

The Commission relies on two grounds of appeal. Primarily, the Commission submits that the General Court committed an error of law in holding that the Commission had to adopt the decision on financial corrections within a period determined on the basis of the basic legislative act in force at the date of the hearing between the Commission and the Member State. In the alternative, the Commission submits that the General Court committed an error of law in holding that the period imposed on the Commission for the adoption of the decision on financial corrections is a mandatory period, disregard for which constitutes infringement of an essential procedural requirement which invalidates a decision adopted outside that period.

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**Appeal brought on 24 March 2015 by the European Commission against the judgment of the General Court (Third Chamber) delivered on 20 January 2015 in Case T-111/12 Spain v Commission**

**(Case C-140/15 P)**

(2015/C 155/21)

*Language of the case: Spanish*

**Parties**

*Appellant:* European Commission (represented by: D. Recchia and S. Pardo Quintillán, acting as Agents)

*Other party to the proceedings:* Kingdom of Spain

**Form of order sought**

The appellant claims that the Court should:

- set aside the judgment of the General Court of 20 January 2015 in Case T-111/12 *Spain v Commission*;
- refer the case back to the General Court for judgment;
- order the Kingdom of Spain to pay the costs.

**Pleas in law and main arguments**

The appeal brought by the Commission concerns the judgment of the General Court of 20 January 2015 in Case **T-111/12**. In that judgment, the General Court annulled Commission Decision **C(2011)9990** of 22 December 2011 reducing the assistance granted under the Cohesion Fund to certain projects.

The Commission relies, in support of its appeal, on two grounds of appeal. By its primary ground of appeal, the Commission claims that the General Court erred in law in finding that the Commission had to adopt the decision on financial corrections within a time-limit, which is determined by the basic act in force on the date of the hearing between the Commission and the Member State. In the alternative, the Commission claims that the General Court erred in law in finding that the time-limit imposed on the Commission for adopting the decision on financial corrections is a mandatory time-limit, non-observance of which constitutes an infringement of an essential procedural requirement that invalidates the decision adopted outside that time-limit.

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