

Table 7.9.

CJEU Case Law

Proportionality

Pursuant to Article 52(1) of the Treaty on European Union, the European Union institutions and bodies, and the Member States, shall respect the principles of proportionality, non-discrimination and equality of treatment, and shall not exceed the limits of their powers and functions which have been conferred on them by the Treaties.	
1.	<p>Following a hearing, the European Court of Justice has ruled that the European Commission has exceeded its powers under Article 17(1) of the Treaty on European Union by failing to take into account the principles of proportionality and non-discrimination when it issued a decision on the award of a contract for the supply of 100,000 tonnes of sugar to the European Union.</p> <p>Key facts:</p> <ul style="list-style-type: none"> 1. The European Commission issued a decision on 12 January 2011 awarding a contract for the supply of 100,000 tonnes of sugar to the European Union to a company called 'Euro-Sugar'. 2. The European Commission had issued a call for tenders for the supply of 100,000 tonnes of sugar to the European Union. 3. The European Commission had received 10 tenders. 4. The European Commission had evaluated the tenders. 5. The European Commission had awarded the contract to Euro-Sugar. <p>Key issues:</p> <ul style="list-style-type: none"> 1. Did the European Commission exceed its powers by failing to take into account the principles of proportionality and non-discrimination when it issued the decision? 2. Did the European Commission exceed its powers by failing to take into account the principles of proportionality and non-discrimination when it issued the decision? 3. Did the European Commission exceed its powers by failing to take into account the principles of proportionality and non-discrimination when it issued the decision? 4. Did the European Commission exceed its powers by failing to take into account the principles of proportionality and non-discrimination when it issued the decision? 5. Did the European Commission exceed its powers by failing to take into account the principles of proportionality and non-discrimination when it issued the decision?
2.	<p>The European Commission issued a decision on 12 January 2011 awarding a contract for the supply of 100,000 tonnes of sugar to the European Union to a company called 'Euro-Sugar'.</p> <p>Key facts:</p> <ul style="list-style-type: none"> 1. The European Commission issued a decision on 12 January 2011 awarding a contract for the supply of 100,000 tonnes of sugar to the European Union to a company called 'Euro-Sugar'. 2. The European Commission had issued a call for tenders for the supply of 100,000 tonnes of sugar to the European Union. 3. The European Commission had received 10 tenders. 4. The European Commission had evaluated the tenders. 5. The European Commission had awarded the contract to Euro-Sugar. <p>Key issues:</p> <ul style="list-style-type: none"> 1. Did the European Commission exceed its powers by failing to take into account the principles of proportionality and non-discrimination when it issued the decision? 2. Did the European Commission exceed its powers by failing to take into account the principles of proportionality and non-discrimination when it issued the decision? 3. Did the European Commission exceed its powers by failing to take into account the principles of proportionality and non-discrimination when it issued the decision? 4. Did the European Commission exceed its powers by failing to take into account the principles of proportionality and non-discrimination when it issued the decision? 5. Did the European Commission exceed its powers by failing to take into account the principles of proportionality and non-discrimination when it issued the decision?
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