MALTA

QORTI TA' L-APPELL

ONOR. IMHALLEF

EDWINA GRIMA

Seduta tad-29 ta' April, 2015

Appell Civili Numru. 54/2012

V.J.SALOMONE PHARMA LIMITED

Vs

(1) DIRETTUR TAD-DIPARTIMENT TAL-KUNTRATTI

(2) CHERUBINO LIMITED (C3677)

(3) BORD TA' REVIZJONI DWAR IL-KUNTRATTI PUBBLICI

(4) BORD TA' EVALWAZZJONI

(5) DIRETTUR TAL-GOVERNMENT HEALTH PROCUREMENT SERVICES ghal kull interess li jista' jkollu.

Il-Qorti,

Rat id-decizjoni moghtija mill-Bord ta' Revizjoni Dwar il-Kuntratti Pubblici fl-14 ta' Novembru 2012, fejn giet ipprounzjata is-segwenti decizjoni fl-ismijiet premessi:-

"*This Board,*

- *having noted that the appellants, in terms of their 'letter of objection' dated 22nd December 2011 and also through their verbal submissions presented during the hearing held on the 11th May 2012, had objected to the decision taken by the pertinent authorities;*

- *having noted all of the appellant company's representative's claims and observations, particularly, the references made to the fact that (a) by letter dated 16th December 2011, the Government Health Procurement Services decided to cancel the tendering procedure in the case 410/11 whereas in the case of 928/11 the appellant company was disqualified for not offering Neoral and the tender awarded to V J Salomone Pharma Ltd as per letter dated 28 March 2012, (b) as per technical specifications, namely 'Cyclosporine 100 mg soft gelatine capsules in a microemulsified formulation (Neoral ®, Novartis). The capsules should be presented in blister packs. Pertinent storage conditions are to be clearly indicated on the label of the outer pack. Evidence of Bioequivalence with the Originator product is to be submitted in those cases where product being offered is a Generic one. The supplier is to ensure that evidence is based on the best scientific state of the art technique.', (c) this call for tenders, apart from the originator product, was open also to generic products, (d) two bidders participated in this tendering procedure, namely VJ Salomone Pharma Ltd with the originator product, and the appellant company, Cherubino Ltd, with the generic product, (e) the appellant company was not disqualified because the company had provided what was requested, including the evidence of bioequivalence, (f) with regard to the price, naturally, the generic product turned out to be cheaper than the originator product, (g) the reason given by the contracting authority for cancellation of the tender read as follows, namely 'Cannot confirm whether product offered is compliant with specifications vis-à-vis bioavailability clause since as per section 4.2 of SPC submitted, it is stated that 'patients should not be transferred to or from other oral formulations of Cicloporin without appropriate close monitoring…' and ' … that substitution of Deximune capsules for other formulation may lead to alterations in cicplosporin blood vessels'. Also, as per Clinical Section (user) comments on product and on information submitted by agent , a review of specifications is being recommended', (h) albeit the appellant's company's SPC, namely the instructions booklet for the user, among other things, correctly stated that "patients should not be transferred to or from other oral formulations of Cicloporin without appropriate close monitoring…", yet that was a normal procedure when shifting from one type of medicine to another and, as a result, if that was the reason for cancellation then one had to ask as to why one would issue a call for tenders when the contracting authority was after one specific product?, (i) although the*

literature accompanying the originator product stated that patients who are administered this medicine should not be transferred to any other formulation without proper monitoring, yet that was not to apply in the case of conversion between two particular products of Neoral itself since they were bioequivalent, (j) the originator itself was indicating that, in the case of bioequivalence, there was no need or monitoring, (k) the originator product was more expensive because it had to pay the research firm which came up with this formulation , (l) the contracting authority was not justified to cancel the tender, (m) in the light of the above, the contracting authority was being called to explain the tender cancellation, (n) in the absence of oral evidence by the clinicians, then the Public Contracts Review board had to rest, on the documentary evidence presented by the appellant company's generic product was supported by evidence of bioequivalence, (o) alleged that the Esprit Group was partly funded by Novartis which was a competitor of Deximune and pointed out that the Public Contracts Review board had the right to nominate its own experts, (p) contended that, apparently, the adjudicating board passed on the responsibly t of the technical decision onto the clinicians who were not present to explain their stand, (q) offered to bring experts from abroad to advice on this matter and pledged that if it would turn out that the appellant company's product was unsafe then the appellant company would refuse to deal with this product and (r) on the 5th August 2011 another tender had been issued for the supply of the same medicine but with a different dosage, 25 mg, which contained the condition requesting bioequivalence and, once again, the appellant company was excluded because the contracting authority could not determine the aspect of bioequivalence;

