

Judgment of the General Court of 14 November 2017 — Alfamicro v Commission(Case T-831/14) ⁽¹⁾

(Arbitration clause — Grant agreement concluded under the Competitiveness and Innovation Framework Programme (CIP) (2007-2013) — Audit report — Eligible costs — Reimbursement of amounts paid — Proportionality — Legitimate expectations — Legal certainty — Principle of good administration — Obligation to state reasons — Amendment of the form of order sought in the course of the proceedings — Set-off of claims — Counterclaim — Default interest)

(2018/C 005/34)

Language of the case: Portuguese

Parties

Applicant: Alfamicro — Sistemas de computadores, Sociedade Unipessoal, Lda. (Cascais, Portugal) (represented by: initially, G. Gentil Anastácio, D. Pirra Xarepe and L. Rodrigues Carvalho, and subsequently G. Gentil Anastácio and D. Pirra Xarepe, lawyers)

Defendant: European Commission (represented by: J. Estrada de Solà and P. Guerra e Andrade, acting as Agents)

Re:

First, application based on Article 272 TFEU and seeking, in essence, a declaration that the debt claimed by the Commission against the applicant under Grant Agreement No 238882 on the EU financing of the 'Save Energy' project, concluded under the Competitiveness and Innovation Framework Programme (2007-2013) established by Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 (OJ 2006 L 310, p. 15) is non-existent, and, secondly, counterclaim seeking, in essence, an order that the applicant repay the subsidy wrongly paid under that grant agreement.

Operative part of the judgment

The Court:

1. Dismisses the action brought by Alfamicro — Sistemas de computadores, Sociedade Unipessoal, Lda;
2. Orders Alfamicro — Sistemas de computadores, Sociedade Unipessoal to pay to the European Commission the sum of EUR 277 849,93, increased by default interest at the rate of EUR 26,88 per day with effect from 20 June 2015;
3. Orders Alfamicro — Sistemas de computadores, Sociedade Unipessoal to pay the costs.

⁽¹⁾ OJ C 73, 2.3.2015.

Judgment of the General Court of 10 November 2017 — Icap and Others v Commission(Case T-180/15) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Yen interest rate derivatives sector — Decision finding six infringements of Article 101 TFEU and Article 53 of the EEA Agreement — Manipulation of the JPY LIBOR and Euroyen TIBOR interbank reference rates — Restriction of competition by object — Participation of a broker in the infringements — 'Hybrid' settlement procedure — Principle of the presumption of innocence — Principle of sound administration — Fines — Basic amount — Exceptional adjustment — Article 23(2) of Regulation (EC) No 1/2003 — Obligation to state reasons)

(2018/C 005/35)

Language of the case: English

Parties

Applicants: Icap plc (London, United Kingdom), Icap Management Services Ltd (London) and Icap New Zealand Ltd (Wellington, New Zealand) (represented by: C. Riis-Madsen and S. Frank, lawyers)