Judgment of the General Court (Fifth Chamber) of 9 September 2010 — Evropaïki Dynamiki v EMCDDA

(Case T-63/06)

(Public service contracts — EMCDDA tender procedure — Supply of software programming and consultancy services — Rejection of a submitted tender — Award criteria — Manifest error of assessment — Equal treatment — Transparency — Principle of sound administration — Duty to state reasons)

1. *European Communities' public procurement — Tender procedure (Council Regulation No 1605/2002, Arts 89 and 97(1); Commission Regulation No 2342/2002, Arts 135 to 138) (see paras 37-38, 56)*

2. *Procedure — Application initiating proceedings — Formal requirements — Brief summary of the pleas in law on which the application is based (Rules of Procedure of the General Court, Art. 44(1)) (see para. 80)*

3. *European Communities' public procurement — Conclusion of a contract following a call for tenders (see paras 73, 89, 91)*

4. *European Communities' public procurement — Tender procedure (Commission Regulation No 2342/2002, Art. 148(1) and (3)) (see paras 96-98, 101-102, 104)*

5. *Acts of the institutions — Statement of reasons — Obligation — Scope (Art. 253 EC; Council Regulation No 1605/2002, Art. 100(2); Commission Regulation No 2342/2002, Art. 149(2)) (see paras 109-114, 120)*

Re:

APPLICATION for annulment of the decision of the European Monitoring Centre for Drugs and Drug Addiction of 5 December 2005 to reject the bid submitted by the applicant in response to a call for tenders for the supply of software programming and

consultancy services (OJ 2005 S 187) and to award the contract to another tenderer or, in the alternative, a claim for damages.

Operative part

The Court:

1. Dismisses the action;

2. Orders Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE to bear its own costs and to pay those of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

Judgment of the General Court (Fifth Chamber) of 9 September 2010 — Evropaïki Dynamiki v Commmission

(Case T-387/08)

(Public service contracts — Publications Office's tendering procedure — Provision of computing services — Rejection of a tenderer's bid — Action for annulment — Award criteria and sub-criteria — Duty to state reasons — Equal treatment — Transparency — Manifest error of assessment — Misuse of powers — Claim for damages)

1. *European Communities' public procurement — Conclusion of a contract following a call for tenders — Discretion of the institutions — Judicial review — Limits (see paras 30, 77)*

2. *Acts of the institutions — Statement of reasons — Obligation — Scope (Art. 253 EC; Council Regulation No 1605/2002, Art. 100(2); Comission Regulation No 2342/2002, Art. 149(3)) (see paras 31-38, 58-60, 63-67)*