

3. Third plea in law, alleging breach of the duty of care, with regard to the failure of the administration to consider the health problems of the applicant, the appraisal report for 2019 and all the legal criteria for evaluating the performance of the applicant.
4. Fourth plea in law, alleging unlawful reasoning and/or manifest error of assessment.
5. Fifth plea in law, alleging irregularity of the pre-litigation procedure, which did not lead to a proper review by the Appointing Authority of the decision of 15 July 2020.

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**Action brought on 27 October 2020 — Silex v Commission and EASME**

**(Case T-654/20)**

(2021/C 19/63)

*Language of the case: Hungarian*

**Parties**

*Applicant:* Silex Ipari Automatizálási Zrt. (Budapest, Hungary) (represented by: Á. Baratta, lawyer)

*Defendants:* European Commission and European Agency for Small and Medium-sized Enterprises (EASME)

**Form of order sought**

The applicant claims that the General Court should:

- annul debit note No 3242009492 issued by EASME on 18 August 2020 ('the debit note'), in so far as it orders the payment of EUR 55 454,44;
- annul the letter of 18 August 2020, bearing the reference Ref. Ares(2020)4309529 ('the letter'), sent by EASME with the debit note, in so far as it orders the repayment of EUR 49 238,75 in respect of the waiver of the contribution to the Guarantee Fund;
- annul the letter sent with the debit note, in so far as the final financial statement set out therein categorises direct staff costs in the sum of EUR 210 423,11 as ineligible expenditure;
- annul the letter sent with the debit note, in so far as the final financial statement set out therein categorises indirect costs in the sum of EUR 52 605,78 as ineligible expenditure;
- order EASME and the Commission to pay the costs.

**Pleas in law and main arguments**

In support of its action, the applicant relies on five pleas in law.

1. First plea, alleging breach of the obligation to state reasons:

EASME breached the obligation to state reasons in that it failed lawfully to justify the claims contained in the debit note and the letter sent therewith.

2. Second plea, alleging infringement of the principle of sound administration:

EASME infringed the principle of sound administration in so far as it:

- failed to provide any substantive response to the technical reports and proposals submitted by the applicant, nor did it reply to the applicant's requests for amendment of the contract;

- failed to make a project officer available at a critical stage in the project;
- infringed Article 40 of Regulation (EU) No 1290/2013 <sup>(1)</sup> in relation to the appointment of independent experts, to which Article 40(2) refers, and the requirements contained in Article 40(3) regarding independent experts facing conflicts of interest.

3. Third plea, alleging a manifest error of assessment:

EASME committed a manifest error of assessment by finding, in the list of references sent with the debit note, that the project did not, in principle, meet the overall technical and commercial objectives, as a result of the failure to take into account certain facts and documents when carrying out that assessment.

4. Fourth plea, alleging breach of proportionality requirements:

EASME failed to comply with the proportionality requirements by finding that costs in the total amount of EUR 263 028,09 out of costs declared by the applicant in the amount of EUR 804 020,75 constituted ineligible expenditure.

5. Fifth plea, alleging breach of the requirement of sound financial management and, in particular, the requirement of economy, efficiency and effectiveness:

EASME failed to take into consideration the applicant's claims relating to the evolving needs of the market and the consequent need to amend the project.

<sup>(1)</sup> Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in 'Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)' and repealing Regulation (EC) No 1906/2006 (OJ 2013 L 347, p. 81).

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**Action brought on 30 October 2020 — NV v eu-LISA**

**(Case T-661/20)**

(2021/C 19/64)

*Language of the case: English*

**Parties**

*Applicant:* NV (represented by: S. Rodrigues and A. Champetier, lawyers)

*Defendant:* European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of 3 February 2020 insofar as it imposes a reprimand on the applicant;
- if need be, annul the decision of 3 August 2020 rejecting the applicant's complaint of 9 April 2020;
- order financial compensation for non-material harm, which can be evaluated, *ex aequo et bono*, at the sum of EUR 5 000;
- order reimbursement of the incurred costs.