence of an economic and selective advantage — No such advantage)

(2016/C 314/24)

Language of the case: German

Parties

Applicant: Federal Republic of Germany (represented by: initially T. Henze and K. Petersen, and subsequently T. Henze and K. Stranz, acting as Agents, and U. Soltész, lawyer)

Defendant: European Commission (represented by: D. Grespan, T. Maxian Rusche and R. Sauer, acting as Agents)

Re:

Application based on Article 263 TFEU seeking the annulment of Articles 1 and 4 to 6 of Commission Decision 2012/636/EU of 25 January 2012 on Measure C 36/07 (ex NN 25/07) implemented by Germany for Deutsche Post AG (OJ 2012 L 289, p. 1).

Operative part of the judgment

The Court:

1. Annuls Articles 1 and 4 to 6 of Commission Decision 2012/636/EU of 25 January 2012 on Measure C 36/07 (ex NN 25/07) implemented by Germany for Deutsche Post AG;
2. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 165, 9.6.2012.

Judgment of the General Court of 14 July 2016 — Alesa v Commission(Case T-99/14) ⁽¹⁾

(Public services contracts — Tendering procedure — Supply of technical assistance to the Chinese authorities for the purposes of the project ‘Sustainable urbanisation project — Link between the eco-cities of Europe and China (EC LINK)’ — Negotiated procedure — Article 266(1) of Delegated Regulation (EU) No 1268/2012 — Transparency — Equal treatment — Non-contractual liability)

(2016/C 314/25)

Language of the case: Italian

Parties

Applicant: Alesa Srl (Chieti, Italy) (represented by: N. Giampaolo, lawyer)

Defendant: European Commission (represented by: F. Erlbacher and A. Aresu, acting as Agents)

Re:

First, an application based on Article 263 TFEU and seeking annulment of the Commission decision, published in the Supplement to the Official Journal of the European Union (OJ 2013/S 234 405244), to award the public contract DCI-ASIA/2013/329-453, relating to the supply of technical assistance to the project 'Sustainable urbanisation project — Link between the eco-cities of Europe and China (EC LINK)' to a tenderer other than the applicant, secondly, an application based on Article 268 TFEU and seeking compensation for damage which the applicant allegedly suffered and, thirdly, an application based on Article 277 TFEU and requesting the General Court to assess 'the lawfulness/unlawfulness and applicability/inapplicability' of Article 266 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ 2012 L 362, p. 1), and of point 2.4.13 of the Practical Guide to contract procedures for European Union external actions.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 102, 7.4.2014.

Judgment of the General Court of 18 July 2016 — Argus Security Projects v Commission

(Case T-266/14) ⁽¹⁾

(Public service contracts — Supply of security services as part of the European Union Integrated Border Management Assistance Mission in Libya — Rejection of tender submitted by a tenderer and award of the contract to another tenderer — Obligation to state reasons)

(2016/C 314/26)

Language of the case: French

Parties

Applicant: Argus Security Projects Ltd (Limassol, Cyprus) (represented by: T. Bontinck and E. van Nuffel d'Heynsbroeck, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre and D. Gauci, acting as Agents)

Re:

Application based on Article 263 TFEU and seeking annulment of the decision of the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) not to accept the tender submitted by the applicant for the award, by means of a competitive negotiated procedure, of the contract relating to security services in the context of the EUBAM Libya for an integrated management of the borders in Libya (EUBAM-13-020 contract) and to award the contract to Garda World Ltd.

Operative part of the judgment

The Court:

1. *Annuls the decision of the European Union Assistance Mission (EUBAM Libya) not to accept the tender submitted by the applicant for the award, by means of a competitive negotiated procedure, of the contract relating to security services in the context of the EUBAM Libya for an integrated management of the borders in Libya (EUBAM-13-020 contract) and to award the contract to Garda World Ltd;*
2. *Orders the European Commission to pay the costs.*

⁽¹⁾ OJ C 245, 28.7.2014.