

Order of the President of the General Court of 22 January 2021 — Green Power Technologies v Commission and ECSEL Joint Undertaking

(Case T-533/20 R)

(Interim measures — Grant agreements concluded in the context of the Seventh Framework Programme for research, technological development and demonstration activities (2007-2013) — Reimbursement of sums paid — Application for interim measures — No urgency)

(2021/C 88/42)

Language of the case: Spanish

Parties

Applicant: Green Power Technologies, SL (Bollullos de la Mitación, Spain) (represented by: A. León González and A. Martínez Solís, lawyers)

Defendant: European Commission (represented by: J. Baquero Cruz and J. Estrada de Solà, acting as Agents), ECSEL Joint Undertaking (represented by: A. Salaun, acting as Agent)

Re:

Application under Articles 278 and 279 TFEU for suspension of the operation of debit note No 4440200016 of 17 June 2020 issued by the ECSEL Joint Undertaking for the amount of EUR 200 930,35.

Operative part of the order

1. The application for interim measures is dismissed.
2. The costs are reserved.

Order of the General Court of 20 January 2021 — KC v Commission

(Case T-580/20) ⁽¹⁾

(Action for damages — State aid — Complaint — Failure to initiate the formal investigation procedure — Sufficiently serious breach of a rule of law conferring rights on individuals — Action manifestly lacking any foundation in law)

(2021/C 88/43)

Language of the case: French

Parties

Applicant: KC (represented by: L. Frölich, lawyer)

Defendant: European Commission (represented by: B. Stromsky and C. Georgieva-Kecsmar, acting as Agents)

Re:

Application based on Article 268 TFEU seeking compensation for the harm allegedly suffered by the applicant owing to the Commission's failure to initiate, in a timely manner, the formal investigation procedure following the applicant's State aid complaint (SA.46963).

Operative part of the judgment

The Court:

- 1) Dismisses the action;

2) Orders KC to pay the costs.

⁽¹⁾ OJ C 414, 30.11.2020.

Action brought on 20 December 2020 — European Dynamics Luxembourg v ECB

(Case T-761/20)

(2021/C 88/44)

Language of the case: English

Parties

Applicant: European Dynamics Luxembourg SA (Luxembourg, Luxembourg) (represented by: M. Sfyri, lawyer)

Defendant: European Central Bank (ECB)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the ECB to exclude the applicant's tenders from all three lots of the procurement procedure 'Provision of services and works for IT Application Delivery' PRO-004801 (Lot 1), PRO-005110 (Lot 2) and PRO-005112 (Lot 3);
- annul the appeal decision of the ECB Procurement Review Body to reject the applicant's appeal submitted in accordance with the appeal procedure as defined in section VI.4 of the tender specifications of the abovementioned call for tenders and under the conditions set out in Article 39 of the ECB Procurement Decision (ECB/2016/2);
- annul all the subsequent related decisions of the ECB and in particular any award decision which was never communicated to the applicant;
- award damages according to Articles 256, 268 and 340 TFEU corresponding to the loss of the chance to secure the contracts or to the loss of income corresponding to the profit that the applicant would have made if it had performed the contracts and to the compensation corresponding to the non-material damages;
- order the defendant to pay the applicant's legal and other costs and expenses incurred in connection with this application.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging that the defendant made several manifest errors of assessment.
2. Second plea in law, alleging that the defendant introduced new, vague and unknown criteria at the stage of the evaluation of the offers.
3. Third plea in law, alleging that the defendant misused its powers.

Action brought on 31 December 2020 — The Floop v Commission

(Case T-765/20)

(2021/C 88/45)

Language of the case: English

Parties

Applicant: The Floop Ltd (London, United Kingdom) (represented by: A. Howard, Barrister, and J. Berry, Solicitor)

Defendant: European Commission