INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Order of the Court (Seventh Chamber) of 13 January 2012 — Evropaïki Dynamiki v EEA

(Case C-462/10 P)

(Appeal — Public service contracts — Invitation to tender — Supply of computing advice services — Rejection of the tender — Decision to award the contract to another tenderer — Selection and award criteria — Confusion of the criteria — Weighting of the criteria — Full copy of the evaluation report — Inadequate statement of reasons)

1. *Appeals — Pleas in law — Mere repetition of the pleas and arguments put forward before the General Court — Error of law relied on not identified — Inadmissibility (Art. 256 TFEU; Statute of the Court of Justice, Art. 58(1); Rules of Procedure of the Court of Justice, Art. 112(1)(c)) (see paras 19, 30, 31, 47)*

2. *Appeals — Pleas in law — Review by the Court of Justice of the General Court's refusal to order measures of inquiry — Ambit (Rules of Procedure of the General Court, Art. 66(1)) (see paras 21-23)*

3. *Appeals — Pleas in law — Challenging of the decision contested before the General Court and not of the judgment given by the latter — Inadmissibility (Art. 256 TFEU; Statute of the Court of Justice, Art. 58(1); Rules of Procedure of the Court of Justice, Art. 112(1)(c)) (see paras 36, 37)*

4. *Acts of the institutions — Statement of reasons — Obligation — Extent — Decision, in the procedure for the award of a public service contract, not to accept a tender — Obligation to communicate, in response to a written request, the characteristics and relative advantages of the tender accepted and the name of the successful tenderer — Contracting authority not obliged to produce a detailed analysis comparing the offer accepted and the offer of the unsuccessful tenderer — Plea manifestly unfounded (Art. 256 TFEU; Council Regulation No 1605/2002, Art. 100(2); Commission Regulation No 2342/2002, Art. 149(3)) (see paras 39, 40, 44)*

5. *Procedure — Application initiating proceedings — Formal requirements — Brief summary of the pleas in law on which the application is based (Statute of the Court of Justice, Art. 21; Rules of Procedure of the Court of Justice, Art. 112(1)(c)) (see para 47)*

6. *Appeals — Pleas in law — Review by the Court of the assessment of the facts and evidence — Possible only where the clear sense of the evidence has been distorted (Art. 256 TFEU; Statute of the Court of Justice, Art. 58(1)) (see para 57)*

Re:

Appeal against the judgment of the General Court (Fifth Chamber) of 8 July 2010 in Case T-331/06 *Evropaïki Dynamiki* v *EEA* by which that court dismissed an action for annulment of the decision of the European Environment Agency of 14 September 2006 rejecting the tender submitted by the applicant in tendering procedure EEA/IDS/06/002 relating to the provision of information technology consultancy services (OJ 2006/118-125101) and the decision to award the public contract to another tenderer — Award criteria — Error of assessment.

Operative part

1. The appeal is dismissed.

2. Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE is ordered to pay the costs.