

GENERAL COURT

**Judgment of the General Court of 25 October 2012 —
Arbos v Commission**(Case T-161/06) ⁽¹⁾*(Action for damages — ‘Culture 2000’ programme — Grants made for projects — Claims for payment of various sums — Article 44(1)(c) of the Rules of Procedure — Inadmissible)*

(2012/C 379/35)

Language of the case: German

Parties*Applicant:* Arbos Gesellschaft für Musik und Theater (Klagenfurt, Austria) (represented by: H. Karl, lawyer)*Defendant:* European Commission (represented by: L. Pignataro-Nolin and I. Kaufmann-Buhler, then L. Pignataro-Nolin and W. Molls, and finally W. Molls and D. Roussanov, Agents)**Re:**

Action for compensation from the Commission, first, for payment of EUR 38 585,42 plus interest at 12 % from 1 January 2001 and EUR 27 618,91 plus interest at 12 % from 1 March 2003 and, second, the payment of EUR 26 459,38 excluding VAT for fees for lawyers instructed during the pre-litigation phase.

Operative part of the judgment*The Court:*

1. Dismisses the action;
2. Orders Arbos Gesellschaft für Musik und Theater to bear its own costs and to pay those incurred by the European Commission.

⁽¹⁾ OJ C 212, 2.9.2006.**Judgment of the General Court of 25 October 2012 —
Astrim and Elyo Italia v Commission**(Case T-216/09) ⁽¹⁾*(Public service contracts — Tendering procedure — Maintenance services for air conditioning, heating and ventilation systems — Ispra Joint Research Centre — Rejection of a tenderer’s bid — Interpretation of a condition laid down in the contract specifications — Duty to state reasons)*

(2012/C 379/36)

Language of the case: Italian

Parties*Applicants:* Astrim SpA (Rome, Italy) and Elyo Italia Srl (Sesto San Giovanni, Italy) (represented by: M. Brugnoletti and M. Civello, lawyers)*Defendant:* European Commission (represented: initially by N. Bambara and E. Manhaeve, then E. Manhaeve and F. Moro, Agents, and D. Gullo, lawyer)**Re:**

Action for annulment of the Commission Decision of 27 March 2009 rejecting the bid submitted by the applicants in connection with the call for tenders published on 25 October 2008 by the Commission for the award of routine and non-routine maintenance services for air conditioning, heating and ventilation systems at the Ispra Joint Research Centre (OJ 2008/S 208-274999), and, in the alternative, an application for partial annulment of point 17 of the invitation to tender.

Operative part of the judgment*The Court:*

1. Dismisses the action;
2. Orders Astrim SpA and Elyo Italia Srl to pay the costs.

⁽¹⁾ OJ C 167, 18.7.2009.