

Action brought on 14 January 2016 — GABO:mi v Commission

(Case T-10/16)

(2016/C 111/33)

*Language of the case: English***Parties**

Applicant: GABO:mi Gesellschaft für Ablauforganisation:milliarium mbH & Co. KG (Munich, Germany) (represented by: M. Ahlhaus and C. Mayer, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the contested decisions to be void; and
- order the defendant to bear all costs including the applicant's cost

Pleas in law and main arguments

The applicant seeks the annulment of the defendant's decisions:

- of 2 December 2015 (ref. Ares (2015) 5513293) on FP 7 Grant Agreements and letter dated 02 December 2015 (ref. Ares (2015) 5513293) on FP 6 Grant Agreement regarding the defendant's decision to proceed with the recovery further to the audit (RAIA000024) on FP7 closed grant agreements and the audit (RAIA000027) on FP6 contracts;
- according to debit note No 3241514917 (ref. Ares (2015) 5513293) ordering the applicant to pay a total of EUR 1 770 417,29 by 15 January 2016 to the defendant's bank account; and
- according to letters dated 16 December 2015 (ref. Ares (2015)5894346, ref. Ares (2015)5898040, ref. Ares (2015) 5899627), 21 December 2015 (BUDG/DGA/C4/DB — 025798.4) and 14 January 2016 (BUDG/DGA/C4/DB — 025798.1) to offset each respective payment against the assumed debt of the applicant resulting from debit note No. 3241514917 (ref. Ares (2015) 5513293).

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging that the contested decisions are unlawful because all claimed costs fulfil the eligibility criterion stipulated in Article II.14.1 of the Grant Agreement.
2. Second plea in law, alleging that the contested decisions do not meet the applicable formal and procedural requirements and are vitiated by infringement of principles of good governance.
3. Third plea in law, alleging that the contested decisions are vitiated on violations of the principle of proportionality.
4. Fourth plea in law, alleging that that the imposition of liquidated damages in the contested decisions are unlawful as well because no unjustified financial contributions were made to the applicant.