Re:

ACTION for annulment of the decision allegedly contained in the Commission's letter of 12 June 2009 addressed to the Bundesnetzagentur (German Regulatory Authority) on the basis of Article 22(4) of Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC (OJ 2003 L 176, p. 57).

Operative part

1. It is not necessary to rule on the requests for confidential treatment made by Concord Power Nordal GmbH.

2. The action is dismissed.

3. Concord Power Nordal is ordered to bear its own costs and pay those incurred by the European Commission.

4. OPAL NEL Transport GmbH is ordered to bear its own costs.

Judgment of the General Court (Eighth Chamber) of 24 November 2010 — Commission v Irish Electricity Generating

(Case T-323/09)

(Arbitration clause — Contract concluded in the framework of a specific programme for research and technological development, including demonstration, in the field of non-nuclear energy (1994 to 1998) — Non-performance of the contract — Reimbursement of the sums advanced — Late-payment interest — Procedure by default)

1. *Procedure — Referral to the General Court under an arbitration clause — Contract granting Community financial assistance for a non-nuclear energy project — Amount of approved admissible costs less than the amount of the sum advanced by the Commission — Commission demand for reimbursement of the overpayment — Obligation on the co-contractor to prove the reality of and need for the costs declared to the Commission for the implementation of the project (Art. 238 EC) (see paras 60-61)*

2. *Procedure — Referral to the General Court under an arbitration clause — Contract granting Community financial assistance for a non-nuclear energy project — Amount of approved admissible costs less than the amount of the sum advanced by the Commission — Right to partial reimbursement of the advance, together with late-payment interest — Rate of late-payment interest claimed by the Commission lower than that calculated under the applicable rules of national law (Art. 238 EC) (see paras 73-76)*

Re:

APPLICATION under an arbitration clause seeking an order that Irish Electricity Generating Co. Ltd repay the sum of EUR 180 664.70 corresponding to part of the advances paid to it by the Commission under contract No WE/178/97/IE/GB, together with late-payment interest.

Operative part

The Court:

1. Orders Irish Electricity Generating Co. Ltd to repay to the European Commission the sum of EUR 180 664.70, together with late-payment interest:

   — at the rate of 5.56 % per annum from 25 August 2003 to the date of the present judgment;

   — at the annual rate applied under Irish law, that is to say, currently section 26 of the Debtors (Ireland) Act, 1840, as amended, up to a rate of

5.56 % per annum from the date of the present judgment until full clearance of the debt;

2. Orders Irish Electricity Generating Co. Ltd to pay the costs.

Order of the General Court (Seventh Chamber) of 24 November 2010 — RWE Transgas v Commission

(Case T-381/09)

(Action for annulment — Internal market in natural gas — Article 22 of Directive 2003/55/EC — Letter from the Commission requesting a regulatory authority to amend its decision regarding the grant of an exemption — Act not open to challenge — Inadmissibility)

Actions for annulment — Actionable measures — Concept — Measures producing binding legal effects — Preparatory measures — Letter sent by the Commission to a national regulatory authority in the context of the procedure under Article 22(4) of Directive 2003/55 — Not included (Art. 230 EC; European Parliament and Council Directive No 2003/55, Art. 22(4)) (see paras 37-47, 52)

Re:

ACTION for annulment of the decision allegedly contained in the Commission's letter of 12 June 2009 addressed to the Bundesnetzagentur (German Regulatory Authority) on the basis of Article 22(4) of Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC (OJ 2003 L 176, p. 57).