- *Having considered the contracting authority's respresentatives' reference to the fact that (a) there was nothing wrong with the appellant company's tender submission as such that the reason for cancellation was that the contracting authority felt the need to change the tender specifications on the advice of the clinicians, namely the end users of this drug, (b) the tender document was drawn up by the Government Health Procurement Services' in consultation with the Department of Pharmaceutical Affair, (c) during the technical evaluation, the adjudicating board came across the bioequivalence evidence in respect of the appellant company's product and the need was felt for one to seek the advice of the clinicians who attended to and followed up transplant operations, on whether the product met the tender specifications, (d) for this purpose he wrote to the clinical pharmacist, Ms Clarissa Captur who, in turn, communicated to the adjudicating board by email on the 26th August 2011, after having consulted with the experts, including the Lead Clinician Nephrology that "The following are the reasons why Deximune should not be procured and the specifications of ciclosporin altered by removing the following clause from any ciclosporin specification", (e) from the clinical point of view, after consultation with the Chief Pharmacist (Ms Josette Sciberras) and the Transplant Renal Physicians (including Dr. Emanuel Farrugia, Lead Clinician Nephrology), it was unanimously agreed to stick to one brand of ciclosporin, namely, the Neoral brand, (f) the same has been done to the specifications of tacrolimus (same drug class as that of ciclosporin) where all its specifications were altered by DPPM to include the brand Prograf and (g) albeit, Cherubino Ltd did submit evidence of*

bioequivalence which the adjudicating board members, made up of three pharmacists, read, yet they feel that they were not competent enough to deliberate on them and, as a consequence, the board sent the relevant documentation for the advice of the clinicians at Mater Dei Hospital.

- *having considered the other interested party's representative's reference to the fact that (a) there were exceptional circumstances when the contracting authority could issue technical specification which mention products of a specific make or source so much so that Reg. 46(6) of LN 296 of 2010, (b) one had to appreciate that this particular drug was administered to patients who underwent a transplant operation, and as a consequence, it had a great bearing on the success or failure of the operation and for the patient it could be a matter of life or death, (c) the clinicians advised against the use of the generic drug and, as a result, it would be appropriate for one to obtain expert advice on this matter because, contrary to what was being claimed by the appellant company, the originator (Neoral) and the generic (Deximune) products could not be lightly used interchangeably and (d) notwithstanding the evidence of bioequivalence presented by the appellant company, the fact was that patients that shifted from one formulation to another would have to be subject to appropriate close monitoring,*

- *having gone through the following administrative 'iter' to enable the Board to obtain an independent, international professional advice, namely:*

    - *Contacted a pharmacological expert based in Aberdeen Scotland – 14.05.2012*
    - *Expert placed this Board in touch with Dr. Rachel Knott from the Robert Gordon University-15.5.2012-who showed interest and requested further information*
    - *Received confirmation from Dr. Knott that Dr Yash Kumarasamy, a Clinical Pharmacoloy Senior Lecturer, at the Robert Gordon University was interested -22.06.2012.*
    - *Contract finalised for signature 20.07.2012*
    - *Prof Anne Humphrey from the Robert Gordon University informed the Board on the 23.07.2012 that Dr. Yash Kumarasamy passed away*
    - *Prof Cherry Wainwright, Robert Gordon University, informed the Board that it was not possible to assign anyone else from the University – 26.07.2012*
    - *Proof Susan Klein, Robert Gordon University, proposed Dr Peter Mullen who had been confirmed by Ms Hazel O'Mullen that he is a member of the British Pharmacological Society – 07.08.2012*
    - *Negotiations started with Peter W. Mullen, PhD, FCSFS, consultant Pharmacologist/Toxicologist, Kemic Bioresearch Laboratories Limited, Kentville, Nova Scotia, Canada and were concluded on the 15.09.2012*

- *A report was submitted by Dr Peter Mullen on 3rd November 2012*

- *Having gone through Dr. Mullen's detailed report;*

This Board concludes that "Deximune is bioequivalent to Neoral" as according to its appointed arbitrary professional consultant on subject matter, Peter W. Mullen, PhD, FCSFS, Consultant Pharmacologist/Toxicologist, Kemic Bioresearch Laboratories Limited, "Considering the bioequivalence testing results (especially) reviewed at length herein, the stated clinical experience of established clinicians involved in organ transplantation and the undisputed fact of its marketed status and apparently unblemished clinical reputation in the UK and elsewhere" he opines that there is sufficient evidence to conclude that Deximune is bioequivalent to Neoral.

