

## GENERAL COURT

**Judgment of the General Court of 21 February 2013 —  
Evropaïki Dynamiki v Commission**(Case T-9/10) <sup>(1)</sup>

*(Public service contracts — Tender procedure — Supply of external services relating to the provision of electronic publications — Rejection of a tenderer's bid — Award of the contract to another tenderer — Selection and award criteria — Obligation to state reasons — Manifest error of assessment)*

(2013/C 108/53)

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

*Applicant:* Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis and M. Dermitzakis, lawyers)

*Defendant:* European Commission (represented: initially by E. Manhaeve and N. Bambara, Agents, assisted initially by E. Petritsi, lawyer, and subsequently by E. Petritsi and O. Graber-Soudry, Solicitor, and subsequently represented by E. Manhaeve, assisted by O. Graber-Soudry)

**Re:**

First, application for annulment of the decision of the Publications Office of the European Union of 29 October 2009 in that it rejects the tender submitted by the applicant for Lot 2, entitled 'Electronic publishing based on Microsoft SharePoint Server', and, inter alia, awards the contracts to the successful tenderers, and in that it awards two contracts from Lot 3, entitled 'Electronic publishing based on open-source platforms', to an undertaking belonging to two different consortia, within the framework of the call for tenders AO 10224 for the provision of electronic publications (OJ 2009/S 109-156511), and, secondly, a claim for damages pursuant to Articles 268 TFEU and 340 TFEU.

**Operative part of the judgment***The Court:*

1. *Dismisses the action;*
2. *Orders Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE to bear its own costs and to pay the costs incurred by the European Commission.*

<sup>(1)</sup> OJ C 80, 27.3.2010.**Judgment of the General Court of 26 February 2013 —  
Spain v Commission**(Case T-65/10) <sup>(1)</sup>

*(ERDF — Reduction of financial assistance — Operational Programmes for 'Andalusia' and 'Comunidad Valenciana' Objective 1 (1994-1999) — Operational Programme for 'Basque Country' Objective 2 (1997-1999) — Extrapolation)*

(2013/C 108/54)

*Language of the case: Spanish***Parties**

*Applicant:* Kingdom of Spain (represented by: initially by J. Rodríguez Cárcamo, and subsequently by A. Rubio González, abogados del Estado)

*Defendant:* European Commission (represented by: A. Steiblytė and J. Baquero Cruz, acting as Agents)

**Re:**

Application for annulment of Commission Decisions C(2009) 9270 of 30 November 2009, C(2009) 10678 of 23 December 2009 and C(2010) 337 of 28 January 2010 reducing the aid from the European Regional Development Fund (ERDF) granted under, respectively, the operational programme 'Andalusia' Objective 1 (1994-1999) under Commission Decision C(94) 3456 of 9 December 1994, the operational programme 'Basque Country' Objective 2 (1997-1999) under Commission Decision C(1998) 121 of 5 February 1998, and the operational programme 'Comunidad Valenciana' Objective 1 (1994-1999) under Commission Decision C(1994) 3043/6 of 25 November 1994

**Operative part of the judgment***The Court:*

1. *Dismisses the action;*
2. *Orders the Kingdom of Spain to pay the costs.*

<sup>(1)</sup> OJ C 100, 17.4.2010.