

Case T-137/01

Stadtsportverband Neuss eV

v

Commission of the European Communities

(Action for annulment — Eurathlon Programme — Community financial assistance — Partial repayment — Obligation to state reasons — Method of calculation — Limitation period — Ineligible expenditure)

Judgment of the Court of First Instance (Fourth Chamber), 17 September 2003 II-3106

Summary of the Judgment

1. *Acts of the institutions — Statement of reasons — Obligation — Scope — Commission decision ordering partial repayment of financial assistance — Reference to an audit report sent to the recipient — Reference to a document annexed — Whether permissible*
(Art. 253 EC)

2. *Budget of the European Communities — Community financial assistance — Eurathalon Programme — Rules governing the grant of assistance — Conditions set out in the decision granting assistance — Terms of the application for assistance — Declaration by the recipient — Included*
3. *Community law — Principles — Legal certainty — Limitation periods — Fixing of duration and detailed rules for application — Powers of the Community legislature — Application by analogy of legislative provisions unconnected with the case in point — Not permissible*
4. *Community law — Principles — Action within a reasonable time — Administrative procedure — Criteria of assessment*

1. The purpose of the obligation to state the reasons for an individual decision is to provide the person concerned with sufficient information to make it possible to determine whether the decision is well founded or whether it is vitiated by an error which may permit its validity to be contested, and to enable the Community judicature to review the lawfulness of the decision. The extent of that obligation depends on the nature of the measure at issue and the context in which it was adopted. Since a decision reducing the amount of Community financial assistance has serious consequences for the recipient of the assistance, that decision must show clearly the grounds which justify the reduction in the assistance initially authorised. The question as to whether the statement of reasons for a decision satisfies those requirements must be assessed with reference not only to its wording but also to its context and the whole body of legal rules governing the matter in question.

In that regard, a decision ordering partial repayment of financial assistance may be considered to state sufficient reasons where it refers to an audit report sent to the recipient and to a document attached to that decision and thus contained in it which contain sufficient information to enable the recipient to know the reasons why repayment was required.

(see paras 52-58)

2. Under the Eurathlon Programme, the grant of Community financial assistance is subject not only to compliance

with the conditions laid down by the Commission in the decision granting assistance but also to compliance with the terms of the application for assistance in respect of which that decision was given. The same is true of the declaration by the recipient of the subsidy, as that declaration is an integral part of the body of rules governing the grant of Community financial assistance.

regards limitation periods, legislative provisions unconnected with the case in point cannot be applied by analogy.

(see para. 123)

(see para. 82)

3. In order to fulfil their function of ensuring legal certainty limitation periods must be fixed in advance by the Community legislature within whose powers the fixing of their duration and the detailed rules for their application come. Moreover, as

4. The question whether the duration of an administrative proceeding is reasonable must be determined in relation to the particular circumstances of each case and, in particular, its context, the various procedural stages followed, the complexity of the case and its importance for the various parties involved.

(see para. 125)