



Press and Information

General Court of the European Union
PRESS RELEASE No 132/15
Luxembourg, 10 November 2015

Judgment in Case T-321/15
Gruppo Servizi Associati SpA (GSA) v European Parliament

The General Court dismisses an action involving the award of a public service contract by the European Parliament for the supply of fire security, assistance to persons and external surveillance at the European Parliament's site in Brussels

The case marks the first time that the General Court makes use of its power under the new Rules of Procedure to adjudicate on the case by expedited procedure, thereby dealing with the case in four and half months.

A case was brought before the General Court concerning two decisions of the European Parliament by which it rejected the bids of two companies which had participated in a tendering procedure launched by a call for tenders on 20 December 2014 for the supply of fire security and assistance to persons (part 1) and external surveillance (part 2) at the European Parliament's site in Brussels (Belgium) and awarded the contract to another tenderer.

The tender specifications stated that the contract was global (parts 1 and 2 not constituting separate lots) and that it was to be awarded according to the lowest price criterion. Referring to the Belgian rules, they stated that tenderers had to provide proof that they held the authorisations required to supply the services which were the subject of the tender. To that end, each tenderer and, where the tenderer was a group of companies, each company in the group, had to attach to its tender a security clearance ('authorisation') issued by the competent Belgian authority in accordance with the Belgian Law of 10 April 1990 regulating private and individual security (loi belge du 10 avril 1990 réglementant la sécurité privée et particulière).

A financial group made up of the companies Gruppo Servizi Associati SpA (GSA) – a firm involved in fire-fighting in Italy – and Security Guardian's Institute (SGI) – a firm involved in building security in Belgium – submitted the tender with the lowest price. However, it was not awarded the tender because GSA did not hold the authorisation required to operate a security firm.

GSA and SGI argue that, in requiring that all members of a group provide proof of authorisation as required under the Belgian legislation, the Parliament infringed the principles of proportionality, equal treatment and the principle of opening-up of public procurement to competition and placed an unjustified restriction on the freedom to provide services.

By its judgment today, the Court dismisses the action brought by GSA and SGI, holding, first, that the Parliament did not infringe the principle of proportionality, the principle of equal treatment of undertakings established in Belgium as compared with those established in another Member State or the principle of opening-up of public procurement to the widest possible competition and, second, that the Parliament did not restrict the freedom to provide services.

In this case, the General Court applied, for the first time, Article 151(2) of its new Rules of Procedure, which entered into force on 1 July 2015, under which it may decide of its own motion to adjudicate under an expedited procedure. Under Article 153 of the Rules of Procedure, the case was then given priority, which enabled the Court to deal with the case within four and a half months.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

Unofficial document for media use, not binding on the General Court.

The [full text](#) of the judgment is published on the CURIA website on the day of delivery

Press contact: Christopher Fretwell ☎ (+352) 4303 3355