

Judgment of the General Court of 28 February 2018 — Vakakis kai Synergates v Commission**(Case T-292/15) ⁽¹⁾****(Non-contractual liability — Public supply contracts — Tender procedure — Admissibility — Misuse of procedure — Conflict of interests — Duty of diligence — Loss of opportunity)**

(2018/C 142/51)

*Language of the case: English***Parties**

Applicant: Vakakis kai Synergates — Symvouloi gia Agrotiki Anaptixi AE Meleton, formerly Vakakis International — Symvouloi gia Agrotiki Anaptixi AE (Athens, Greece) (represented by: B. O'Connor, Solicitor, S. Gubel and E. Bertolotto, lawyers)

Defendant: European Commission (represented initially by F. Erlbacher and E. Georgieva, and subsequently by E. Georgieva and L. Baumgart, acting as Agents)

Re:

Action brought under Article 268 TFEU, seeking compensation in respect of the loss which the applicant allegedly suffered as a result of irregularities committed by the Commission in the context of the Tendering Procedure 'Consolidation of the Food Safety System in Albania' (EuropeAid/129820/C/SER/AL).

Operative part of the judgment

The Court:

1. Orders the European Union to pay compensation for the damage suffered by Vakakis kai Synergates — Symvouloi gia Agrotiki Anaptixi AE Meleton in relation to the loss of an opportunity to be awarded the contract 'Consolidation of the Food Safety System in Albania' (EuropeAid/129820/C/SER/AL) and for the costs and expenses incurred in participating in that call for tenders;
2. Orders that the compensation referred to in point 1 of the present operative part be increased by default interest, starting from the date of delivery of the present judgment until full payment, at the rate set by the European Central Bank (ECB) for its main refinancing operations, increased by two percentage points;
3. Dismisses the action as to the remainder;
4. Orders the parties to inform the Court, within three months from the date of delivery of the present judgment, of the amount of compensation arrived at by agreement;
5. Orders that, in the absence of agreement, the parties shall transmit to the Court, within the same period, a statement of their views with supporting figures;
6. Reserves the costs.

⁽¹⁾ OJ C 294, 7.9.2015.