



## Reports of Cases

### Judgment of the Court (Third Chamber) of 28 February 2013 — Portugal v Commission

(Case C-246/11 P)

(Appeal — European Regional Development Fund (ERDF) — Regulation (EEC) No 2052/88 — Article 13(3) — Regulation (EEC) No 4253/88 — Article 21(1) — Global grant for local development in Portugal — Reduction in financing)

1. *Appeals — Grounds — Inadequate or contradictory grounds — Admissibility (see para. 63)*
2. *Appeals — Grounds — Necessity of some specific criticism of a point in the General Court's reasoning (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 112(1)(c)) (see paras 64-66)*
3. *Actions for annulment — Jurisdiction of the Courts of the Union — Interpretation of the reasoning of an administrative measure — Limits (Arts 263 TFEU and 264 TFEU) (see paras 85-91)*
4. *Economic, social and territorial cohesion — Structural assistance — European Union financing — Reduction of financial assistance on the ground of irregularities — Irregularity — Definition — Charging to a project costs which were not incurred in its execution — Included (Council Regulation No 4253/88, Art. 24) (see para. 102)*

#### Re:

Appeal against the judgment of the General Court (Eighth Chamber) of 3 March 2011 in Case T-387/07 *Portugal v Commission* by which that court dismissed the application for annulment in part of Commission Decision C(2007) 3772 of 31 July 2007 reducing the final assistance granted by the European Regional Development Fund (ERDF) towards the global grant for local development in Portugal pursuant to Commission Decision C(95) 1769 of 28 July 1995.

## **Operative part**

The Court:

1. Sets aside the judgment of the General Court of the European Union of 3 March 2011 in Case T-387/07;
2. Annuls Commission Decision C(2007) 3772 of 31 July 2007 reducing the final assistance granted by the European Regional Development Fund (ERDF) towards the global grant for local development in Portugal pursuant to Commission Decision C(95) 1769 of 28 July 1995;
3. Orders the European Commission to pay the costs at first instance and on appeal.