

GENERAL COURT

Judgment of the General Court of 18 January 2018 — Kenup Foundation and Others v EIT

(Case T-76/15) ⁽¹⁾

(Technological research and development — EIT — Framework programme Horizon 2020 for research and innovation — Call for proposals with a view to the designation of a Knowledge and Innovation Community — Rejection of the applicant's proposal — Regulation (EC) No 294/2008 — Regulation (EU) No 1290/2013 — Unlawful delegation of powers)

(2018/C 072/39)

Language of the case: English

Parties

Applicants: Kenup Foundation (Kalkara, Malta) Candena GmbH (Lüneburg, Germany), CO BIK Center odličnosti za biosenzoriko, instrumentacijo in procesno kontrolo (Ajdovščina, Slovenia), Evotec AG (Hamburg, Germany) (represented by: initially by: U. Soltész, C. Wagner, H. Weiß and A. Richter, and subsequently by: U. Soltész, H. Weiß and A. Richter, and finally by: U. Soltész and H. Weiß, lawyers)

Defendant: European Institute of Innovation and Technology (EIT) (represented by: M. Kern, acting as Agent, and P. de Bandt and M. Gherghinaru, lawyers)

Interveners in support of the applicants: Republic of Malta (represented by: M.E. Perici Calascione, lawyer) and Stiftung Universität Lüneburg (represented by: F. Oehl, lawyer)

Re:

Application on the basis of Article 263 TFEU, seeking the annulment of the decisions of 9 December 2014, the import of which was sent by letter of 10 December 2014, by which the EIT designated the Knowledge and Innovation Community (KIC) 'Innovation for Healthy Living and Active Ageing' and rejected the Kenup consortium's proposal.

Operative part of the judgment

The Court:

1. Annuls the decisions of 9 December 2014, the import of which was sent by letter of 10 December 2014, by which the European Institute of Innovation and Technology designated the Knowledge and Innovation Community (KIC) 'Innovation for Healthy Living and Active Ageing' and rejected the Kenup consortium's proposal;
2. Orders the EIT to bear its own costs and to pay those incurred by Kenup Foundation, Candena GmbH, CO BIK Center odličnosti za biosenzoriko, instrumentacijo in procesno kontrolo and Evotec AG.

⁽¹⁾ OJ C 146, 4.5.2015.