JUDGMENT OF THE COURT OF FIRST INSTANCE (Second Chamber)
10 June 2003 *

In Case T-93/01,

A. Seisenbacher GmbH, established in Vienna, represented by J. Stieldorf, lawyer, with an address for service in Luxembourg,

applicant,

v

Commission of the European Communities, represented by J. Sack and L. Parpala, acting as Agents, with an address for service in Luxembourg,

defendant,

* Language of the case: German.

APPLICATION under Article 238 EC to obtain payment from the Commission of monies allegedly payable under a contract for improvement and conversion work

on the Commission delegation building in Kiev (Ukraine),

THE COURT OF FIRST INSTANCE
OF THE EUROPEAN COMMUNITIES (Second Chamber),

composed of: N.J. Forwood, President, J. Pirrung and A.W.H. Meij, Judges,

Registrar: D. Christensen, Administrator,

having regard to the written procedure and further to the hearing on 22 January 2003,

gives the following

Judgment

(Paragraphs 1 to 77 and 79 of the grounds are not reproduced.)

Conclusion

78 In accordance with the terms of the contract, as interpreted in the present judgment, and in light of the parties' observations, the Commission must be ordered to pay into account No... of the Raiffeisen Zentralbank Österreich AG or, if it no longer exists, into any account to be indicated to the Commission by Ost-Invest jointly with the applicant, the sum of EUR 25 000 and the sum of EUR 4 694.44, together with default interest calculated, in accordance with the procedure set out in the present judgment, from 20 July 2000 in respect of the sum of EUR 25 000 and from 20 October 1998 in respect of the sum of EUR 4 694.44.

On those grounds,

THE COURT OF FIRST INSTANCE (Second Chamber)

hereby:

1. Orders the Commission to pay, in accordance with the terms of the contract as here interpreted and summarised above at paragraph 78:

— the sum of EUR 25 000, together with default interest from 20 July 2000 until full and final payment;

— the sum of EUR 4 694.44, together with default interest from 20 October 1998 until full and final payment;

2. Sets the rate of default interest at 8% per annum for the period running from 20 October 1998 to 31 December 1998 inclusive, and to be calculated, from 1 January 1999, on the basis of the rate set by the European Central Bank for capital refinancing operations in force during the various phases of the period concerned, increased by two percentage points;

3. Dismisses the remainder of the application;

4. Orders the Commission to pay the costs.

Forwood Pirrung Meij

Delivered in open court in Luxembourg on 10 June 2003.

H. Jung

Registrar

N.J. Forwood

President