

Defendant: European Commission (represented by: A. Steiblyté and B. Conte, acting as Agents)

Interveners in support of the applicant: Kingdom of Spain (represented: initially by J.M. Rodríguez Cárcamo, subsequently by N. Díaz Abad and J.M. Rodríguez Cárcamo, and finally by A. Rubio González, acting as Agents), French Republic (represented by: G. de Bergues and N. Rouam, acting as Agents), Kingdom of the Netherlands (represented by: C. Wissels, Y. de Vries, B. Koopman, M. Bulterman and J. Langer, acting as Agents)

Re:

Action for annulment of Commission Decision C(2008) 1690 final of 30 April 2008 reducing the financial assistance granted from the European Regional Development Fund (ERDF) to the Operational Programme in the Objective 1 area of *Land Thüringen* (Germany) (1994-1999), in accordance with Commission Decision C(94)1939/5 of 5 August 1994

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Federal Republic of Germany to bear its own costs and to pay those incurred by the European Commission;
3. Orders the Kingdom of Spain, the French Republic and the Kingdom of the Netherlands to bear their own costs.

(¹) OJ C 223, 30.8.2008.

**Judgment of the General Court of 19 September 2012 —
Commission v SEMEA and Commune of Millau**

(Joined Cases T-168/10 and T-572/10) (¹)

(Arbitration clause — Grant contract concerning a local development plan consisting in the performance of work for the preparation and launching of a European local enterprise centre in Millau (France) — Repayment of part of the advance payments made — Admissibility of an action brought against a company established under French law removed from the companies register — Application of French law — Administrative contract — Recovery of sum overpaid — Time-bar — Enforceability of an arbitration clause — Assumption of debt — Incidental debts rule — Stipulation in favour of third party)

(2012/C 331/29)

Language of the case: French

Parties

Applicant: European Commission (represented by: S. Petrova, agent, assisted by E. Bouttier, lawyer)

Defendant: Société d'économie mixte d'équipement de l'Aveyron (SEMEA) (Millau, France) and Commune de Millau (France) (represented by: L. Hincker and F. Bleykasten, lawyers)

Re:

Applications for repayment of the principal sum of EUR 41 012 paid by the Commission as a guarantee agreed by it in the context of the funds granted to the SEMEA, increased by interest accrued and accruable, and all other sums in compensation for the harm suffered by it.

Operative part of the judgment

The Court rules:

1. Cases T-168/10 and T-572/10 are joined for the purposes of judgment;
2. The Société d'économie mixte d'équipement de l'Aveyron (SEMEA) and the commune of Millau (France) are ordered jointly and severally to pay the principal sum of EUR 41 012 to the European Commission, increased by default interest at the annual legal rate applied in France from 27 April 1993 until full payment of that sum. The interest accrued by the date of 15 April 2010, and at yearly intervals thereafter, shall be capitalised and itself bear interest;
3. The actions of the Commission in Cases T-168/10 and T-572/10 are dismissed as to the remainder;
4. The counterclaim by the SEMEA in Case T-168/10 and the counterclaim by the commune of Millau in Case T-572/10 are dismissed;
5. The SEMEA shall bear its own costs and those of the Commission in Case T-168/10;
6. The commune of Millau shall bear its own costs and those of the Commission in Case T-572/10.

(¹) OJ C 161, 19.6.2010.