



Reports of Cases

Order of the General Court (Seventh Chamber) of 9 September 2020 – IMG v Commission

(Case T-645/19)

(Action for annulment – Development cooperation – Implementing the EU budget in indirect management – Execution of a judgment of the Court of Justice – Commission letter requesting that certain documents be provided – Act not open to challenge – Preparatory measure – Inadmissibility – Action for damages – Close link with the claim for annulment – Lis pendens – Inadmissibility – Failure to comply with procedural requirements – Article 76(d) of the Rules of Procedure – Manifest inadmissibility)

1. *Action for annulment – Actionable measures – Definition – Measures producing binding legal effects – Preparatory measures – Not included*

(Art. 263 TFEU)

(see paras 45-49)

2. *Action for annulment – Judgment annulling a measure – Effects – Obligation to implement – Scope – Both the operative part and the grounds of the judgment to be taken into account – Retroactive effect of annulment*

(Art. 266 TFEU)

(see paras 55, 56, 58, 59, 67)

3. *Action for annulment – Judgment annulling a measure – Effects – Obligation to implement – Scope – Decision not necessarily having to be on the same grounds as those appearing in the annulled measure*

(Art. 266 TFEU)

(see para. 57)

4. *Action for annulment – Judgment annulling a measure – Effects – Adoption of measures of compliance – Reasonable time – Criteria for assessment – Letter from the Commission requesting that certain documents be produced – Preparatory act – Application for annulment of that – Inadmissibility*

(Art. 266 TFEU)

(see paras 72-76)

5. *Actions for damages – Application for damages linked to an application for annulment – Dismissal of claim for annulment leading to dismissal of the claim for compensation*

(see para. 80)

6. *Judicial proceedings – Objection of lis pendens – Same parties, subject matter and submissions in two actions – Inadmissibility of the second action*

(see para. 82)

7. *Non-contractual liability – Conditions – Sufficiently serious breach of a rule of law intended to confer rights on individuals – None – Actions for damages – Manifest inadmissibility*

(Rules of Procedure of the General Court, Arts 76(d) and 126)

(see paras 89-93)

Re:

First, application based on Article 263 TFEU seeking annulment of the letter of the Commission of 18 July 2019 by which the Commission, in execution of the judgment of 31 January 2019, *International Management Group v Commission* (C-183/17 P and C-184/17 P, EU:C:2019:78), requests the applicant to provide certain documents and, second, application based on Article 268 TFEU seeking compensation for the harm allegedly suffered by the applicant as a result of that letter and of the Commission decisions annulled by that judgment.

Operative part

1. The action is dismissed.
2. International Management Group (IMG) is ordered to pay the costs.