

Re:

First, application based on Article 263 TFEU and seeking annulment of the set-off decisions contained in the Commission's letters of 27 August and 7, 16, 23 and 25 September 2015, seeking to recover the sum of EUR 624 388,73, corresponding to the amount of part of the advance paid to the applicant in the context of a support programme for cultural initiatives in Guinea-Bissau, financed by the ninth European Development Fund (EDF), plus late-payment interest, and, second, application based on Article 268 TFEU seeking recovery of sums allegedly linked to unjust enrichment, as well as compensation for damage allegedly suffered by the applicant as a result of the Commission's conduct.

Operative part of the judgment

The Court:

1. Annuls, in part, the set-off decisions contained in the Commission's letters of 27 August and 7, 16, 23 and 25 September 2015, seeking to recover the sum of EUR 624 388,73, corresponding to the amount of part of the advance paid to the applicant in the context of a support programme for cultural initiatives in Guinea-Bissau, financed by the ninth European Development Fund (EDF), plus late-payment interest, to the extent that they seek to recover the amount of EUR 312 265,42, corresponding to the amount of ineligible expenses identified by financial finding No 2 of EDF's audit report 2007/20859 concerning the operational programme estimate and the closure programme estimate reference FED/2010/249-005;
2. Dismisses the action as to the remainder;
3. Orders the Commission and Transtec to each bear their own costs.

⁽¹⁾ OJ C 27, 25.1.2016.

Judgment of the General Court of 5 July 2018 — Spain v Commission

(Case T-88/17) ⁽¹⁾

(EAFRD — Last execution year of 2007-2013 programming period — Clearance of accounts of Member States' paying agencies — Decision declaring a certain amount non-reusable in the Rural development programme of the Autonomous Community of Extremadura — Calculation method — Article 69(6b) of Regulation (EC) No 1698/2005 — Legitimate expectations)

(2018/C 294/57)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: M.A. Sampol Pucurull and M.J. García-Valdecasas Dorrego, acting as Agents)

Defendant: European Commission (represented by: J. Aquilina and M. Morales Puerta, acting as Agents)

Re:

Application on the basis of Article 263 TFEU seeking the annulment in part of Commission Implementing Decision (EU) 2016/2113 of 30 November 2016 on the clearance of accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) in the last execution year of EAFRD 2007-2013 programming period (16 October 2014-31 December 2015) (OJ 2016 L 327, p. 79), by which the Commission classified the sum of EUR 5 364 682,52 as a 'non-reusable amount' in the clearance of the accounts of the Extremadura paying agency.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Kingdom of Spain to pay the costs.*

⁽¹⁾ OJ C 95, 27.3.2017.

Judgment of the General Court of 30 May 2018 — RT v Parliament

(Case T-98/17) ⁽¹⁾

(Civil service — Officials — Sick leave — Article 59(1) of the Staff Regulations — Internal rules on medical examinations in connection with absence from work on medical grounds and periodic medical examinations of persons claiming the invalidity allowance — Medical certificate — No doctor's stamp or signature — Long-distance medical consultation via the internet — Refusal to accept)

(2018/C 294/58)

Language of the case: English

Parties

Applicant: RT (represented by: C. Bernard-Glanz, lawyer)

Defendant: European Parliament (represented by: J. Steele and E. Taneva, acting as Agents)

Re:

Application under Article 270 TFEU seeking annulment of the decision of the Parliament of 30 June 2016 rejecting a document submitted by the applicant on 27 June 2016 as inadmissible as a medical certificate prescribing sick leave

Operative part of the judgment

The Court:

1. *Annuls the decision of the European Parliament of 30 June 2016 rejecting the document submitted by RT on 27 June 2016 as inadmissible as a medical certificate prescribing sick leave;*
2. *Orders the Parliament to pay the costs.*

⁽¹⁾ OJ C 129, 24.4.2017.