

In support of its action, the applicant relies on two pleas in law.

1. First plea in law, alleging infringement of Article 10(2) and (4) of Regulation No 1975/2006.

— The applicant claims that the obligation to count animals during on-the-spot checks in respect of the CANH aid breaches the principle of the continuity of the livestock density criterion and the principle of equal treatment, and that the Commission wrongly interpreted the abovementioned provisions by finding that the Spanish system was not suitable for verifying compliance with the livestock density criterion.

2. Second plea in law, alleging infringement of Article 2(2) of Regulation No 1082/2003 and of Article 26(2)(b) of Regulation No 796/2004.

— The applicant claims that the contested decision infringes the abovementioned provisions in that it imposes the obligation to carry out a count of animals during an on-the-spot check in order to verify the livestock density criterion.

#### **Action brought on 24 October 2013 — Belgium v Commission**

(Case T-563/13)

(2013/C 367/68)

*Language of the case: Dutch*

#### **Parties**

*Applicant:* Kingdom of Belgium (represented by: J.-C. Halleux and M. Jacobs, acting as Agents, assisted by F. Tuytschaever and M. Varga, lawyers)

*Defendant:* European Commission

#### **Form of order sought**

The applicant claims that the Court should:

— Declare the present application for annulment admissible and well-founded, and accordingly annul the contested decision in so far as it concerns the expenditure incurred by the Kingdom of Belgium amounting to € 4 108 237,42, or in any event to limit the amount to be reduced from the financing to € 1 268 963,04;

— Order the Commission to pay the costs.

#### **Pleas in law and main arguments**

The applicant seeks the partial annulment of Commission Implementing Decision 2013/433/EU of 13 August 2013 on excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund

(EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), <sup>(1)</sup> in so far as it concerns the expenditure incurred by the Kingdom of Belgium.

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging breach of the duty to state reasons and the principle of legal certainty, due to the contested implementing decision not sufficiently allowing the applicant to know the breach of which it is accused.

2. Second plea in law, alleging breach of Articles 122, 125b(1), and 125d of Regulation (EC) No 1234/2007 <sup>(2)</sup> and of Articles 25, 28(1), 29 and 33 of Regulation (EC) No 1580/2007, <sup>(3)</sup> due to the Commission determining that Greenbow cvba was wrongfully recognised as a producer organisation.

3. Third plea in law, alleging breach of the principle of proportionality due to the Commission not having limited the financial correction to the expenditure relating to the Greenbow members that could not be autonomously recognised as producer organisations.

<sup>(1)</sup> OJ 2013 L 219, p. 49.

<sup>(2)</sup> Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ 2007 L 299, p. 1).

<sup>(3)</sup> Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector (OJ 2007 L 350, p. 1).

#### **Action brought on 25 October 2013 — Agriconsulting Europe v Commission**

(Case T-570/13)

(2013/C 367/69)

*Language of the Procedure: Italian*

#### **Parties**

*Applicant:* Agriconsulting Europe SA (Brussels, Belgium) (represented by R. Sciaudone, lawyer)

*Defendant:* European Commission

#### **Form of order sought**

The applicant claims that the Court should:

— grant the measures of inquiry requested;

— order the Commission to pay damages as assessed in the application, increased as appropriate;