



Reports of Cases

Judgment of the General Court (Sixth Chamber) of 15 September 2016 —

AEDEC v Commission

(Case T-91/15)

(Technological research and development — ‘Horizon 2020’ framework programme for research and innovation — Calls for proposals in respect of work programmes 2014-2015 — Commission decision declaring the proposal submitted by the applicant ineligible — Obligation to state reasons — Rights of the defence — Proportionality — Openness — Manifest error of assessment)

1. *EU law — Principles — Rights of defence — Right to be heard — Scope — Adoption of an individual decision on the basis of factors notified to the person concerned or known by the latter — No infringement (see para. 24)*
2. *Acts of the institutions — Statement of reasons — Obligation — Scope — Assessment of the duty to state reasons by reference to the circumstances of the case (Art. 296 TFEU) (see para. 34)*
3. *Actions for annulment — Grounds — Lack of or inadequate statement of reasons — Plea having to be raised of the Court’s own motion — Raised late by the applicant — Irrelevant (Arts 263 TFEU and 296 TFEU) (see para. 37)*
4. *EU law — Principles — Proportionality — Scope (Art. 5(4) TEU) (see para. 46)*
5. *EU law — Principles — Equal treatment — Concept (see para. 53)*
6. *Industry — Action necessary to ensure the competitiveness of industry — Research and technical development — Framework programme for research and innovation (Horizon 2020) — Assessment of projects submitted following a call for proposals — No obligation on the Commission to make those assessments public (European Parliament and Council Regulation No 1290/2013) (see para. 58)*
7. *Industry — Action necessary to ensure the competitiveness of industry — Research and technical development — Framework programme for research and innovation (Horizon 2020) — Assessment of projects submitted following a call for proposals — Judicial review — Limits (European Parliament and Council Regulation No 1290/2013) (see para. 68)*

8. *Industry — Action necessary to ensure the competitiveness of industry — Research and technical development — Framework programme for research and innovation (Horizon 2020) — Assessment of projects submitted following a call for proposals — Award to a project of a mark higher than the eliminatory mark — No obligation to grant that project financing (European Parliament and Council Regulation No 1290/2013, Art. 15(1) and (6)) (see para. 69)*

Re:

APPLICATION on the basis of Article 263 TFEU seeking the annulment of the decision of 4 September 2014 in which the Commission rejected the request for financing submitted by the applicant on behalf of the consortium Latin Plan.

Operative part

The Court:

1. Dismisses the action;
2. Orders the Asociación Española para el Desarrollo de la Epidemiología Clínica (AEDEC) to pay the costs.