

GENERAL COURT

Action brought on 19 July 2019 — VDV eTicket Service v Commission and INEA

(Case T-516/19)

(2019/C 319/30)

Language of the case: German

Parties

Applicant: VDV eTicket Service GmbH & Co. KG (Cologne, Germany) (represented by: A. Bartosch, lawyer)

Defendants: European Commission and Innovation and Networks Executive Agency (INEA)

Form of order sought

The applicant claims that the Court should:

- declare pursuant to Article 272 TFEU that the failure to acknowledge costs in the amount of EUR 407 443,04 via the letter at issue is unlawful;
- in the alternative, annul the contested decision pursuant to the fourth subparagraph of Article 263 TFEU;
- order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

The action is brought against the decision of the Innovation and Networks Executive Agency (INEA) ARES(2019)3151305 of 13 May 2019, in so far as it declares that the applicant's costs in the amount of EUR 407 443,04 in the context of the Horizon 2020 Framework Programme — Project: 636126 — European Travellers Club are not recoverable.

In support of the action, the applicant relies on two pleas in law.

1. First plea: abuse of rights, as the defendants necessarily should have known of the incorrect allocation of costs
 - The defendants committed an abuse of rights on the ground that, first, they did not acknowledge certain subcontracting costs incurred by the applicant and, secondly, they should however have known from a number of documents that the applicant's subcontracting costs were considerably higher than stated in Annex 2 to the grant agreement in question.
 2. Second plea: infringement of the principle of protection of legitimate expectations
 - The defendants also infringed the principle of protection of legitimate expectations for the same reasons as those set out in the first plea.
-