

**Re:**

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 3 November 2008 (Case R 1152/2006-4) concerning opposition proceedings between Metaform Lucchese SpA and Aloys F. Dornbracht GmbH & Co KG.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders Dornbracht GmbH & Co. KG to pay the costs.

**Judgment of the General Court (Second Chamber) of 20 September 2011 —  
Evropaïki Dynamiki v Commission**

**(Case T-298/09)**

(Public service contracts — Community tendering procedure — Supply of external services for educational programmes — Award of the contract to several tenderers — Tenderer's ranking — Action for annulment — Duty to state reasons — Grounds for exclusion from the contract award procedure — Article 93(1)(f) of the Financial Regulation — Tender validity period — Non-contractual liability)

1. *Acts of the institutions — Statement of reasons — Obligation — Scope — Decision to give no further consideration to a tenderer in the award procedure for a public service contract — Assessment having regard to information at the applicant's disposal at the time the action was brought — No infringement of the duty to state reasons (Art. 296 TFEU; Council Regulation No 1605/2002, Art. 100(2); Commission Regulation No 2342/2002, Art. 149(2) and (3)) (see paras 27-31, 54)*

2. *European Union public contracts — Tender procedure — Award of contracts — Principle of equal treatment of tenderers — Scope (Art. 18 TFEU; Council Regulation No 1605/2002, Art. 89(1)) (see para. 73)*
3. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link — One of those conditions lacking — Claim for compensation dismissed in its entirety (Art. 340, second para., TFEU) (see paras 100-103)*

**Re:**

APPLICATION, first, for annulment of two Commission decisions, communicated in two separate letters of 12 May 2009 ranking the applicant, for its tenders in response to the open call for tenders EAC/01/2008 for external service provision for educational programmes (ESP-ISEP) (OJ 2008/S 158-212752), for Lot No 1 (IS (information system) Development and Maintenance) and for Lot No 2 (IS (information system) Studies, Testing, Training and Support), as second contractor for each of those lots and, secondly, for damages.

**Operative part**

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 those incurred by the European Commission.