

Case T-84/96

Cipeke — Comércio e Indústria de Papel, Ld.^a

v

Commission of the European Communities

(European Social Fund — Decision to reduce financial assistance —
Duty to provide a statement of reasons)

Judgment of the Court of First Instance (Third Chamber), 7 November
1997 II - 2083

Summary of the Judgment

1. *Procedure — Originating application — Procedural requirements — Summary of the pleas in law relied on — Pleas in law not set out in the application — Catch-all reference to the annexes — Inadmissible*
(*Rules of Procedure of the Court of First Instance, Art. 44(1)(c)*)
2. *Acts of the institutions — Statement of reasons — Obligation — Scope — Plea alleging absence or inadequacy of the statement of reasons — Plea alleging incorrectness of the statement of reasons — Distinction*
(*EC Treaty, Art. 190*)

1. Under Article 44(1)(c) of the Rules of Procedure, an application must contain, *inter alia*, a summary of the pleas in law on which the application is based. That statement of claim must be sufficiently clear and precise to enable the defendant to prepare its defence and the Court to exercise its power of judicial review. In order to guarantee legal certainty and sound administration of justice it is necessary for the basic legal and factual particulars relied on to be indicated, at least in summary form, coherently and intelligibly in the application itself. Although the body of the application may be supported and supplemented, in regard to specific points, by references to extracts of documents appended thereto, a catch-all reference to the annexes to the application, in order to indicate essential parts of the legal arguments, does not satisfy the requirements of the Rules of Procedure. Since the annexes have a purely evidential and instrumental function, it is not for the Court to seek and identify in the annexes the grounds on which it may consider the action to be based.
2. The statement of reasons required by Article 190 of the Treaty must clearly and unequivocally show the reasoning of the institution which adopted the measure, so as to enable the Community judicature to exercise its power of review and the persons concerned to know the grounds on which the measure was adopted.

The absence or inadequacy of a statement of reasons constitutes a plea going to infringement of essential formal requirements and, as such, is distinct from a plea going to incorrectness of the grounds of the contested decision, which is reviewed in the context of the question whether a decision is well founded.