

GENERAL COURT

Action brought on 11 January 2022 — Perez Lopes Pargana Calado v Court of Justice

(Case T-31/22)

(2022/C 158/10)

Language of the case: Portuguese

Parties

Applicant: Ana Teresa Perez Lopes Pargana Calado (Lisbon, Portugal) (represented by: M. Marques Matias, lawyer)

Defendant: Court of Justice of the European Union

Form of order sought

The applicant claims that the General Court should:

- find that the decision relating to the applicant in the present proceedings is invalid for lack of any basis;
- replace that decision with another stating whether the applicant is allowed to participate in the procurement procedure and, should she not be allowed, the reasons for the rejection, by reference to the other candidates and the contract notice;
- revise the decision and replace it with another decision allowing the tenderer to participate in the procurement procedure, under the same conditions as the other tenderers.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the principle of equal treatment: the decision was not fair compared with the other candidates.
 2. Second plea in law, alleging that the infringement cannot be imputed, on grounds of unlawfulness.
 3. Third plea in law, based on the instructions received from the Court of Justice to complete an ongoing translation.
 4. Fourth plea in law, alleging that all of the documentation submitted satisfies the requirements and that the grounds for exclusion are not set out in the decision not to accept that documentation.
 5. Fifth plea in law, alleging that the declaration issued should have been removed and not have adversely affected the candidate, since it was not part of the documentation requested.
 6. Sixth plea in law, alleging infringement of the right to be heard prior to the adoption of measures excluding the applicant from the procurement procedure on the basis of a presumed infringement (Article 41(2)(a) of the Charter of Fundamental Rights of the European Union).
 7. Seventh plea in law, alleging breach of the obligation of the administration to state reasons for its decisions (Article 41(2)(c) of the Charter of Fundamental Rights of the European Union).
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