

**Judgment of the General Court of 15 October 2013 —
Evropaïki Dynamiki v European Commission**

(Case T-457/10) ⁽¹⁾

(Public service contracts — Tender procedure — External service provision for development, studies and support for information systems (ESP DESIS II) — Classification of a tenderer — Award of the contract — Tendering consortium — Admissibility — Obligation to state reasons — Transparency — Equal treatment — Manifest error of assessment — Non-contractual liability)

(2013/C 352/21)

Language of the case: English

Parties

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

Defendant: European Commission (represented initially by: S. Delaude and N. Bambara, and subsequently by S. Delaude, acting as Agents, and initially by P. Wytinck, and subsequently by B. Hoorelbeke, lawyers.)

Re:

Application, first, for annulment of the Commission's decision of 16 July 2010 to classify the applicant's tender submitted in the context of the call for tenders DIGIT/R2/PO/2009/045, concerning 'External service provision for development, studies and support for information systems' (ESP DESIS II) (OJ 2009/S 198-283663), for Lot 2 'Off site development projects', in third, and not first, place and to award the first and second places to other tenderers, and also of all the related decisions of the Commission's Directorate General for Informatics, including the decisions to award the respective contracts to the tenderers classified in first and second places; and, second, for damages,

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Evropaïki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE to pay the costs.

⁽¹⁾ OJ C 346, 18.12.2010.

**Judgment of the General Court of 15 October 2013 —
Evropaïki Dynamiki v European Commission**

(Case T-474/10) ⁽¹⁾

(Public service contracts — Tender procedure — External service provision for development, studies and support for information systems (ESP DESIS II) — Classification of a tenderer — Award of the contract — Obligation to state reasons — Transparency — Equal treatment — Manifest error of assessment — Non-contractual liability)

(2013/C 352/22)

Language of the case: English

Parties

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

Defendant: European Commission (represented initially by: N. Bambara and S. Delaude, and subsequently by S. Delaude, acting as Agents, and by O. Graber-Soudry, Solicitor.)

Re:

Application, first, for annulment of four Commission decisions communicated in four separate letters of 16 July 2010 to classify the applicant's tender submitted in the context of the call for tenders DIGIT/R2/PO/2009/045, concerning 'External service provision for development, studies and support for information systems' (ESP DESIS II) (OJ 2009/S 198-283663), for Lot 1A in second place, for Lot 1B in third place, for Lot 1C in second place and for Lot 3 in third place, and also of all the related decisions of the Commission's Directorate General for Informatics, including the decisions to award the respective contracts to the tenderers classified in first and second places; and, second, for damages,

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Evropaïki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE to pay the costs.

⁽¹⁾ OJ C 346, 18.12.2010.