



Reports of Cases

Judgment of the General Court (Seventh Chamber) of 21 December 2021 – EKETA v Commission

(Case T-189/17)¹

(Arbitration clause – Humabio contract concluded under the Sixth Framework Programme – Eligible costs – Debit note issued by the Commission for the recovery of amounts advanced – Reliability of the time records – Conflict of interests)

1. *EU budget – EU financial assistance – Obligation on the beneficiary to comply with the conditions for grant of the assistance – Justification of costs incurred – Proceedings by the Commission for recovery of advances paid – Allocation of the burden of proof*

(see para. 34)

2. *EU budget – EU financial assistance – Obligation on the beneficiary to comply with the conditions for grant of the assistance – Financing covering only expenses actually incurred – No demonstration that the costs have actually been incurred – Ineligible costs*

(see para. 45)

3. *EU budget – EU financial assistance – Obligation on the beneficiary to comply with the conditions for grant of the assistance – Funding only for expenses actually incurred – Proof of the reality of the expenses declared – Staff costs – Production of the time records – Unreliable owing to a conflict of interests between the beneficiary and his contractual partners – Production of documents requiring considerable investment on the part of the Commission in order to determine the time actually worked – Disregard of the obligation for the beneficiary to work together with the Commission in good faith*

(European Parliament and Council Regulation No 2321/2002, Art. 14(2)(a))

(see para. 50)

4. *EU budget – EU financial assistance – Obligation on the beneficiary to comply with the conditions for grant of the assistance – Contracts concluded under a specific research, technological development and demonstration programme – Conditions of ineligibility of costs – Conflict of interests on the part of the beneficiary – Concept – Consequences – Recovery of the sums advanced to the beneficiary*

¹ OJ C 151, 15.5.2017.

(European Parliament and Council Regulation No 2321/2002, Art. 18(2); Commission Regulation No 2342/2002, Art. 183)

(see para. 62)

Operative part

The Court:

1. Dismisses the action;
2. Orders Ethniko Kentro Erevnas kai Technologikis Anaptyxis to pay the costs.