

Action brought on 28 February 2011 — Centre national de la recherche scientifique v Commission

(Case T-125/11)

(2011/C 145/51)

Language of the case: French

Parties

Applicant: Centre national de la recherche scientifique (Paris, France) (represented by: N. Lenoir, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the decision of 17 December 2010 in so far as it relates to the set-off of the debt owed by the Community to CNRS, arising from the PIEF Contract, and the Community's alleged claim on the CNRS under the ALLOSTEM Contract;

— order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on six pleas in law.

1. First plea in law, alleging infringement of the rights of defence and in particular of Article 12(4) of Regulation (EC) No 2321/2002, ⁽¹⁾ in so far as the Commission failed to obtain the observations of the applicant on the merits of its decision to set-off the alleged debt.
2. Second plea in law, alleging breach of the duty to state reasons for a decision, since the Commission merely referred to the general findings in its audit report of 16 March 2009 without explaining the reasons why it did not take account of the evidence adduced by the applicant in order to establish the eligibility of the costs declared by it.
3. Third plea in law alleging manifest errors of assessment, as the Commission took the view that the remuneration of Ms. T., a researcher at CNRS from 1 April 2006 until 31 March 2007 was not covered by eligible costs, despite evidence adduced by the applicant in the form of time sheets and four scientific articles referring to the contract concerned.
4. Fourth plea in law alleging errors of law committed, in so far as the Commission has denied that Ms T.'s time sheets for the period 1 April 2006 until 31 March 2007 have any

probative value and has not recognised the eligibility of the remuneration of Ms B., a researcher at CNRS, during her maternity leave and second, the social charge called 'provision for loss of employment' paid as unemployment insurance for its non-established members of staff.

5. Fifth plea alleging breach of the principle of the protection of legitimate expectations, in so far as the Commission:
 - contrary to what it stated in its audit report, denied the probative value of four scientific publications;
 - gave new interpretations to the criteria for the eligibility of costs relating to maternity leave;
 - notified the decision in spite of assurances given during the process seeking an amicable settlement of the dispute.

6. Sixth plea alleging infringement of Article 73(1) of the Financial Regulation, ⁽²⁾ in so far as the debt claimed by the Commission is not certain.

⁽¹⁾ Regulation (EC) No 2321/2002 of the European Parliament and of the Council of 16 December 2002 concerning the rules for the participation of undertakings, research centres and universities in, and for the dissemination of research results for, the implementation of the European Community Sixth Framework Programme (2002-2006) (OJ 2002 L 335, p. 23).

⁽²⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 248, p. 1).

Action brought on 11 March 2011 — GS v Parliament and Council

(Case T-149/11)

(2011/C 145/52)

Language of the case: German

Parties

Applicant: GS Gesellschaft für Umwelt- und Energie-Serviceleistungen mbH (Eigeltingen, Germany) (represented by: J. Schmidt, lawyer)

Defendant: European Parliament and Council of the European Union