

SCHEDULE 3

Decisions taken in accordance with paragraph 3 of Article 5 of Regulation (EC) No. 1370/2007

PART 3

Applications to the Court

Contract-making suspended by challenge to award decision

21.—(1) Where –

- (a) an originating process is issued in respect of the Department's decision to award the contract;
- (b) the Department has become aware that the originating process has been issued and that it relates to that decision; and
- (c) the contract has not been entered into,

the Department is required to refrain from entering into the contract.

(2) The requirement continues until any of the following occurs –

- (a) the Court brings the requirement to an end by interim order under paragraph 22(1)(a);
- (b) the proceedings at first instance are determined, discontinued or otherwise disposed of and no order has been made continuing the requirement (for example in connection with an appeal or the possibility of an appeal).