

Case T-93/01

A. Seisenbacher GmbH

v

Commission of the European Communities

(Arbitration clause — Contract for improvement work on the Commission building in Kiev (Ukraine) — Additional clauses — Parties to the contract)

Judgment of the Court of First Instance (Second Chamber), 11 June 2003 II-2119

Summary of the Judgment

Procedure — Reference to the Court of First Instance on the basis of an arbitration clause — Commission ordered to pay part of the outstanding balance under a contract for works, together with interest for late payment (Art. 238 EC)

Where the Commission has been ordered to pay interest for late payment on a sum due in accordance with the terms of a contract subject to the jurisdiction of the Court of First Instance by virtue of an arbitration clause, and that interest relates to a period beginning before 1 January 1999, the rate of that interest may be fixed at 8% per annum in respect of the period before 1999 and, from 1999 onwards, be calculated 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.

(see paras 77-78, and operative part, para. 2)