As a result, this Board concluded that Deximune products can be used interchangeably and, as a result, does not concur with the contracting authority that there was enough reason for the latter to cancel the tender in question (GHPST/410/11- Tender for the supply of Cyclosporin 100mg capsules).

In view of the above, this Board finds in favour of the appellant company and, apart from recommending the reintegration of the appellant company's bid in the re-evaluation process, this Board also recommends that the deposit paid by the same company for the appeal to be lodged should be reimbursed."

Illi s-socjeta appellanti aggravata b'din id-decizjoni, kif ukoll bid-decizjoni *interim* tal-Bord datata 30 ta' Lulju 2012 fejn l-istess Bord ma laqax it-talbiet taghha li tinghata kopja tar-rapport tekniku u li teskuti lit-tekniku hekk imqabbad mill-Bord qabel tinghata decizjoni finali, ressqet l-appell taghha fit-termini tas-segwenti aggravvji:

1. Illi fil-proceduri quddiem l-Bord ta' Revizjoni dwar il-Kuntratti Pubblici gew vjolati gravament il-principji ta' smigh xieraq in kwantu is-socjeta appellanti qatt ma giet moghtija kopja tar-rapport li kien sar kontra taghha qabel ma inghatat id-decizjoni finali u ma thallietx teskuti l-espert qabel ma il-Bord ghadda ghad-decizjoni finali tieghu. Inoltre is-socjeta appellanti qatt ma intallbet tipprezenta dokumentazzjoni teknika u espert taghha in sostenn tal-posizzjoni taghha *qua* offerent tal-prodott

specifikatament rikjest fis-sejha ghal-offerti. Dan wassal sabiex hija ma inghatatx l-opportunita li tissottometti l-kaz taghha lill-Bord.

2. Inoltre gie vjolat ukoll il-principju tal-*equality of arms*, imhaddan ukoll fid-dritt tas-smigh xieraq f'kwalunkwe process gudizzjarju u kwazi-gudizzjarju. Dan ghaliex l-espert imqabbad mill-Bord fil-konkluzjonijiet tieghu strah unikament fuq l-evidenza moghtija lilu mill-*generic manufacturer*, Dexcel Pharma, minghajr ma inghatat, s-socjeta appellanti, l-opportunita li tressaq dokumentazzjoni u provi fir-rigward tal-punt tekniku (u cioe' jekk id-Deximune huwiex verament *bioequivalent* ghal Neoral). Fuq kollox il-Bord naqas milli jaghmel valutazzjoni tar-rapport imressaq mit-tekniku izda biss assuma dana r-rapport bhala konklussiv u naqas ghalhekk milli ighaddi ghall-process ta' decizjoni li kellu jsir minnu.
3. Illi d-decizjoni tal-14 ta' Novembru 2012 hija teknikament mankanti in kwantu ma hemmx dikjarazzjoni espressa li l-kancellament tas-sejha ghall-offerti giet revokata. Id-decizjoni kif redatta hija ghal kollox kontradittorja il-ghaliex process kancellat ma jista' qatt jiskatta jew jaghti lok ghal process ta' ri-evalwazzjoni kif affermat mill-Bord u dan in omagg ghall-principju legali "*quod nullum est, nullum producit effectum*."

Illi fir-risposta tieghu ghall-appell, id-Direttur tal-Kuntratti jitlob il-liberazzjoni mill-osservanza tal-gudizzju stante illi huwa ma kienx l-awtorita kontraenti fil-kaz ta' dina is-sejha ghall-offerti pubblici ghall-provvista ta' *Cyclosporin 100mg capsules,* billi din kienet giet imhabbra u ippubblikata mill-awtorita kontraenti li f'dan il-kaz kien il-*Government Health Procurement* fi hdan dak iz-zmien il-Ministeru ghas-Sahha, l-Anzjani u Kura fil-Komunita. Dan ghaliex il-valur tal-kuntratt pubbliku kien stmat f'ammont ta' inqas minn €120,000 u

allura skont ir-regolament 19 tat-Taqsima II tar-Regolamenti Dwar il-Kuntratti Pubblici il-kuntratt *de quo* kellu jigi regolat mill-awtorita kontraenti.

