

GENERAL COURT

Judgment of the General Court of 8 March 2018 — *Rose Vision v Commission*

(Cases T-45/13 RENV and T-587/15) ⁽¹⁾

(Arbitration clause — Seventh Framework Programme for research, technological development and demonstration activities (2007-2013) — Grant agreement concerning the FIRST, FutureNEM, sISI, 4NEM and SFERA projects — Deadline for providing the final financial audit report — Financial audits finding anomalies in the implementation of the projects — Suspension of payments — Confidentiality of financial audits — Eligibility of the costs declared — Non-contractual liability — Repayment of the sums advanced — Harm caused by listing in the early warning system)

(2018/C 142/50)

Language of the case: French

Parties

Applicant: Rose Vision, SL (Pozuelo de Alarcón, Spain) (represented by: J.J. Marín López, lawyer)

Defendant: European Commission (represented by: R. Lyal and M. Siekierzyńska, acting as Agents, assisted by J. Rivas Andrés, lawyer, in Case T-45/13 RENV and by J. Estrada de Solà, P. Rosa Plaza and S. Delaude, acting as Agents, assisted by J. Rivas Andrés, lawyer, in Case T-587/15)

Re:

In Case T 45/13 RENV, first, application under Article 272 TFEU for a declaration of breach of the contractual terms applicable to the FutureNEM project, second, application under Article 272 TFEU for damages in respect of the harm allegedly suffered by the applicant as a consequence of the Commission's breach of those contractual terms, third, application under Article 268 TFEU for damages in respect of the harm allegedly suffered by the applicant as a consequence of its listing in the early warning system (EWS) and, fourth, application under Article 263 TFEU for the annulment of the decision on the listing of the applicant's name in the EWS and, in Case T 587/15, first, in essence, application under Article 272 TFEU for a declaration of breach of the contractual terms applicable to the FIRST, FutureNEM, sISI, 4NEM and SFERA projects, second, application under Article 272 TFEU for a declaration that the applicant is not liable to the Commission in the amount claimed from it, for damages in respect of the harm allegedly suffered by the applicant as a consequence of the breach of the contractual terms by the Commission and an order finding the Commission liable to pay the amounts owed in respect of its participation in those projects, third, application under Article 268 TFEU for damages in respect of the harm allegedly suffered as a consequence of listing the applicant's name in the EWS and, fourth, application under Article 263 TFEU for the annulment of Commission Decision C(2015) 5449 final of 28 July 2015 on recovery in the total amount of EUR 535 613,20 owed by the applicant, plus interest.

Operative part of the judgment

The Court:

1. Joins Cases T-45/13 RENV and T-587/15 for the purpose of the judgment;
2. Dismisses the actions;
3. Orders Rose Vision, SL to bear its own costs and to pay those incurred by the European Commission, including, in respect of Case T-45/13 RENV, those incurred in the original proceedings before the Court in Case T-45/13, in the proceedings on appeal in Case C-224/15 P and in the proceedings after referral back.

⁽¹⁾ OJ C 178, 22.6.2013.