

**Judgment of the General Court of 13 June 2012 *Insula v Commission***

(Case T-366/09) <sup>(1)</sup>

*(Arbitration clause — Financing contracts for research and development projects — Ecres, El Hierro, Islands 2010, Opet I, Opet II, Opet Ola, Respire, Sustainable Communities and Virtual Campus contracts — Lack of supporting documents and non-compliance with the contractual requirements in respect of some of the declared expenses — Reimbursement of sums advanced — Partial inadmissibility of the action — Counterclaim by the Commission)*

(2012/C 217/34)

Language of the case: French

**Parties**

*Applicant:* Conseil scientifique international pour le développement des îles (*Insula*) (Paris, France) (represented by: J.-D. Simonet and P. Marsal, lawyers)

*Defendant:* European Commission (represented initially by A.-M. Rouchaud-Joët and F. Mirza, and subsequently by A.-M. Rouchaud-Joët and D. Calciu, Agents, and by L. Defalque and S. Woog, lawyers)

**Re:**

Application, on the basis of Article 238 EC, for a declaration, first, that a claim of the Commission of EUR 114 996,82 is unfounded and, second, that a claim of the Commission of EUR 253 617,08 is well founded in part, and that the Commission be ordered to pay the applicant damages of EUR 146 261,06, principally, and of EUR 573 273,42, in the alternative.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action brought by the Conseil scientifique international pour le développement des îles (*Insula*);
2. Orders *Insula* to pay the European Commission the principal sum of EUR 114 996,82, increased by default interest at the rate of 2,5 % per annum, from 16 August 2009 until full payment of that principal sum;
3. Orders *Insula* to pay the Commission the principal sum of EUR 253 617,08, increased by default interest at the rate of 2,5 % per annum, from 8 September 2009 until full payment of that principal sum;
4. Dismisses the remainder of the Commission's counterclaim;
5. Orders *Insula* to bear its own costs and to pay those incurred by the Commission.

<sup>(1)</sup> OJ C 282, 21.11.2009.

**Judgment of the General Court of 14 June 2012 — *Vereniging Milieudefensie, Stichting Stop Luchtverontreiniging Utrecht v Commission***

(Case T-396/09) <sup>(1)</sup>

*(Environment — Regulation (EC) No 1367/2006 — Obligation of the Member States to protect and improve ambient air quality — Temporary exemption granted to a Member State — Request for internal review — Refusal — Measure of individual scope — Validity — Aarhus Convention)*

(2012/C 217/35)

Language of the case: Dutch

**Parties**

*Applicants:* Vereniging Milieudefensie (Amsterdam, Netherlands), Stichting Stop Luchtverontreiniging Utrecht (Utrecht, Netherlands) (represented by: A. van den Biesen, lawyer)

*Defendant:* European Commission (represented: initially by P. Oliver, W. Roels and A. Alcover San Pedro, subsequently by P. Oliver, A. Alcover San Pedro and E. Manhaeve, and finally by P. Oliver, A. Alcover San Pedro and B. Burggraaf, Agents)

*Interveners in support of the defendant:* Kingdom of the Netherlands (represented by: C. Wissels, Y. de Vries, J. Langer and M. de Ree, Agents); European Parliament (represented initially by L. Visaggio and A. Baas, and subsequently by L. Visaggio and G. Corstens, Agents); and Council of the European Union (represented by: M. Moore and F. Naert, Agents)

**Re:**

Application for annulment of Commission Decision C(2009) 6121 of 28 July 2009 rejecting as inadmissible the applicants' request for review by the Commission of Decision C(2009) 2560 final of 7 April 2009 granting the Kingdom of the Netherlands a temporary exemption from the obligations laid down in Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ 2008 L 152, p. 1)

**Operative part of the judgment**

*The Court:*

1. Annuls Commission Decision C(2009) 6121 of 28 July 2009;
2. Orders the European Commission to bear, in addition to its own costs, the costs incurred by Vereniging Milieudefensie and Stichting Stop Luchtverontreiniging Utrecht, including those relating to the proceedings for interim relief;
3. Orders the Kingdom of the Netherlands, the European Parliament and the Council of the European Union to bear their own costs.

<sup>(1)</sup> OJ C 297, 5.12.2009.