Re:

APPLICATION for annulment of Commission Decision 2009/704/EC of 16 July 2008 relating to State aid C 29/2004 (ex N 328/2003) that Italy is considering granting to the Villasor sugar refinery owned by Sadam ISZ (OJ 2009 L 244, p. 10).

Operative part

The Court:

1. Dismisses the action;

2. Orders Eridania SpA to bear its own costs and to pay those incurred by the European Commission.

Judgment of the General Court (Seventh Chamber) of 20 October 2011 — Alfastar Benelux v Council

(Case T-57/09)

(Public service contracts — Tendering procedure — Provision of technical maintenance and help desk and on-site intervention services for the PCs, printers and peripherals of the General Secretariat of the Council — Rejection of a tender — Duty to state reasons)

1. *Acts of the institutions — Statement of reasons — Obligation — Scope — Decision, in the procedure for awarding a public services contract, to reject a tender — Assessment having regard to the information at the applicant's disposal at the time the action was brought — Advantages of the successful tender not communicated — Inadequate statement of reasons (Art. 253 EC; Council Regulation No 1605/2002, Art. 100(2); Commission Regulation No 2342/2002, Art. 149(3)) (see paras 24-29, 36-43)*

2. *Non-contractual liability — Conditions — Unlawfulness — Injury/damage — Causal link — Annulment, for lack of reasoning, of a Council decision rejecting a tender in a public service contract procedure — Reality of the unlawfulness and the causal link depending on examination of pleas having to be directed against the decision replacing the annulled decision — Claim for compensation premature (Art. 288, second para., EC) (see paras 45-53)*

Re:

APPLICATION, first, for annulment of the Council's decision of 1 December 2008 to reject the tender submitted by the Alfastar-Siemens consortium, composed of Alfastar Benelux SA and Siemens IT Solutions and Services SA, in response to Call for Tenders UCA/218/07 for the provision of technical maintenance – help desk and on-site intervention services for the PCs, printers and peripherals of the General Secretariat of the Council (OJ 2008/S 91-122796) and to award the contract to another tenderer and, secondly, for damages.

Operative part

The Court:

1. Annuls the Council's decision of 1 December 2008 to reject the tender submitted by the consortium composed of Alfastar Benelux SA and Siemens IT Solutions and Services SA, in response to Call for Tenders UCA/218/07 for the provision of technical maintenance – help desk and on-site intervention services for the PCs, printers and peripherals of the General Secretariat of the Council and to award the contract to another tenderer;

2. Dismisses the claim for damages;

3. Orders the Council of the European Union to pay the costs.