



Council of the
European Union

Brussels, 9 March 2015
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RELEX 196
PESC 254
CONOP 16

INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)
Subject: Case before the Court of Justice:
- Case C-439/13 P Elitaliana SpA v. Eulex Kosovo

1. By an appeal notified to the Council on 11 February 2015, the Appellant (Elitaliana SpA) is seeking to set aside the judgment of the General Court of 4 June 2013 in Case T-213/12, insofar as it rejected the applicant's action seeking the annulment of the measures adopted by EULEX Kosovo in the context of the award to another tenderer of the public contract "Helicopter Support to the EULEX Mission in Kosovo" and any other connected measure; order EULEX Kosovo to pay compensation for the loss suffered as a result of the failure to award that contract to the applicant; order EULEX Kosovo to pay the costs.

2. By Order of 10 February 2015, the Court of Justice asked the Council, which is not party to the case, as well as the Commission, to supply some information which the Court considers necessary for the proceedings, according to Article 24(2) of the Statute of the Court. The Court would like to receive in writing the Council's point of view on whether the General Court and the Court of Justice are competent on the matter, taking into consideration the provisions on foreign policy and security of the TEU and those of Article 275 TFUE. The Council and the Commission have also been invited to participate to the hearing to be held on 25 March.

3. The Director-General of the Council Legal Service has appointed Mr. Alessandro VITRO and Mr. Frederik NAERT, legal advisors in the Council Legal Service, as the Council's agents in this case.