Illi id-Direttur appellat ghandu ragun billi jidher car kemm mir-regolament iccitat kif ukoll mill-atti probatorji, illi huwa ma kellux xejn x'jaqsam la mal-hrug tas-sejha ghall-offerti pubblici u wisq anqas ma'l-aggudikazzjoni sussegwenti, oltre il-fatt illi allura huwa ma kienx kompartecipi fil-proceduri quddiem il-Bord ta' Revizjoni dwar il-Kuntratti Pubblici.[1] Ghal dawn il-motivi dana il-pregudizzjali ser jigi milqugh u id-Direttur tal-Kuntratti qed jigi liberat mill-osservanza tal-gudizzju.

Illi lanqas ma huwa il-legittimu kuntradittur, il-Bord ta' Revizjoni dwar il-Kuntratti Pubblici f'dana l-appell mid-decizjoni mehuda proprju minnu. Il-Bord ma huwiex parti interessata kif trid il-ligi izda huwa bord stabbilit bil-ligi b'funzjonijiet kwazi-gudizzjarji.

Illi in succint il-fattispecje tal-kaz tnisslu minn sejha ghall-offerti pubblici li saret fit-08 ta' April 2011 u dana ghall-provvista ta' *Cyclosporin 100mg capsules*. Wara din is-sejha kienu biss zewg operaturi li tefghu l-offerta taghhom wahda minnhom is-socjeta appellanti u l-ohra is-socjeta appellata Cherubino Limited. Illi permezz ta' ittra datata 16 ta' Dicembru 2011 il-*Government Health Procurement Services* informa lill-offerenti illi l-Bord ta'l-Evalwazzjoni kien irrakkomanda li din is-sejha ghall-offerti tigi ikkancellata. Illi s-socjeta appellata Cherubino Limited oggezzjonat ghal dan il-kancellament quddiem il-Bord ta' Revizjoni dwar il-Kuntratti Pubblici billi sahhqet illi hija kienet osservat l-ispecifikazzjonijiet teknici tal-prodott meta offriet "a *generic product"* u mhux "an *originator product"* b'evidenza ta' "*bioequivalence"* kif

[1] Ara sentenza App. Sup deciza 07/08/2013 fl-ismijiet Gatt Tarmac Limited vs Kunsill Lokali Victoria et.

rikjest. Illi il-perm tal-kwistjoni kollha ghalhekk kienet iddur madwar jekk il-prodott offert mis-socjeta appellata "*Deximune"* kienx "*bioequivalent"* ghall-*Neoral* u cioe' 'l hekk imsejjah l-*originator product* offert mis-socjeta appellanti, fejn allura il-*generic product* kellu prezz iktar baxx. Illi l-Bord ta' Revizjoni dwar il-Kuntratti Pubblici rinfaccjat b'kwistjoni ferm teknika u delikata ta' prodott medicinali li jigi moghti lill-pazjenti wara trapjant tal-organi u rinfaccjat b'opinjoni divergenti dwar dan il-prodott hass il-htiega li jahtar espert indipendenti barrani sabiex jassistieh fid-decizjoni tieghu. Wara li kiseb dan il-parir, l-Bord ghadda ghal decizjoni favur is-socjeta appellata, fejn allura infetah mill-gdid il-konkors pubbliku ta'l-aggudikazzjoni. Illi qabel ma ghadda ghad-decizjoni tieghu, izda s-socjeta appellanti kienet ressqet talba sabiex tkun tista' tinghata kopja tar-rapport ta' dan l-espert indipendenti kif ukoll illi tkun tista taghmel eskussjoni tieghu jekk ikun il-kaz. Il-Bord izda cahad dina it-talba u ghadda ghad-decizjoni tieghu li fiha huwa strah unikament fuq il-konkluzzjonijiet raggunti minn dan l-espert imqabbad minnha u dan ghalhekk minghajr ma avza lill-partijiet u wisq anqas tahom l-opportunita iressqu is-sottomissjonijiet taghhom rigward l-istess.

