



Reports of Cases

Order of the General Court (Sixth Chamber) of 19 July 2016 —

Italy v Commission

(Case T-770/14)

(ERDF — Regulation (EC) No 1083/2006 — Italy-Malta Cross-border Cooperation Programme 2007-2013 — Failure to comply with deadlines — Automatic decommitment — Proportionality — Principle of cooperation — Principle of partnership — Force majeure — Obligation to state reasons — Action manifestly lacking any foundation in law)

1. *Economic, social and territorial cohesion — European Regional Development Fund — Management and control — Deadlines for claiming payment of sums granted — Non-compliance — Unclaimed sums automatically decommitted — Exception — Force majeure — Concept — Need to comply with budgetary and financial control procedures under national law — Exclusion (Council Regulation No 1083/2006, Art. 96(c)) (see paras 34, 37)*
2. *Acts of the institutions — Statement of reasons — Obligation — Scope — Decision on clearance of structural fund accounts (Art. 296 TFEU) (see paras 50, 51)*
3. *Economic, social and territorial cohesion — European Regional Development Fund — Modification of a structural intervention programme — Amending decision with errors in its heading allegedly liable to prevent its implementation by the Member State concerned — Late rectification by the Commission — No infringement of the principles of partnership in the management of structural funds, constitutional identity and duty of cooperation (Art. 4(2) and (3) TEU; Council Regulation No 1083/2006, Art. 11) (see paras 57, 59)*
4. *Economic, social and territorial cohesion — European Regional Development Fund — Management and control — Deadlines for claiming payment of sums granted — Non-compliance — Unclaimed sums automatically decommitted — No breach of principle of proportionality (Council Regulation No 1083/2006, Arts 93 to 97) (see paras 70-76)*

Re:

ACTION based on Article 263 TFEU and seeking, first, annulment of the Commission note Ares (2014) 2975571 of 11 September 2014, by which the Commission notified the Italian Republic of the automatic decommitment, on 31 December 2013, of a part of the resources relating to European Regional Development Fund (ERDF) commitments referred to in the Italy-Malta Cross-border Cooperation Programme 2007-2013, and, secondly, that the General Court declare the expenditure relating to the ImaGenX, Simit and PIM Energethica projects eligible for financing.

Operative part

1. The action is dismissed.
2. The Italian Republic is ordered to pay the costs.