

**Action brought on 24 October 2005 — Commission/  
Reagecon Diagnostics**

**(Case T-391/05)**

(2005/C 330/60)

*Language of the case: English*

**Parties**

*Applicant(s)*: Commission of the European Communities [represented by: L. Flynn, agent]

*Defendant(s)*: Reagecon Diagnostics Ltd

**Form of order sought**

- Condemn the defendant to pay to the Commission
  - a) the sum of 169 658,65 Euros (one hundred and sixty nine thousand, six hundred and fifty eight Euros and sixty five cents), corresponding to 161 953,99 Euros as the amount due and 7 704,66 Euros as late payment interest as of 21 October 2005, at a rate of 5,53 %;
  - b) the sum of 24,53714 Euros per day by way of interest, at a rate of 5,53 %, from 16 November 2005 until the date on which the debt is repaid in full;
- condemn the defendant to pay the costs of the present action.

**Pleas in law and main arguments**

The European Community, represented by the European Commission, concluded with the defendant contract no MAS3-CT-1998-0177 in the context of the specific programme for research and technological development, including demonstration, in the field of marine science and technology known as the 'MAST III programme' <sup>(1)</sup>. The contract concerned the execution of a cooperative research project called 'Development and test of an innovative ion selective electrodes monitoring and control system for total nitrogen in marine waters', which was intended to run for 24 months, from 1 December 1998.

The contract provided that the Commission would make a financial contribution to the relevant project, and an advance of 268 000 ECU was paid to the defendant on 1 December 1998. A further interim payment of 134 417 EUR was made on 6 September 2000. The amounts thus paid by the Commission to the defendant totalled 402 417 EUR.

The Commission audited the contract on 24 and 25 September 2001. The audit concluded that the Commission's contributions up to that point exceeded 50 % of the costs of the project thus far. The audit also revealed that the cost statement submitted by another participant to the project had been signed, irregularly, by the defendant.

On 25 January 2002 the defendant submitted additional cost statements for the period between 1 December 1999 and 30 November 2000.

The Commission carried out two independent technical reviews of the project and exchanged correspondence with the defendant on the findings of the audit and those two reviews and the concerns they raised. Following that, the Commission issued a debit note to the defendant, requiring reimbursement of the amount of 161 953,99 EUR, being the difference between the total costs of 240 463,01, accepted by the Commission and the total amount the Commission had previously paid to the defendant.

By its action the Commission seeks repayment of the above-mentioned amount, together with interest thereon, in accordance with the law of Ireland, which is applicable to the contract.

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<sup>(1)</sup> Decision of the Council no 94/804/CE, of 23 November 1994, JO L 334 p. 59.

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**Order of the Court of First Instance of 20 October 2005  
— Comitato 'Venezia Vuole Vivere' v Commission**

**(Case T-265/00) <sup>(1)</sup>**

(2005/C 330/61)

*Language of the case: Italian*

The President of the Second Chamber (Extended Composition) has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 335, 25.11.2000.

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**Order of the Court of First Instance of 27 October 2005  
— Italy v Commission**

**(Case T-410/04) <sup>(1)</sup>**

(2005/C 330/62)

*Language of the case: Italian*

The President of the Second Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 19, 22.1.2005.