



Reports of Cases

Judgment of the General Court (Eighth Chamber) of 29 March 2023 – CIMV v Commission

(Case T-26/22)¹

(Research and technological development – Grant agreement concluded in the context of the ‘Horizon 2020’ Framework Programme for Research and Innovation – Recovery of a debt – Repayment by instalments – Substantive accuracy of the facts – Manifest error of assessment – Obligation to state reasons – Legitimate expectations – Right to be heard – Proportionality)

1. *Action for annulment – Pleas in law – Lack of or inadequate statement of reasons – Separate plea in law from the one concerning substantive legality*

(Art. 296 TFEU)

(see paragraph 35)

2. *EU budget – Financial regulation – Recovery of debts due to the Union from third parties – Obtaining an enforceable decision – Discretion of the Commission*

(Art. 299 TFEU; European Parliament and Council Regulation 2018/1046, Arts 98(4)(f), 103(2), and 104)

(see paragraphs 43, 44, 57)

3. *EU budget – Financial regulation – Recovery of debts due to the Union – Additional time for payment – Conditions – Provision of a bank guarantee – Derogation – Conditions*

(European Parliament and Council Regulation 2018/1046, Art. 104)

(see paragraphs 45-48, 54, 55)

4. *Acts of the institutions – Statement of reasons – Obligation – Scope – Assessment of the duty to state reasons by reference to the circumstances of the case – Need to specify all the relevant factual and legal elements – None*

(Art. 296 TFEU)

(see paragraphs 61-64, 72)

¹ OJ C 109, 7.3.2022.

5. *EU law – Principles – Protection of legitimate expectations – Conditions – Specific assurances given by the authorities*
(see paragraphs 77-79, 81, 82)
6. *Fundamental rights – Charter of Fundamental Rights – Right to good administration – Right to be heard – Scope*
(Charter of Fundamental Rights of the European Union, Art. 41(2))
(see paragraphs 90, 93, 96-98)
7. *EU law – Principles – Proportionality – Scope*
(see paragraphs 111, 112, 124, 127)

Operative part

The Court:

1. Dismisses the action;
2. Orders Compagnie industrielle de la matière végétale (CIMV) to pay the costs.