

GENERAL COURT

**Judgment of the General Court of 12 July 2012 —
Evropaiki Dynamiki v Frontex**(Case T-476/07) ⁽¹⁾

(Public service contracts — Frontex tendering procedures — Provision of informatics services — Rejection of a tender — Action for annulment — Admissibility — Obligation to state reasons — Award criteria — Manifest error of assessment — Non-contractual liability)

(2012/C 258/23)

Language of the case: English

Parties

Applicant: Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis, lawyer)

Defendant: European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) (represented by: S. Vuorensola, acting as Agent, and J. Stuyck and A. M. Vandromme, lawyers)

Re:

First, annulment of Frontex's decision rejecting the tender submitted by the applicant in response to the call for tenders Frontex/OP/47/2007 for the provision of 'informatics services, hardware, and software licences' (OJ 2007/S 114-139890) and of the decision to award the contract to a different tenderer and, secondly, a claim for damages

Operative part of the judgment*The Court:*

1. Dismisses the action;
2. Orders Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE to bear its own costs and to pay those incurred by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), including those reserved by the order of the General Court of 28 October 2008.

⁽¹⁾ OJ C 51, 23.2.2008.**Judgment of the General Court of 22 May 2012 —
Evropaiki Dynamiki v Commission**(Case T-17/09) ⁽¹⁾

(Public services contracts — Tender procedure — Provision of informatics services for an electronic exchange of social security information project (EESSI project) in the field of the coordination of social security for persons mobile in Europe — Rejection of bid submitted by a tenderer — Award of the contract — Obligation to state the reasons on which the decision is based — Transparency — Equal treatment — Manifest error of assessment — No interest in bringing proceedings — Non contractual liability)

(2012/C 258/24)

Language of the case: English

Parties

Applicant: Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis and P. Katsimani, lawyers)

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

Re:

Application, first, for annulment of the Commission's decision rejecting the tender submitted by the applicant in respect of the call for tenders VT/2008/019 EMPL EESSI for the provision of informatics products and services for the EESSI project (OJ 2008/S 111-148 213) and of the decision to award the contract to another tenderer and, secondly, for damages.

Operative part of the judgment*The Court:*

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

⁽¹⁾ OJ C 82, 4.4.2009.