

- Infringement of the principle of protection of legitimate expectations, since the national authorities acted in reliance on auditing timetables which the Commission had approved in the strategy, timetables which were being met, without any indication from the Commission at any time that this represented any deficiency in the management and control system.
- Infringement of the principle of proportionality, since the measure adopted by the Commission is disproportionate and contrary to efficient financial management, and there are other less onerous legal instruments capable of attaining the same objective.
- Lastly, the Kingdom of Spain claims default interest under Article 87(2) of Regulation 1083/2006, Article 83 of Regulation 1605/2002 ⁽²⁾ and Article 106(5) of Commission Regulation 2342/2002. ⁽³⁾

⁽¹⁾ Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 (OJ 2006 L 210, p. 25).

⁽²⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 248, p. 1).

⁽³⁾ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 357, p. 1).

Action brought on 16 June 2010 — Spain v Commission

(Case T-264/10)

(2010/C 221/84)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: Mrs Nuria Díaz Abad, lawyer)

Defendant: European Commission

Form of order sought

- Annul the decision of the European Commission of 10 May 2010 declaring the suspension of the interim payment application submitted by Spain on 18 December 2009 on

the grounds stated in Section 1 of the legal reasoning set out in the originating application;

- Uphold the claim that the European Commission should pay interest on account of the delay in the actual payment of the interim sums applied for and improperly suspended;

- Order the Commission to pay the costs.

Pleas in law and main arguments

The present action is brought against the Commission's decision to interrupt the payment deadline in respect of the interim payment application submitted by Spain on 18 December 2009. That interim payment application, for a total amount of EUR 37 320 854,12, relates to the Operational Programme for Community Assistance of the European Social Fund for Fighting Discrimination in the framework of the Objectives of Convergence and Regional Competitiveness and Employment in Spain (CCI 2007ES05UPO002).

The pleas in law and main arguments are the same as those already raised in Case T-263/10 *Spain v Commission*.

Action brought on 16 June 2010 — Spain v Commission

(Case T-265/10)

(2010/C 221/85)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: Mrs Nuria Díaz Abad, lawyer)

Defendant: European Commission

Form of order sought

- Annul the decision of the European Commission of 15 April 2010 declaring the suspension of the interim payment application submitted by Spain on 11 December 2009 on the grounds stated in Section I of the legal reasoning set out in the originating application;