an order against the Commission to pay the final balance of the financial assistance under Article 238 EC.

Operative part

The Court:

1. Dismisses the action as inadmissible;

2. Orders the Caixa Geral de Depósitos, SA to bear its own costs and to pay those of the European Commission;

3. Orders the Republic of Portugal to bear its own costs.

Judgment of the General Court (Eighth Chamber) of 3 March 2011 — Evropaïki Dynamiki v Commission

(Case T-589/08)

(Public service contracts — Tender procedure — Provision of IT and user support services relating to the Community emissions trading scheme — Rejection of bid — Award criteria — Duty to state reasons — Manifest error of assessment — Equal treatment — Transparency)

1. *European Communities' public procurement — Conclusion of a contract following a call for tenders — Discretion of the institutions — Judicial review — Limits (see para. 24)*

2. *Acts of the institutions — Statement of reasons — Obligation — Scope (Art. 296 TFEU) (see paras 63-64, 80)*

3. *Non-contractual liability — Conditions (Art. 340, second para., TFEU) (see para. 112)*

Re:

First, application for the annulment of the Commission's decisions of 13 October 2008, rejecting the bids submitted by the applicant for each of the three lots relating to open invitation to tender DG ENV.C2/FRA/2008/0017 'Framework contract for Emission Trading Scheme – CITL/CR' (2008/ S 72-096229) and to award those contracts to another tenderer and, secondly, a claim for damages.

Operative part

The Court:

1. Dismisses the action;

2. Orders Evropaïki Dynamiki – Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE to pay the costs.

Judgment of the General Court (Fourth Chamber) of 8 March 2011 — World Wide Tobacco España v Commission

(Case T-37/05)

(Competition — Agreements, decisions and concerted practices — Spanish market for the purchase and first processing of raw tobacco — Decision finding an infringement of Article 81 EC — Price-fixing and market-sharing — Fines — Deterrent effect — Equal treatment — Mitigating circumstances — Maximum limit of 10 % of turnover — Cooperation)