



Reports of Cases

Order of the General Court (First Chamber) of 10 November 2014 —

CMBG v Commission and ECB

(Case T-290/13)

(Action for annulment and compensation — Stability support programme for Cyprus — Memorandum of Understanding on Specific Economic Policy Conditionality concluded between the Republic of Cyprus and the ESM — Jurisdiction of the General Court — Causal link — Action in part inadmissible and in part manifestly lacking any foundation in law)

1. *Judicial proceedings — Application initiating proceedings — Formal requirements — Identification of the subject-matter of the dispute — Brief summary of the pleas in law on which the application is based — Application for compensation for damage allegedly caused by an EU institution — Factors enabling identification of the conduct of which the institution is accused, the causal link and the reality and certainty of the damage caused (Statute of the Court of Justice, Arts 21, first para., and 53, first para.; Rules of Procedure of the General Court, Art. 44(1)(c)) (see paras 33, 34)*
2. *Actions for damages — Competence of the EU judiciary — Limits — Competence to rule on the legality of a protocol of agreement concluded between a Member State and the European Stability Mechanism — Not included (Arts 268 TFEU and 340, second and third paras, TFEU; Treaty Establishing the European Stability Mechanism, Art. 13(4)) (see paras 42-47)*
3. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link — One of the conditions not satisfied — Claim for compensation dismissed in its entirety (Art. 340, second para., TFEU) (see paras 49, 50)*
4. *Non-contractual liability — Conditions — Causal link — Damage resulting from failure of an institution to act — Burden of proof (Art. 340 TFEU) (see paras 52, 53)*
5. *Actions for annulment — Competence of the EU judiciary — Limits — Competence to review the legality of measures not emanating from the institutions, organs or bodies of the Union — Not included (Art. 263 TFEU) (see paras 56, 58)*

6. *Judicial proceedings — Admissibility of actions — Application for interim measures — Application submitted in the same document as the main action — Inadmissibility (Art. 278 TFEU; Rules of Procedure of the General Court, Art. 104(3)) (see para. 61)*

Re:

First, application for annulment of paragraphs 1.23 to 1.27 of the Memorandum of Understanding on Specific Economic Policy Conditionality concluded between the Republic of Cyprus and the European Stability Mechanism (ESM) on 26 April 2013, and, second, for compensation for damage allegedly suffered by the applicant as a result of the inclusion of paragraphs 1.23 to 1.27 in the Memorandum of Understanding and an infringement of the Commission's supervisory obligation.

Operative part

1. The action is dismissed.
2. CMBG Ltd is ordered to bear its own costs and pay those incurred by the European Commission and by the European Central Bank (ECB).