

**Action brought on 26 November 2010 — Evropaiki Dynamiki v Frontex**

(Case T-554/10)

(2011/C 30/95)

*Language of the case: English*

**Parties**

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

*Defendant:* European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)

**Form of order sought**

- Annul the decision of FRONTEX to reject the bid of the applicant, filed in response to the open call for tenders Frontex/OP/98/2010 — EOROSUR Big Pilot Project (OJ 2010, S 90-134098), as well as all further related decisions of FRONTEX, including the one to award the respective contract to the successful contractor;
- Annul the decision of FRONTEX to reject the bid of the applicant, filed in response to Lot 1 and Lot 6 of the open call for tenders Frontex/OP/87/2010 — Framework Contract (OJ 2010, S 66-098323), as well as all further related decisions of FRONTEX, including the one to award the respective contracts to the successful contractors;
- Order FRONTEX to pay the applicant's damages suffered on account of the tendering procedure in question for an amount of 9 358 915,00 EUR;
- Order FRONTEX to pay the applicant's damages suffered on account of loss of opportunity and damage to its reputation and credibility for an amount of 935 891,00 EUR; and
- Order FRONTEX to pay the applicant's legal and other costs and expenses incurred in connection with this application, even if the current application is rejected.

**Pleas in law and main arguments**

In the present case, the applicant seeks the annulment of the defendant's decisions of 16 September 2010 and 20 October 2010 to reject its bid in the context of the call for tenders Frontex/OP/98/2010 — EOROSUR Big Pilot Project (OJ 2010, S 90-134098) and Lot 1 and Lot 6 of the open call for tenders Frontex/OP/87/2010 — Framework Contract (OJ 2010, S 66-

098323), as well as all further related decisions of FRONTEX, including the one to award the respective contracts to the successful contractors. The applicant further requests compensation for the alleged damages on account of the tender procedure.

In support of its claims, the applicant puts forward the following grounds.

Firstly, the applicant argues that the defendant has infringed Articles 100(2) of the financial regulation<sup>(1)</sup>, the obligation to state reasons, as FRONTEX refused to provide sufficient justification or explanation to the applicant.

Furthermore, the applicant argues that the defendant committed various and serious errors of assessment, infringed the principle of non-discrimination and did not comply with the exclusion criteria, thereby infringing Articles 93(1)(f) and 94 of the financial regulation.

Finally, the applicant claims that the defendant violated the principle of good administration since it illegally mixed the selection and award criteria.

<sup>(1)</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 248, p. 1)

**Action brought on 3 December 2010 — JBF RAK v Council**

(Case T-555/10)

(2011/C 30/96)

*Language of the case: English*

**Parties**

*Applicant:* JBF RAK LLC, Al Jazeera Al Hamra, Ras Al Khaimah, United Arab Emirates (represented by: B. Servais, lawyer)

*Defendant:* Council of the European Union

**Form of order sought**

- annul Council Implementing Regulation (EU) No 857/2010 of 27 September 2010 imposing a definitive countervailing duty and collecting definitely the provisional duty imposed on imports of certain polyethylene terephthalate originating in Iran, Pakistan and the United Arab Emirates<sup>(1)</sup>;
- order the Council to bear the costs of these proceedings.