

Appeal brought on 3 September 2019 by Vialto Consulting Kft. against the judgment of the General Court (First Chamber) delivered on 26 June 2019 in Case T-617/17, Vialto Consulting Kft v European Commission

(Case C-650/19 P)

(2019/C 372/23)

Language of the case: Greek

Parties

Appellants: Vialto Consulting Kft. (represented by: Dimitrios Sigalas, avvocato)

Other party to the proceedings: European Commission

Form of order sought

- Set aside the judgment of the General Court of 26 June, Case T-617/17;
- Order the Commission to pay the costs.

Pleas in law and main arguments

The appellant puts forward three grounds in support of its appeals:

1. The judgment under appeal is vitiated by a distortion of the facts and an error of law in relation to the infringement of Article 7(1) of Regulation No 2185/96. ⁽¹⁾ The General Court failed to take into account the fact that the real subject matter of the action for damages was the question of whether OLAF had infringed Article 7(1) of Regulation No 2185/96 by asking the appellant to allow it to collect data which were in no way related to its investigation. Nor did the Court take account of the fact that the appellant actually authorised OLAF to investigate all the categories of data it had requested.
2. The judgment under appeal is vitiated by an error of law and a failure to state reasons in relation to the infringement of the principle of the protection of legitimate expectations. The General Court has not clarified which of the three conditions laid down in the case-law concerning the protection of legitimate expectations is not met in the present case.
3. The judgment under appeal is vitiated by a distortion of the facts and an error of law in relation to the infringement of the right to be heard. The General Court failed to take account of the fact that the Commission adopted a position that is binding on the contracting authority, which could result in an act detrimental to the appellant, without the appellant having been heard.

⁽¹⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ 1996 L 292, pag. 2).
