

COURT OF FIRST INSTANCE

Judgment of the Court of First Instance of 9 June 2009 — NDSHT v Commission

(Case T-152/06) ⁽¹⁾

(Action for annulment — State aid — Regulation (EC) No 659/1999 — Complaint by a competitor — Letters from the Commission to a complainant — Existing aid — Non-actionable measure — Inadmissibility)

(2009/C 167/18)

Language of the case: English

Parties

Applicant: NDSHT Nya Destination Stockholm Hotell & Teaterpaket AB (Stockholm, Sweden) (represented by: M. Merola and L. Armati, lawyers)

Defendant: Commission of the European Communities (represented by: T. Scharf, acting as Agent)

Re:

Application for the annulment of the decision contained in the Commission's letters to NDSHT of 24 March and 28 April 2006, relating to a complaint concerning allegedly unlawful State aid granted by the City of Stockholm to Stockholm Visitors Board AB (Case CP 178/04 — Alleged State aid to SVB AB),

Operative part of the judgment

The Court:

1. Dismisses the action as inadmissible;
2. Orders NDSHT Nya Destination Stockholm Hotell & Teaterpaket AB to pay the costs.

⁽¹⁾ OJ C 178, 29.7.2006.

Judgment of the Court of First Instance of 3 June 2009 — Commission v Burie Onderzoek en advies

(Case T-179/06) ⁽¹⁾

(Arbitration clause — Contracts concluded under the RACE II programme and a specific programme in the field of telematic applications of common interest — Repayment of part of the advances paid — Jurisdiction of the Court of First Instance — Partial inadmissibility — Principle of sound administration — Counterclaim)

(2009/C 167/19)

Language of the case: Dutch

Parties

Applicant: Commission of the European Communities (represented initially by A. Weimar and L. Escobar Guerrero, and subsequently by W. Roels, Agents, assisted by W. Rupert)

Defendant: Burie Onderzoek en Advies BV (Nijeholtpade, Netherlands) (represented by: I. van den Berge and A. Appelman, lawyers)

Re:

Application pursuant to an arbitration clause within the meaning of Article 238 EC seeking an order that Burie Onderzoek en Advies BV repay part of the advances paid by the European Community, together with default interest, in implementation of two financing contracts in the field of advanced communications technologies in Europe and of telematic applications.

Operative part of the judgment

The Court:

1. Dismisses as inadmissible the action concerning the repayment of advances paid by the Commission under the Barbara (Broad Range of Community Based Telematics Applications in Rural Areas) contract with reference number 'Project R 2022' in so far as that action is directed against Burie Onderzoek en Advies BV, on the ground that it is clear that the Court of First Instance has no jurisdiction to take cognisance of the action;
2. Orders Burie Onderzoek en Advies, under the Telepromise (Telematics to Provide for Missing Services) contract with reference number 'Project UR 1028', to pay the Commission the principal sum of EUR 109 535,62 plus default interest at the applicable statutory rate in the Netherlands from 31 August 2001 until full payment of the debt;