Operative part

1. Dismisses the action;

2. Orders Deutsche Behindertenhilfe — Aktion Mensch eV to pay the costs.

Judgment of the General Court (Seventh Chamber) of 7 October 2010 — Commission v Gal-Or

(Case T-136/09)

(Arbitration clause — Contract for financial assistance concluded under a specific research and technological development programme in the field of non-nuclear energy — Failure to comply with the contract — Reimbursement of advance payments — Default interest — Default procedure)

1. *Procedure — Referral to the General Court under an arbitration clause — Jurisdiction of the Community judicature defined exclusively by Article 238 EC and the arbitration clause — Debt owing to the Commission not directly originating in contractual relations, but in the implementation of judgments delivered by a national court — General Court having no jurisdiction (Arts 238 EC and 240 EC) (see paras 32-35)*

2. *Procedure — Referral to the General Court under an arbitration clause — Contract granting Community financial assistance for a research, technological development and demonstration project — Non-compliance with obligations under the contract — Right of the Commission to repayment of the advance, with interest for delay (Art. 238 EC; Council Decision 94/806) (see paras 45-46, 62-63, 68-69)*

Re:

ACTION on the basis of an arbitration clause, seeking an order that Mr Gal-Or reimburse the amount of EUR 205 611 advanced to him by the Commission in the context of contract IN/0042/97, together with default interest, and for payment of default interest on the amount of EUR 9 231.25, which is the amount of the costs incurred in an action brought by Mr Gal-Or against the Commission before the courts in the Netherlands.

Operative part

1. Orders Mr Benjamin Gal-Or to pay to the European Commission the principal amount owing of EUR 205 611, together with interest at the rate of:

   — 2.75 % from 2 March 2003;

   — 2.50 % from 7 March 2003;

   — 2.00 % from 6 June 2003;

   — 2.25 % from 6 December 2005;

   — 2.50 % from 8 March 2006;

   — 2.75 % from 15 June 2006;

   — 3.00 % from 9 August 2006;

   — 3.25 % from 11 October 2006;

   — 3.50 % from 13 December 2006;

   — 3.75 % from 14 March 2007;

— 4.00 % from 13 June 2007;

— 4.25 % from 9 July 2008;

— 3.75 % from 15 October 2008;

— 3.25 % from 12 November 2008;

— 2.50 % from 10 December 2008;

— 2.00 % from 21 January 2009;

— 1.50 % from 11 March 2009;

— 1.25 % from 8 April 2009;

— 1.00 % from 13 May 2009;

2. Dismisses the action as to the remainder;

3. Orders Mr Gal-Or to pay the costs.