

1. Infringement of point 5 of Article D of Annex II to Regulation No 1164/94, <sup>(1)</sup> since the Commission failed to pay the balance of the projects referred to in the application within a two-month period, without that time-limit having been interrupted or suspended.
  2. Infringement of the principle of legal certainty, since the Commission infringed a clear legal principle with specific legal consequences.
  3. Infringement of Article 18(3) of Regulation No 1386/2002, <sup>(2)</sup> in that the Commission failed to adopt the corresponding decision within a three-month period from the date of the hearing with the Spanish authorities.
  4. Infringement of Article 12 of Regulation No 1164/94, since the Commission exceeded the limits of the powers granted to it under that article in the area of financial checks.
  5. Infringement of Article 15 of Regulation No 1386/2002 in that the Commission did not make use of the legal facility provided for it to request that a further check be carried out.
  6. Infringement of Article H of Annex II to Regulation No 1164/94 in that the Commission initiated the procedure provided for in that article without first satisfying the requirements to do so.
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- <sup>(1)</sup> Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund (OJ 1994 L 130, p. 1).
- <sup>(2)</sup> Commission Regulation (EC) No 1386/2002 of 29 July 2002 laying down detailed rules for the implementation of Council Regulation (EC) No 1164/94 as regards the management and control systems for assistance granted from the Cohesion Fund and the procedure for making financial corrections (OJ 2002 L 201, p. 5).
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- Order of the General Court of 16 February 2012 — Escola Superior Agrária de Coimbra v Commission**
- (Case T-446/09) <sup>(1)</sup>**
- (2012/C 109/67)
- Language of the case: Portuguese*
- The President of the Fifth Chamber has ordered that the case be removed from the register.
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- <sup>(1)</sup> OJ C 37, 13.2.2010.
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