Mill-kontenut ta' l-ewwel aggravju jirrizulta li s-socjeta` appellanti qed tinvoka l-ksur tal-principju fundamentali ta' gustizzja naturali "*audi alteram partem* u ghalhekk tilmenta illi hija giet imcahhda mill-jedd ghal smigh xieraq u dana f'process kwazi gudizzjarju fejn hija kellha interess issemma lehinha stante li l-ezitu tad-decizjoni setghet twassalha biex issofri pregudizzju irrimedjabbli. Dan ghaliex tilmenta illi l-Bord ingustament cahad it-talba taghha sabiex tigi notifikata bir-rapport tal-espert imqabbad minnu u li teskuti lill-istess espert meta il-Bord iddecieda:

"*Dawn it-teknici qeghdin jigu mqabbda sabiex iservu ta' arbitru u jassistu lil dan il-Bord jasal ghal konkluzjoni hu u mhux sabiex isiru parti mill-process*

huma stess. Dan il-Bord ma ghandu l-ebda obbligu li jikkonsulta ma'l-ebda parti dwar it-teknici li jaghzel hu u dan minhabba l-fatt li kieku kellu jaghmel hekk jispicca jintilef l-iskop ta' arbitrarjeta tieghu."

Illi bir-rispett lejn il-membri tal-Bord tali affermazzjoni ma issib l-ebda konfort la fil-ligi specjali li tirregola l-ghoti ta' kuntratti pubblici u wisq anqas fir-regoli bazilari ta' harsien tal-jeddijiet fondamentali ta' smigh xieraq li huma l-qafas ta' kull procediment gudizzjarju jew kwazi gudizzjarju.

Ibda biex kull process ta' *public procurement* ghandu bhala il-bazi tieghu il-kuncett bazilari tat-trasparenza li ifisser illi l-partecipanti kollha tas-sejha ghandhom jigu trattati bl-istess mod. Naturalment biex ikun hemm dan it-trattament ugwali l-konkorrenti kollha tas-sejha jridu ikunu mqieghda fil-kundizzjoni li ikunu jistghu jitilqu mill-istess punt ta' tluq.. Dan jista' jimmatterjalizza ruhu biss jekk l-offerenti ikun moghtija l-istess informazzjoni u l-istess mezzi biex jipparteċipaw fis-sejha pubblika illi issir. Illi dan il-kuncett ta' trasparenza u ugwaljanza fil-process ta'l-aggudikazzjoni huwa imfisser sahansitra fid-Direttiva 2004/18/EC tal-Unjoni Ewropeja trasportata fil-legislazzjoni taghna li ghandha bhala l-qafas taghha dawn il-principji balizari meta jinghad:

"**The award of contracts concluded in the Member States on behalf of the State, regional or local authorities and other bodies governed by public law entities, is subject to the respect of the principles of the Treaty and in particular to the principle of freedom of movement of goods, the principle of freedom of establishment and the principle of freedom to provide services and to the principles deriving therefrom, such as <u>the principle of equal treatment,</u> the principle of non-discrimination, the principle of mutual recognition, the principle of proportionality and <u>the principle of transparency</u>[2].**

[2] Recital 2 to the Council Directive

Multo magis dawn il-principji ghandhom ikunu applikabbli b'iktar forza meta l-aggudikazzjoni tkun qed tigi ikkontestata ghal xi raguni jew ohra. Fil-fatt ir-regolamenti dwar il-Kuntratti Pubblici ihaddnu dawn il-jeddijiet fondamentali ta' trattament ugwali u ta' trasparenza meta fir-Regolament 85(7)(j) tar-Regolamenti dwar il-Kuntratti Pubblici, li jitkellem dwar il-procedura li ghandha tkun adottata mill-Bord ta' Revizjoni dwar il-Kuntratti Pubblici jinghad:

Is-sessjonijiet tal-Bord ta' Revizjoni li matulhom jigi ttrattat l-ilment ghandhom isiru bil-miftuh u kemm min ikun qed jaghmel l-ilment kemm il-parti li jkollha interess ikollhom jedd jattendu u jkollhom isehibhom lil kull persuna, professjonali jew xort'ohra, li huma jqisu li jkun adatt biex jiddefendi l-interessi taghhom. (sottolinjar tal-Qorti).

Isegwi ir-Regolament 85(7)(k) fl-istess vena:

(i) Ic-Chairman ikun jista' jistabbilixxi l-procedura ghas-smigh tal-ilmenti kollha li jsiru lill-Bord ta' Revizjoni u ghandu jizgura li matul is-smigh li jsir bil-miftuh kull parti li jkollha interess tinghata l-opportunità li tressaq il-kaz taghha. (sottolinjar tal-Qorti).

