

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 15 March 2005

in Case T-29/02 Global Electronic Finance Management (GEF) SA v Commission of the European Communities ⁽¹⁾

(Arbitration clause — Non-performance of contract — Counterclaim)

(2005/C 132/43)

(Language of the case: English)

In Case T-29/02: Global Electronic Finance Management (GEF) SA, established in Brussels (Belgium), represented by E. Storme and A. Gobien, lawyers, against Commission of the European Communities (Agents: R. Lyal and C. Giolito, assisted by J. Stuyck) — application, based on an arbitration clause within the meaning of Article 238 EC, for an order that the Commission pay the sum of EUR 40 693 and issue a credit note in the sum of EUR 273 516, together with a counterclaim by the Commission that the applicant should be ordered to reimburse to it the sum of EUR 273 516, plus default interest at the rate of 7 % a year as from 1 September 2001 — the Court of First Instance (First Chamber, Extended Composition), composed of B. Vesterdorf, President, M. Jaeger, P. Mengozzi, E. Martins Ribeiro and F. Dehousse, Judges; J. Plingers, Administrator, for the Registrar, gave a judgment on 15 March 2005, in which it:

1. Dismisses the applicant's claim for reimbursement of the sum of EUR 40 693 and for the issue of a credit note for EUR 273 516;
2. Upholds the Commission's counterclaim and, consequently, orders the applicant to pay the Commission the sum of EUR 273 516, plus default interest, at the annual statutory rate applicable in Belgium, from 1 September 2001 until full payment of the debt;
3. Orders the applicant to pay the costs.

⁽¹⁾ OJ C 118 of 18.5.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 16 March 2005

in Case T-283/02 EnBW Kernkraft GmbH v Commission of the European Communities ⁽¹⁾

(TACIS Programme — Services provided in connection with a nuclear power station in Ukraine — Not paid for — Jurisdiction of the Court of First Instance — Action for compensation — Non-contractual liability)

(2005/C 132/44)

(Language of the case: German)

In Case T-283/02: EnBW Kernkraft GmbH, formerly Gemeinschaftskernkraftwerk Neckar GmbH, established in Neckarwestheim (Germany), represented by S. Zickgraf, lawyer, against Commission of the European Communities (Agents: S. Fries and F. Hoffmeister, with an address for service in Luxembourg) — application for compensation under Article 288 EC in respect of damage allegedly suffered by the applicant following failure by the Commission to pay for the services provided by it under the TACIS programme in relation to the Zaporozhe nuclear power station (Ukraine) — the Court of First Instance (Fourth Chamber), composed of H. Legal, President, V. Tiili and V. Vadapalas, Judges; D. Christensen, Administrator, for the Registrar, gave a judgment on 16 March 2005, in which it:

1. Dismisses the application;
2. Orders the applicant to pay the costs.

⁽¹⁾ OJ C 289 of 23.11.2002.