

Judgment of the General Court of 14 December 2022 — Green Power Technologies v Commission(Case T-753/20) ⁽¹⁾

(Arbitration clause — Seventh Framework Programme for research, technological development and demonstration activities (2007-2013) — Grant agreement — Eligible costs — OLAF report finding certain expenses incurred to be ineligible — Repayment of sums paid — Burden of proof — Regulation (EU, Euratom) No 883/2013 — Obligation to state reasons — Unjust enrichment — Action for annulment — OLAF report — Act not open to challenge — Inadmissibility)

(2023/C 63/44)

Language of the case: Spanish

Parties

Applicant: Green Power Technologies, SL (Bollullos de la Mitación, Spain) (represented by: A. León González and A. Martínez Solís, lawyers)

Defendant: European Commission (represented by: B. Araujo Arce and J. Estrada de Solà, acting as Agents)

Intervener in support of the defendant: Kingdom of Spain (represented by: L. Aguilera Ruiz and Á. Ballesteros Panizo, acting as Agents)

Re:

By its action, the applicant seeks, first, on the basis of Article 263 TFEU, annulment of the report of the European Anti-Fraud Office (OLAF) of 9 July 2018 reference number B.4(2017)4393 and, secondly, on the basis of Article 272 TFEU, that it be held (i) that the amounts advanced by the European Commission under grant contract No 2567509, concluded under the Seventh framework programme for research, technological development and demonstration activities (2007-2013), with a view to financing several related projects, including, in particular, the Powair project, relating to the development of ‘Zinc-air flow batteries for electrical power distribution networks’, the recovery of which was requested by the issue of debit note No 3242010798, related to eligible costs and (ii) that the amounts claimed by the Commission by the issue of debit note No 3242010800, relating to penalties for late payment, were not repayable.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Green Power Technologies, SL to bear its own costs and to pay the costs incurred by the European Commission;
3. Orders the Kingdom of Spain to bear its own costs.

⁽¹⁾ OJ C 53, 15.2.2021.

Judgment of the General Court of 14 December 2022 — PKK v Council(Case T-182/21) ⁽¹⁾

(Common foreign and security policy — Restrictive measures imposed on the PKK with a view to combating terrorism — Freezing of funds — Common Position 2001/931/CFSP — Regulation (EC) No 2580/2001 — Applicability to situations of armed conflict — Terrorist group — Factual basis of the decisions to freeze funds — Decision taken by a competent authority — Authority of a third State — Review — Obligation to state reasons — Proportionality — Rights of the defence — Right to effective judicial protection)

(2023/C 63/45)

Language of the case: English

Parties

Applicant: Kurdistan Workers’ Party (PKK) (represented by: A. van Eik and T. Buruma, lawyers)