



## Reports of Cases

**Judgment of the General Court (Fourth Chamber) of 2 December 2015 —**

**European Dynamics Luxembourg and Evropaïki Dynamiki v Entreprise commune Fusion for Energy**

**(Case T-553/13)**

(Public service contracts — Tendering procedure — Supply of IT services, consulting, software development, Internet and support — Rejection of the tender of one tenderer and award of the contracts to other tenderers — Non-contractual liability)

1. *European Union public contracts — Tender procedure — Period of validity of tenders — Purpose — Possibility of the tendering authority asking tenderers for an extension of validity — No obligation on contracting authority to conclude assessment of tenders before the expiry date of their validity — Consequences of late assessment (Commission Regulations No 2342/2002, Art. 130(2)(c), and No 1268/2012, Art. 138(2)(c)) (see paras 23-27)*
2. *Acts of the institutions — Statement of reasons — Obligation — Scope — Decision, in the procedure for the award of a public service contract, not to accept a tender — Obligation to communicate, following a written request, the characteristics and relative advantages of the tender accepted and the name of the tenderer — No obligation on the awarding authority to provide a detailed analysis of the tender accepted and the tender of the unsuccessful tenderer — Account taken, by way of reasoning, of the replies of an institution to the requests of a discarded tenderer — Limits (Art. 296 TFEU; European Parliament and Council Regulation No 966/2012, Art. 113(2); Commission Regulation No 1268/2012, Art. 161(2)) (see paras 38-42)*
3. *Actions for annulment — Action against a decision, in the procedure for award of a public service contract, not to accept a tender — Decision to award the contract closely linked to the decision to allocate the contract — Dismissal of the application for annulment of the award decision entailing dismissal of the application for annulment of the allocation decision (see para. 53)*
4. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link — One of the conditions not satisfied — Claim for compensation dismissed in its entirety (Art. 340(2) TFEU) (see paras 57, 58)*

**Re:**

APPLICATION for (i) annulment of the decision of the European Joint Undertaking for ITER and the Development of Fusion Energy of 7 August 2013 taken in the context of the tendering procedure F4E-ADM-0464 concerning IT services, consulting, software development, Internet and support services (OJ 2012/S 213-352451) rejecting the tender submitted by European Dynamics Luxembourg SA and awarding the contracts to other tenderers, and (ii) an award of damages.

**Operative part**

The Court:

1. Dismisses the action;
  
2. Orders European Dynamics Luxembourg SA and Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE to pay the costs.