

**Appeal brought on 4 October 2017 by ADR Center SpA against the judgment of the General Court (First Chamber, Extended Composition) delivered on 20 July 2017 in Case T-644/14: ADR Center SpA v European Commission**

**(Case C-584/17 P)**

(2018/C 005/27)

*Language of the case: English*

**Parties**

*Appellant:* ADR Center SpA (represented by: A. Guillerme, avocate, T. Bontinck, avocat)

*Other party to the proceedings:* European Commission

**Form of order sought**

The appellant claims that the Court should:

- set aside the judgment of the General Court of 20 July 2017, ADR v Commission (T-644/14);
- annul Commission Decision C(2014) 4485 final of 27 June 2014 concerning the recovery of part of the financial contribution paid to the applicant;
- pass final judgment on the dispute, allowing the claims submitted by the applicant at first instance;
- order the Commission to pay the costs of the present proceedings, including the costs of the applicants before this Court and before the General Court.

**Pleas in law and main arguments**

- 1) The General Court erred in law in interpreting the EU principle governing European Union financial aid, according to which the Union can subsidise only expenses which have actually been incurred.

The applicant considers that the EU General Court applied a particularly strict interpretation of this principle which is inconsistent with previous case law of the Court and with the European legislator's will.

- 2) The General Court committed an error of law in interpreting article 299 TFEU, article 79 of the EU Financial Regulation <sup>(1)</sup>, article 47 of the EU Charter of fundamental rights and the ECJ's case law.

The applicant considers that the General Court wrongly interpreted articles 299 TFEU and article 79 § 2 of the Financial Regulation as conferring power on the Commission to adopt an enforceable recovery order in contractual matters. Moreover, the contested judgment is inconsistent with the Court of Justice's *Lito Maieftiko Gynaikologiko kai Cheirourgiko Kentro AE* / Commission case law. Finally, the effectiveness of the action based on article 272 TFEU is drastically reduced for the grant beneficiary, as the European Commission can decide to take action for enforced recovery before the final judgment of the competent Court.

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<sup>(1)</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ 2012, L 298, p. 1).