

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 1 December 2011 (Case R 2312/2010-1);
2. Orders OHIM to bear its own costs and to pay those incurred by Scooters India Ltd, including those incurred for the purposes of the proceedings before the Board of Appeal;
3. Orders Brandconcern BV to bear its own costs.

⁽¹⁾ OJ C 109, 14.4.2012.

**Judgment of the General Court of 26 September 2014 — Flying Holding and Others v Commission
(Joined Cases T-91/12 and T-280/12) ⁽¹⁾**

(Public service contracts — Tendering procedure — Provision of non-scheduled passenger transport services by air and chartered air-taxi service — Rejection of the application — Article 94(b) of the Financial Regulation — Rights of the defence — Article 134(5) of the Regulation implementing the Financial Regulation — Action for annulment — Letter in response to a question from the applicants — Act not amenable to review — Award decision — Lack of direct concern — Inadmissible — Non-contractual liability)

(2014/C 395/41)

Language of the case: French

Parties

Applicants: Flying Holding NV (Wilrijk, Belgium), Flying Group Lux SA (Luxembourg, Luxembourg), and Flying Service NV (Deurne, Belgium) (represented by: C. Doutrelepont and V. Chapoulaud, lawyers)

Defendant: European Commission (represented by: initially by S. Delaude and D. Calciu, acting as Agents, and subsequently by S. Delaude, assisted by V. Vanden Acker, lawyer)

Re:

Action for annulment of (i) the decisions contained in the letters from the Commission of 15 December 2011 and 17 January 2012 rejecting the application submitted by the applicants in the context of a restricted tendering procedure concerning the provision of non-scheduled passenger transport services by air and chartered air-taxi service (OJ 2011/S 192-312059) and (ii) the Commission's decision of 28 February 2012 awarding the contract to another company, on the one hand, and a claim for damages on the other.

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. Orders Flying Holding NV, Flying Group Lux SA and Flying Service NV to pay the costs.

⁽¹⁾ OJ C 126, 28.4.2012.