

Judgment of the General Court of 15 September 2016 — FIH Holding and FIH Erhvervsbank v Commission

(Case T-386/14) ⁽¹⁾

(State aid — Banking sector — Aid granted to Danish bank FIH in the form of a transfer of its impaired assets to a new subsidiary and the subsequent purchase thereof by the Danish Financial Stability Company — State aid for banks during the crisis — Decision declaring the aid compatible with the internal market — Definition of aid — Private investor test — Private creditor test — Calculation of the amount of the aid — Obligation to state reasons)

(2016/C 402/40)

Language of the case: English

Parties

Applicants: FIH Holding A/S (Copenhagen, Denmark), FIH Erhvervsbank A/S (Copenhagen) (represented by: O. Koktvedgaard, lawyer)

Defendant: European Commission (represented by: L. Flynn and P.-J. Loewenthal, acting as Agents)

Re:

Action on the basis of Article 263 TFEU for annulment of Commission Decision 2014/884/EU of 11 March 2014 on State aid SA.34445 (12/C) implemented by Denmark for the transfer of property-related assets from FIH to the FSC (OJ 2014 L 357, p. 89).

Operative part of the judgment

The Court:

1. Annuls Commission Decision 2014/884/EU of 11 March 2014 on State aid SA.34445 (12/C) implemented by Denmark for the transfer of property-related assets from FIH to the FSC.
2. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 253, 4.8.2014.

Judgment of the General Court of 15 September 2016 — European Dynamics Luxembourg and Evropaiki Dynamiki v EIT

(Case T-481/14) ⁽¹⁾

(Public service contracts — Tender procedure — Supply of services for the development of a knowledge and information management platform — Software development services and maintenance of availability and efficiency of computer services — Refusal to rank the applicants in first place — Selection criteria — Award criteria — Obligation to state reasons — Manifest errors of assessment — Access to documents — Non-contractual liability)

(2016/C 402/41)

Language of the case: English

Parties

Applicants: European Dynamics Luxembourg SA (Ettelbrück, Luxembourg) and Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented initially by E. Siouti and M. Sfyri, and subsequently by M. Sfyri and A. Lymperopoulou, lawyers)

Defendant: European Institute of Innovation and Technology (represented initially by M. Kern, B. Györi-Hartwig and P. Juanes Burgos, and subsequently by B. Györi-Hartwig and P. Juanes Burgos, acting as Agents, assisted by P. Wytinck and B. Hoorelbeke, lawyers)

Re:

Application, firstly, on the basis of Article 263 TFEU for annulment of the EIT's decision of 14 April 2014 ranking the tender submitted by the applicants in the context of an invitation to tender relating to computer and related services in second place, and for annulment of the EIT's letter of 25 April 2014 by which it refused to communicate the names of the members of the evaluation committee and, secondly, on the basis of Article 168 TFEU, for damages.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 351, 6.10.2014.

Judgment of the General Court of 15 September 2016 — European Dynamics Luxembourg and Evropaiki Dynamiki v Commission

(Case T-698/14) ⁽¹⁾

(Public service contracts — Public procurement procedure — External service provision for development, studies and support for information systems (ESP DESIS III) — Ranking of a tenderer in the cascade procedure — Obligation to state reasons — Abnormally low bids — Principle of free competition — Non-contractual liability)

(2016/C 402/42)

Language of the case: Greek

Parties

Applicants: European Dynamics Luxembourg SA (Ettelbrück, Luxembourg) and Evropaiki Dynamiki — Proigmena Sistimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented initially by: V. Christianos, I. Ampazis and M. Sfyri, lawyers, and subsequently by: M. Sfyri, lawyer)

Defendant: European Commission (represented by: S. Delaude and S. Lejeune, acting as Agents, and, initially, E. Petritsi, E. Roussou and K. Adamantopoulos, and, subsequently, E. Roussou and K. Adamantopoulos, lawyers)

Re:

Firstly, application on the basis of Article 263 TFEU seeking the annulment of the Commission's decisions to rank in third and fourth positions under the cascade mechanism the bids made by the applicants for lots Nos 1 and 3 under open call for tenders No DIGIT/R2/PO/2013/029 — ESP DESIS III concerning 'External service provision for development, studies and support for information systems' (OJ 2013/S 19-0380314) and to exclude their bid for lot No 2 under that call for tenders and, secondly, application on the basis of Article 268 TFEU seeking compensation for the loss allegedly suffered by the applicants.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 448, 15.12.2014.