Judgment of the Court of First Instance (Second Chamber) of 12 December 2006 — Commission v Parthenon

(Case T-7/05)

Arbitration clause — Fourth framework programme of activities in the field of research and technological development and demonstration — Recovery of sums advanced

Procedure — Referral to the Court of First Instance under an arbitration clause (Art. 238 EC; Decision of the European Parliament and Council No 1110/94) (see paras 73-92, 94-107)

Re:

ACTION brought pursuant to Article 238 EC for the recovery of sums advanced within the framework of Contract FAIR-CT98-9544, terminated by the Commission for failure by the defendant to perform its contractual obligations.

Operative part

The Court:

1. Orders the defendant, Parthenon AE Ikodomikon — Tekhnikon — Touristikon — Viomikhanikon — Emporikon kai Exagogikon Ergasion, to pay to the Commission the sum of EUR 154 383.53, plus interest at the rate set by the European Central Bank for main refinancing operations, plus 1.5 percentage points for the period from 31 July to 31 December 2002 and plus 2 percentage points as from 1 January 2003 until full and final discharge;

2. Dismisses the application as to the remainder;

3. Orders the Commission to bear one third of its own costs and to pay one third of the costs of the defendant, and orders the defendant to bear two thirds of its own costs and to pay two thirds of the costs of the Commission.