

Case T-105/01

Società Lavori Impianti Metano Sicilia (SLIM Sicilia)

v

Commission of the European Communities

(European Regional Development Fund — Projects co-financed by the ERDF —
Refusal to extend the time-limit for the submission of an application for final
payment — Action for annulment — Admissibility)

Order of the Court of First Instance (Second Chamber), 6 June 2002 . . . II-2699

Summary of the Order

Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Direct concern — Criteria — Commission decision addressed to a Member State refusing to extend the time-limit for submission of an application for final payment in respect of Community financial assistance — Company which holds the concession contract for completion of a project eligible for assistance and which has received from the national authorities the full amount provided for under that assistance — Direct concern — None
(Art. 230, fourth para., EC)

For a contested Community measure to be of direct concern to a private applicant to whom it is not addressed, as a condition governing the admissibility of an action for annulment, it must directly affect the applicant's legal situation and its implementation must be purely automatic and result from Community rules alone without the application of other intermediate rules. Where the measure is implemented by national authorities to whom it is addressed, such is the case if the measure leaves no discretion to those authorities. The same applies where the opportunity for addressees not to give effect to the Community measure is purely theoretical and their intention to act in conformity with it is not in doubt.

limit for submission of an application for final payment in respect of assistance granted under the European Regional Development Fund (ERDF) is not of direct concern to a company which holds a concession contract concluded with the granting authority and entrusting that company with the completion of a project eligible for ERDF assistance in so far as the national authorities paid to that company the full amount provided for under the Community assistance and no obligation to repay the difference between that amount and the amount which the Commission paid to the Member State follows from the contested decision itself or from any provision of Community law intended to govern the effect of that decision.

A Commission decision addressed to a Member State refusing to extend the time-

(see paras 45-46, 50-51, 54-55)