

Judgment of the General Court of 26 January 2017 — Diktyo Amyntikon Viomichanion Net v Commission

(Case T-703/14) ⁽¹⁾

(Arbitration clause — ‘Firerob’ contract concluded in the context of the Seventh Framework Programme for research, technological development and demonstration activities (2007-2013) — Eligible costs — Request for reimbursement of the amounts paid to the applicant — Delegation of power — Admissibility — Abuse of contractual rights — Legitimate expectations — Proportionality)

(2017/C 078/26)

Language of the case: Greek

Parties

Applicant: Diktyo Amyntikon Viomichanion Net AEVE (Kaisariani, Greece) (represented by: K. Damis and E. Chrysochoïdou, lawyers)

Defendant: European Commission (represented by: R. Lyal, M. Konstantinidis and A. Kyratsou, acting as Agents)

Re:

Application based on Article 272 TFEU and seeking, first, a declaration by the Court that the Commission failed to fulfil its contractual obligations by issuing Debit Note No 3 241 409 008 of 25 July 2014 and that the costs declared by the applicant in the context of Contract FP7-SME-2007-222303, relating to the realisation of Project ‘FIREROB — Autonomous Fire-Fighting Robotic Vehicle’, are eligible and, second, an order for the Commission to issue a credit note for an amount of EUR 64 574.73.

Operative part of the judgment

The Court:

1. Dismisses the objection of inadmissibility;
2. Finds that there is no need to adjudicate on the present action in so far as it concerns a request for reimbursement of an amount exceeding EUR 37 247.05, plus interest starting from 9 September 2014;
3. Declares that the European Commission has failed to fulfil its obligations arising from Contract FP7-SME-2007-222303, relating to the realisation of Project ‘FIREROB — Autonomous Fire-Fighting Robotic Vehicle’, by asking Diktyo Amyntikon Viomichanion Net AEVE to repay an amount exceeding EUR 9 007, plus interest starting from 9 September 2014;
4. Dismisses the action as to the remainder;
5. Orders the Commission to bear three quarters of its own costs and to pay three quarters of the costs incurred by Diktyo Amyntikon Viomichanion Net, including those relating to the proceedings for interim measures;
6. Orders Diktyo Amyntikon Viomichanion Net to bear one quarter of its own costs and to pay one quarter of the costs incurred by the Commission, including those relating to the proceedings for interim measures.

⁽¹⁾ OJ C 448, 15.12.2014.