



Reports of Cases

Judgment of the Court (Tenth Chamber) of 21 January 2016 —

SACBO v Commission and INEA

(Case C-281/14 P)¹

(Appeal — Trans-European Transport Network — Financial aid — Closure — Decision declaring certain costs to be ineligible and establishing the final account — Fourth paragraph of Article 263 TFEU — Action for annulment - Challengeable act — Locus standi — Person other than the beneficiary of the aid)

1. *Actions for annulment — Application brought by the natural or legal person to whom the contested measure is addressed — Notion of addressee — Addressee of a copy of that measure — Not included (Art. 263, fourth para., TFEU) (see para. 34)*
2. *Appeals — Grounds — Plea submitted for the first time in the context of the appeal — Inadmissibility (Art. 256(1) TFEU; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 170(1)) (see paras 43, 44)*
3. *Actions for annulment — Natural or legal persons — Measures not of direct and individual concern to them — Inadmissibility — Judicial protection ensured by the action for damages (Arts 263, fourth para., TFEU and 268 TFEU; Charter of Fundamental Rights of the European Union, Art. 47) (see paras 46, 47)*
4. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Whether directly concerned — Criteria — Decision of an executive agency of the European Union not to regard as eligible certain costs incurred in undertaking a project benefiting from European Union financial aid — Body entrusted with the implementation of that project not directly concerned (Arts 107(1) TFEU, 108(3) TFEU and 263, fourth para., TFEU; Commission Regulations No 1998/2006 and No 1407/2013) (see paras 61, 63-65)*
5. *Appeals — Grounds — Inadequate statement of reasons — Reliance by the General Court on implied reasoning — Lawfulness — Conditions (Art. 256(1) TFEU; Statute of the Court of Justice, Arts 36, 53, first para., and 58, first para.; Rules of Procedure of the General Court, Art. 81) (see para. 68)*

¹ — OJ C 292, 1.9.2014.

Operative part

The Court:

1. Dismisses the appeal;
2. Orders Società per l'aeroporto civile di Bergamo-Orio al Serio (SACBO) SpA to pay the costs.