Judgment of the General Court (Seventh Chamber) of 10 October 2012 — Sviluppo Globale v Commission

(Case T-183/10)

Public service contracts — Public procurement procedure — Supply of technical assistance to the Government of Syria — Rejection of the tender — Duty to state reasons

Acts of the institutions — Statement of reasons — Obligation — Scope — Decision under public contract award procedure to reject a tender — Decision to inform the persons concerned of the justifications for the measure taken so as to enable them to assert their rights — Assessment of compliance with that obligation having regard to information available to the applicant at the time the action was brought (Art. 296 TFEU; Charter of Fundamental Rights of the European Union, Arts 41 and 47; Council Regulation No 1605/2002, Art. 100(2); Commission Regulation No 2342/2002, Art. 149(2) and (3)) (see paras 16, 19-21, 35, 40, 41, 43)

Re:

ACTION for annulment of the Commission's decision of 14 February 2010 not to accept the tender submitted by the consortium led by the applicant in the restricted procedure EuropeAid/129038/C/SER/SY for the supply to the Syrian Government of technical assistance services designed to facilitate decentralisation and local development (OJ 2009/S 223-319862).

Operative part

The Court:

1. Annuls the Commission's decision of 14 February 2010 not to accept the tender submitted by the consortium led by the applicant in the restricted procedure EuropeAid/129038/C/SER/SY for the supply to the Syrian Government of technical assistance services designed to facilitate decentralisation and local development (OJ 2009/S 223-319862);

2. Orders the European Commission to bear its own costs and to pay those incurred by Sviluppo Globale GEIE.