

Defendant: European Commission (represented by: K. Herbout-Borczak and S. Lejeune, acting as Agents)

Re:

Principally, application based on Article 272 TFEU and seeking a declaration that the Commission infringed the provisions of the grant agreement No 224635 relating to financing the project ARTreat, and annulment of the Commission's letter of 28 July 2014 informing the applicant, on the basis of an audit carried out by it, of the recovery of a sum of EUR 258 479,21 which had been unduly paid to the applicant as an EU financial contribution and, alternatively, application based on Article 272 TFEU and seeking a declaration that the sums paid corresponded to eligible expenditure and need not, therefore, be repaid.

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*
- 2) *Orders Intercon sp. z o.o. to bear, in addition to its own costs, the costs incurred by the European Commission.*

⁽¹⁾ OJ C 380, 27.10.2014.

Judgment of the General Court of 22 September 2016 — Intercon v Commission

(Case T-206/15) ⁽¹⁾

(Arbitration clause — Seventh Framework Programme for research, technological development and demonstration activities (2007-2013) — Grant agreement relating to the project ‘Virtual Pathological Heart of the Virtual Physiological Human’ — Commission decision to require repayment of a part of the sums paid — Inadmissibility — Article 44(1)(c) of the Rules of Procedure of the General Court of 2 May 1991 — Documents and observations made after expiry of the prescribed periods)

(2016/C 410/16)

Language of the case: Polish

Parties

Applicant: Intercon Sp. z o.o. (Łódź, Poland) (represented by: B. Eger, lawyer)

Defendant: European Commission (represented by: K. Herbout-Borczak and S. Lejeune, acting as Agents)

Re:

Application based on Article 272 TFEU and seeking a declaration, first, that the Commission infringed the provisions of the grant agreement No 224635 relating to financing the project ‘Virtual Pathological Heart of the Virtual Physiological Human (VPH2)’, and, second, that the sums paid by way of the EU financial contribution corresponded to eligible expenditure and that the amount of EUR 70 620 demanded from the applicant by the Commission's letter of 28 January 2015 and the debit note attached as an Annex need not, therefore, be repaid.

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*
- 2) *Orders Intercon sp. z o.o. to bear, in addition to its own costs, the costs incurred by the European Commission.*

⁽¹⁾ OJ C 221, 6.7.2015.