

Judgment of the Court of First Instance of 23 October 2007 — Commission v Impetus

(Case T-138/05) ⁽¹⁾

(Arbitration clause — Framework programmes for activities in the field of research and technological development — Contracts concerning projects in the field of telematics applications of common interest — Lack of supporting documentation and failure of part of the declared expenditure to comply with the contractual provisions — Repayment of the sums paid)

(2007/C 297/81)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: D. Triantafyllou, Agent, assisted by N. Kostikas, lawyer)

Defendant: Impetus Simvouli Mikhanikoi — Kainotomia kai Tekhnologia EPE (Athens, Greece) (represented by: P. Miliarakis, lawyer)

Re:

Application, pursuant to an arbitration clause within the meaning of Article 238 EC, for an order against Impetus Simvouli Mikhanikoi — Kainotomia kai Tekhnologia EPE to repay part of the sums paid to it by the European Community under the Invite (Inland Navigation Telematics) contract (reference COP 493) and under the Ausias (ATT in Urban Sites with Integration and Standardisation) contract (reference TR 1006), concluded in the framework of Decision No 1110/94 of the European Parliament and of the Council of 26 April 1994 concerning the fourth framework programme of the European Community activities in the field of research and technological development and demonstration (OJ 1994 L 126, p. 1), and part of the sums paid under the Artis (Advanced Road Transport Informatics in Spain) contract (reference V 2043), concluded in the framework of Council Decision 90/221/Euratom, EEC of 23 April 1990 concerning the framework programme of Community activities in the field of research and technological development (1990 to 1994) (OJ 1990 L 117, p. 28).

Operative part of the judgment

The Court:

1. Dismisses the Commission's claim for repayment of the sum of EUR 136 037,30 under the Invite (Inland Navigation Telematics) contract (reference COP 493);

2. Orders Impetus Simvouli Mikhanikoi — Kainotomia kai Tekhnologia EPE, under the Ausias (ATT in Urban Sites with Integration and Standardisation) contract (reference TR 1006), to pay to the Commission the sum of EUR 14 678,41 by way of principal sum, together with interest for late payment, at the statutory annual rate applicable in Spain, from 15 November 2002 until payment in full of the debt;

3. Orders Impetus Simvouli Mikhanikoi — Kainotomia kai Tekhnologia EPE, under the Artis (Advanced Road Transport Informatics in Spain) contract (reference V 2043), to pay to the Commission the sum of EUR 9 230,77 by way of principal sum, together with interest for late payment, at the statutory annual rate applicable in Spain, from 29 January 2003 until payment in full of the debt.

4. Orders each party to bear its own costs.

⁽¹⁾ OJ C 182, 23.7.2005.

Judgment of the Court of First Instance of 25 October 2007 — Lo Giudice v Commission

(Case T-154/05) ⁽¹⁾

(Staff case — Officials — Mental harassment — Actions for annulment — Duty to provide assistance — Duty to state reasons — Legitimate expectations — Article 24 of the Staff Regulations — Duty to have regard for the welfare of officials — Admissibility — Application for damages)

(2007/C 297/82)

Language of the case: French

Parties

Applicant: Carmela Lo Giudice (Grimbergen, Belgium) (represented by: F. Frabetti and G. Bouneou initially, then by F. Frabetti, lawyers)

Defendant: Commission of the European Communities (represented by: J. Currall and H. Kraemer)

Re:

In substance, first, an application for annulment of the Commission's decision concluding there was no mental harassment and, secondly, an application for damages seeking compensation for the non-material harm allegedly suffered.