

2. Orders EU Research Projects Ltd to pay the costs.

(¹) OJ C 209, 31.7.2010.

**Judgment of the General Court of 17 October 2012 —
Fondation IDIAP v Commission**

(Case T-286/10) (¹)

(Arbitration clause — Sixth Framework Programme for research, technological development and demonstration activities — Contracts relating to the Amida, Bacs and Dirac projects — Eligible costs — Additional cost model — Salary of researchers holding permanent employment contracts — Absence of contractor's own resources)

(2012/C 373/07)

Language of the case: French

Parties

Applicant: Fondation de l'Institut de recherche IDIAP (Martigny, Switzerland) (represented by: G. Chapus-Rapin and G. Couchepin, lawyers)

Defendant: European Commission (represented by: F. Dintilhac and A. Sauka, Agents)

Re:

Application on the basis of Article 272 TFEU seeking a declaration from the Court that certain expenditure incurred by the applicant in the performance of Contract No 33812, relating to the Amida project, Contract No 27140, relating to the Bacs project, and Contract No 27787, relating to the Dirac project, concluded by the European Commission within the framework of the sixth framework programme for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006), established by Decision 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 (OJ 2002 L 232, p. 1), is eligible for reimbursement and that, as a consequence, the applicant is not required to repay EUR 98 042,45 in respect of the contract relating to the Dirac project or EUR 251 505,76 in respect of the contract relating to the Amida project, and, in the alternative, an application on the basis of Article 263 TFEU seeking, first, annulment of the Commission's decision by which it confirmed the conclusions of an audit to the effect that the costs at issue were ineligible and, second, an order that the Commission arrange for an audit to be undertaken of the projects, to be carried out by a company other than that which carried out the original audit.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders the Fondation de l'Institut de recherche IDIAP to bear its own costs and to pay the costs incurred by the European Commission, including the cost of the application for interim measures.

(¹) OJ C 221, 14.8.2010.

**Judgment of the General Court of 17 October 2012 —
Evropaïki Dynamiki v Court of Justice**

(Case T-447/10) (¹)

(Public service contracts — Tender procedure — Provision of services for the maintenance, development and support of computer applications — Rejection of the applicant's tenders and award of the contracts to another tenderer — Selection criteria — Award criteria — Obligation to state reasons — Non-contractual liability)

(2012/C 373/08)

Language of the case: English

Parties

Applicant: Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis and M. Dermitzakis, lawyers)

Defendant: Court of Justice of the European Union (represented by: T. Lefèvre, Agent)

Re:

Application, first, for annulment of the decision of the Court of Justice of 12 July 2010 by which it rejected the applicant's tenders for lots 1 and 2 in invitation to tender CJ 7/09 of 11 November 2009 for the maintenance, development and support of computer applications (OJ 2009, S 217-312293) and of all further related decisions of the Court of Justice, including the decision to award the respective contracts to the successful contractors, and second, for damages.

Operative part of the judgment

The Court:

1. Annuls the decision of the Court of Justice of the European Union of 12 July 2010 rejecting the tenders submitted by Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE in tender procedure CJ 7/09 of 11 November 2009 for the maintenance, development and support of computer applications and awarding the contracts to other tenderers;
2. Dismisses the action as to the remainder;
3. Orders the Court of Justice to pay the costs.

(¹) OJ C 346, 18.12.2010.