Judgment of the Court (Eighth Chamber) of 5 May 2011 — Evropaïki Dynamiki v Commission

(Case C-200/10 P)

(Appeal — Arbitration clause — Contract relating to Community support for a project in the context of the 'eContent' programme — Termination of the contract by the Commission — Reimbursement of eligible costs — Grounds of the judgment of the General Court)

1. *Procedure — Objection of inadmissibility — Objection not supported by specific arguments — Dismissal of the objection (Rules of Procedure of the Court of Justice, Art. 91) (see paras 17-19)*

2. *Appeals — Grounds — Breach of the duty to answer the pleas in law and claims of the parties — Plea in law seeking to prove the eligibility of costs arising from the performance of a contract relating to financial assistance given by the Union for a project in connection with a programme with electronic content — General Court's failure to adjudicate — Appeal well founded (Art. 272 TFEU; Statute of the Court of Justice, Art. 58(1)) (see paras 32-33, 42-43)*

3. *Appeals — Grounds — Plea submitted for the first time in the context of the appeal — Inadmissibility (Rules of Procedure of the Court of Justice, Art. 113(1)) (see paras 67-68)*

4. *Appeals — Grounds — Mistaken assessment of the facts — Inadmissibility — Review by the Court of Justice of the assessment of the facts put before the Court of First Instance — Possible only where the clear sense of the evidence has been distorted (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, (1)) (see paras 81-84)*

Re:

Appeal brought against the judgment of the General Court (Fourth Chamber) of 9 February 2010 in Case T-340/07 *Evropaïki Dynamiki* v *Commission* by which that court dismissed an action based on an arbitration clause for an order for payment

by the Commission of (i) amounts allegedly owing to the appellant and (ii) damages, following termination of a contract in respect of the Community financial support granted to the 'e-Content Exposure and Business Opportunities' ('EEBO') project (Contract No EDC-53007 EEBO/27873), concluded in the context of the multiannual Community programme to stimulate the development and use of European digital content on the global networks and to promote linguistic diversity in the information society ('eContent' programme).

Operative part

The Court:

1. Sets aside the judgment of the General Court of the European Union of 9 February 2010 in Case T-340/07 *Evropaïki Dynamiki* v *Commission* in so far as, by that judgment, the General Court failed to rule on the claim of Evropaïki Dynamiki – Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE that, notwithstanding the termination of the EDC-53007 EEBO/27873 contract, the Commission should be ordered to pay it the amount of EUR 172 588.62, corresponding to the costs not already reimbursed by the Commission that were incurred by the appellant in connection with that contract;

2. Refers the case back to the General Court of the European Union for judgment on that claim of Evropaïki Dynamiki – Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE;

3. Reserves the costs.

Judgment of the Court (Eighth Chamber) of 5 May 2011 — Commission v Belgium

(Case C-265/10)

(Failure of a Member State to fulfil obligations — Regulation (EC) No 1907/2006 — Chemicals — Registration, evaluation, authorisation of those substances and