Illi l-opportunita li kull parti interessata tinghata jedd ghal smiegh isib iktar forza fid-dawl tal-provvedimenti tar-regolament 85(8)(b) li jaghti forza ezekuttiva lid-decizjonijiet tal-Bord:

"**Id-decizjoni tal-Bord tikkostitwixxi titolu ezekuttiv u tista' tkun infurzata skond l-artikolu 273 tal-Kodici ta' Organizzazzjoni u Procedura Civili."**

Dawn id-decizjonijiet jorbtu mhux biss lid-Direttur tal-Kuntratti jew l-Awtorita Kontraenti skont il-kaz, izda lill-offerenti kollha.

Premess dan ghalhekk ma ghandux ikun dubitat illi ghalkemm il-Bord kellu kull jedd jikseb parir minn ghand espert indipendenti imqabbad minnu sabiex ighinu

fl-investigazzjonijiet tieghu, u dana bis-setgha moghtija lilu fir-regolament 85(7)(i), madanakollu dan ghandu isir b'osservanza tal-jedd tas-smigh xieraq lill-partijiet kollha involuti fil-procediment pendenti quddiemu. Din il-Qorti ghalhekk ma tistax taqbel mal-fehma addotata mill-Bord illi jichad il-jedd lis-socjeta appellanti milli tispezzjona ir-rapport ta'l-espert imqabbad minnha qabel ma tittiehed id-decizjoni finali, u li dan l-offerent jithalla jaghmel is-sottomissjonijiet tieghu in konnessjoni ma'l-istess, iktar u iktar fid-dawl tal-fatt illi d-decizjoni ta'l-istess Bord kien ser ikollha effett ezekuttiv u kienet ser torbot lis-socjeta appellanti li kienet qed tikkonkorri fl-aggudikazzjoni finali. Mhux biss, izda f'kwistjoni ta' natura delikata bhal ma hi l-oggett ta' dan il-kuntratt pubbliku u cioe' il-provvista ta' medicinali lill-pazjenti li ikunu ghaddew minn operazzjoni serja bhalma hi dik ta' trapjant ta' organi, il-Bord messu mexa b'iktar kawtela u dana meta kellu quddiemu opinjoni medika ohra li kienet qed issostni il-kontra ta' dak konkluz mill-espert imqabbad minnha u mhux taqbad u taddotta dina l-konkluzjoni minghajr ma tisma' is-sottomissjonijiet tal-partijiet kollha involuti in konnessjoni ma'l-istess.

Illi b'analogija il-Qorti tigbed bhala ezempju l-procedura segwieta quddiem diversi bordijiet, bhal Bord li jirregola l-Kera kif ukoll it-Tribunal ghar-Revizjoni Amminsitrattiva fejn il-bord/tribunal ikun assistit minn membri teknici bhala arbitri fil-kaz. Illi kull rapport sottomess mill-membri teknici huwa disponibbli lill-partijiet li jinghataw il-jedd iressqu is-sottomissjonijiet dwaru qabel ma tinghata s-sentenza finali. Illi ghalhekk il-Bord ma kellux ragun illi icahhad lis-socjeta appellanti mill-jedd illi tigi notifikata bir-rapport ta'l-espert imqabbad minnu u li tressaq dawk il-provi u sottomissjonijiet li jidhrilha xieraq.

Ghaldaqtsant il-Qorti qed tilqa' l-ewwel aggravvju u ghalhekk ma tarax illi ghandha tinoltra ruhha fl-aggravvji l-ohra imressqa mis-socjeta appellanti.

Ghal dawn il-motivi l-appell qed jigi milqugh, id-decizjonijiet tal-Bord dwar ir-Revizjoni tal-Kuntratti Pubblici tat-30 ta’ Lulju 2012 u tal-14 ta’ Novembru 2012 qeg jigu revokati. Tirrimetti l-atti lura quddiem il-Bord sabiex wara li jisma’ s-sottomissjonijiet, u jekk ikun il-kaz anke provi, mill-partijiet kollha interessati u dana fid-dawl tar-rapport sottomess mill-espert Peter W. Mullen, ighaddi ghad-decizjoni tieghu skont il-ligi.

Fid-dawl tac-cirkostanzi partikolari ta’ dan il-kaz, l-ispejjez ta’ din il-procedura ghandhom jibqghu bla taxxa bejn il-partijiet.

< Sentenza Finali >

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