

Order of the General Court of 1 December 2016 — STC v Commission(Case T-355/14) ⁽¹⁾**(Public services contracts — Tendering procedure — Construction and maintenance of a tri-generation plant with a gas turbine — Rejection of the tender submitted by a tenderer — Withdrawal of the contested measure — No need to adjudicate)**

(2017/C 022/44)

Language of the case: Italian

Parties

Applicant: STC SpA (Forlì, Italy) (represented by: A. Marelli and G. Delucca, lawyers)

Defendant: European Commission (represented by: initially L. Di Paolo, F. Moro and L. Cappelletti, then L. Di Paolo and F. Moro, acting as Agents)

Intervener in support of the defendant: CPL Concordia Soc. coop. (Concordia Sulla Secchia, Italy) (represented by: A. Penta, lawyer)

Re:

First, an application based on Article 263 TFEU and seeking annulment, (i), of the Commission's decision of 3 April 2014 rejecting the tender submitted by the applicant in tendering procedure JRC IPR 2013 C04 0031 OC for the construction and maintenance of a tri-generation plant with a gas turbine (OJ 2013/S 137-237146) on the site of the Joint Research Centre (JRC) in Ispra (Italy), (ii) of the Commission's decision awarding the contract to CPL Concordia and any connected measure, prior or subsequent to that decision, including the potential decision approving the contract and, where appropriate, the contract itself, (iii) the Commission's letter of 15 April 2014 rejecting the applicant's request for access to the tendering documents, and second, application requesting, principally, an order for the Commission to revoke the award of the contract and to grant that contract to the applicant, and alternatively, if the harm cannot be repaired, to order the Commission to compensate the applicant for the harm suffered.

Operative part of the order

1. There is no longer any need to adjudicate on the present action.
2. CPL Concordia Soc. coop's forms of order sought are rejected as being manifestly inadmissible.
3. Each party shall bear its own costs relating to the present proceedings and to the proceedings for interim relief.

⁽¹⁾ OJ C 223, 14.7.2014.

Order of the General Court of 1 December 2016 — Europower v Commission(Case T-383/14) ⁽¹⁾**(Public works contracts — Tendering procedure — Construction of a gas-turbine tri-generation power plant and associated maintenance — Rejection of a tenderer's bid — Withdrawal of the contested act — No need to adjudicate)**

(2017/C 022/45)

Language of the case: Italian

Parties

Applicant: Europower SpA (Milan, Italy) (represented by: G. Cocco and L. Salomoni, lawyers)

Defendant: European Commission (represented initially by: L. Cappelletti, F. Moro and L. Di Paolo, and subsequently by L. Di Paolo and F. Moro, acting as Agents)

Intervener in support of the defendant: CPL Concordia Soc. coop. (Concordia Sulla Secchia, Italy) (represented by: A. Penta, lawyer)

Re:

Action, first, on the basis of Article 263 TFEU and seeking the annulment of the Commission decision of 3 April 2014 rejecting the tender submitted by the applicant in the context of the call for tenders JRC IPR 2013 C04 0031 OC, concerning the construction of a gas-turbine tri-generation power plant and associated maintenance (OJ 2013/S 137-237146) on the site of the Joint Research Centre (JRC) at Ispra (Italy), of the Commission decision awarding the contract to CPL Concordia, of any other related prior or subsequent act including the actual decision approving the contract and the contract itself, and of the Commission decision refusing to disclose to the applicant the documents in the call for tenders and, secondly, on the basis of Article 268 TFEU and seeking compensation in respect of the harm allegedly suffered by the applicant.

Operative part of the order

1. *There is no longer any need to adjudicate on the present action.*
2. *The form of order sought by CPL Concordia Soc. coop. seeking dismissal of the application for a declaration that there is no need to adjudicate is rejected as manifestly inadmissible.*
3. *The European Commission shall bear its own costs and shall pay those incurred by Europower SpA, including those relating to the interlocutory proceedings.*
4. *CPL Concordia shall bear its own costs, relating both to the present proceedings and to the interlocutory proceedings.*

⁽¹⁾ OJ C 235, 21.7.2014.

Order of the General Court of 25 November 2016 — Stichting Accolade v Commission

(Case T-598/15) ⁽¹⁾

(State aid — Sale of land at prices allegedly below market price — Complaint made by a third party to the Commission — Decision declaring that the contested measure does not constitute aid — Procedure governing the preliminary examination stage under Article 108(2) TFEU and under Article 10(1), Article 13(1) and Article 4(2) of Regulation (EC) No 659/1999 concerning allegedly unlawful individual aid — Action for annulment brought by a third party — Admissibility — Locus standi — Action designed to safeguard procedural rights — Action challenging the merits of the contested measure — No substantial effect on the competitive position — Inadmissibility)

(2017/C 022/46)

Language of the case: Dutch

Parties

Applicant: Stichting Accolade (Drachten, the Netherlands) (represented by: H. de Boer and J. Abma, lawyers)

Defendant: European Commission (represented by: P.-J. Loewenthal and S. Noë, acting as agents)

Re:

Application pursuant to Article 263 TFEU seeking annulment of Commission Decision C(2015) 4411 final of 30 June 2015 on State aid SA.34676 (2015/NN) — The Netherlands (alleged sale of land below market price by the municipality of Harlingen), by which the Commission decided that the sale of that land to Ludinga Vastgoed BV did not constitute State aid within the meaning of Article 107(1) TFEU.