



Reports of Cases

Judgment of the General Court (Sixth Chamber) of 29 March 2012 — Portugal v Commission

(Case T-111/10)

(ERDF — Reduction of financial assistance — Operational Programme seeking modernisation of the economic fabric in Portugal — Absence of precise and verifiable binding objectives — Legitimate expectations)

1. *Economic and social cohesion — Structural assistance — Union financing — Condition — Pursuit of a tangible objective within the framework of social cohesion policy (Council Regulations No 2052/88, Arts 6 to 8, and No 4253/88, Arts 8, 14, 15 and 24 to 26) (see paras 27-32)*
2. *Economic and social cohesion — Structural assistance — Union financing — Duty of Member States regularly to review projects financed — Decision to reduce aid for lack of evidence that expenses eligible — No infringement of the defence rights (Council Regulation No 4253/88, art. 23) (see para. 36)*
3. *Economic and social cohesion — Structural assistance — Commission decision — Assessment of legality by reference to information available at the time of adoption of the decision (see para. 41)*
4. *Economic and social cohesion — Structural assistance — Union financing — Decision to reduce aid originally granted — Irregularities not having been objected to by the Commission — Breach of principle of the protection of legitimate expectation — Conditions (see paras 45-48)*

Re:

APPLICATION for annulment of Commission Decision C(2009) 10624 of 21 December 2009 reducing the assistance of the European Regional Development Fund (ERDF) granted to Portugal in respect of the Operational Programme 'Modernisation of the economic fabric', CCI: 1994 PT 16 1 PO 004 (ex ERDF ref. 94.12.09.004) by Commission Decision C(94)464/3 of 4 March 1994 authorising financial assistance from the ERDF.

Operative part

The Court:

1. Dismisses the action;
2. Orders the Portuguese Republic to pay the costs.