

- Annul, in so far as these measures concern the applicant:
 - Council Implementing Regulation (EU) No 2015/108 of 26 January 2015;
 - Council Implementing Decision (CFSP) No 2015/117 of 26 January 2015;
- Order the Council to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law which are in essence identical or similar to those raised in Case T-653/11 *Jaber v Council* ⁽¹⁾.

⁽¹⁾ OJ 2012, C 58, p. 12.

Action brought on 27 March 2015 — Kaddour v Council

(Case T-155/15)

(2015/C 190/27)

Language of the case: French

Parties

Applicant: Khaled Kaddour (Damascus, Syria) (represented by: A. Boesch, D. Amaudruz and M. Ponsard, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Order the production of the file in Case T-654/11;
- Reserve the applicant the right to reply and, on this occasion, to produce new documents and to call witnesses;
- Annul, in so far as these measures concern the applicant:
 - Council Implementing Regulation (EU) No 2015/108 of 26 January 2015;
 - Council Implementing Decision (CFSP) No 2015/117 of 26 January 2015;
- Order the Council to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law which are in essence identical or similar to those raised in Case T-653/11 *Jaber v Council* ⁽¹⁾.

⁽¹⁾ OJ 2012, C 58, p. 12.

Action brought on 27 March 2015 — France v Commission

(Case T-156/15)

(2015/C 190/28)

Language of the case: French

Parties

Applicant: The French Republic (represented by: F. Alabrune, G. de Bergues, D. Colas and C. Candat, acting as agents)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- Partially annul Commission Decision C(2015) 53 Final, of 16 January 2015, excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), in so far as, as regards direct aid, it is based on findings that have not been referred to in the Commission's communications; and, in so far as the procedure for review does not allow the correct application of EU legislation on correct agricultural and environmental conditions in respect of the claim years 2011 and 2012 to be ensured;
- Partially annul Decision C(2015) 53 Final in so far as it excludes from European Union financing the entirety of expenditure made in the sector of aids to the area in Upper Corsica for the claim years 2010 and following;
- Partially annul Decision C(2015)53 Final in so far as it excludes from European Union financing the expenditure made by the French Republic in respect of the aid, Compensatory allowance for natural handicaps (CANH) concerning Axis 2 of the rural development plan for the financial years 2010, 2011, 2012 and 2013. In the alternative, partially annul that decision in so far as it excludes from European Union financing the expenditure made by the French Republic in respect of CANH aid for sheep which were the subject of on-the-spot checks made for verification of animal identification;
- Partially annul Decision C(2015) 53 Final in so far as it excludes from European Union financing the expenditure made by the French Republic in the sector of the restructuring of the sugar industry at a level of 25 % of expenditure for aid paid to sugar producers who benefited from aid for complete dismantlement and maintained storage silos; in the alternative, partially annul that decision in so far as the financial correction imposed at a level of 25 % of the expenditure on aid paid to sugar producers who benefitted from aid for complete dismantlement and maintained storage silos is disproportionate;
- Order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on eight pleas in law that concern three aspects of the contested decision.

- The part of the contested decision that concerns the sector of 1st pillar direct aids for the financial years 2011, 2012 and 2013
 1. First plea in law, alleging an infringement of Article 11(1) of Regulation (EC) No 885/2006 ⁽¹⁾ and the applicant's rights of the defence, in so far as the flat rate correction imposed on all the payments of aid in the abovementioned sector, with the exception of Upper Corsica, is based on deficiencies that were not notified to the applicant.
 2. Second plea in law, alleging in the alternative, an infringement of Article 6(1) of Regulation (EC) No 73/2009 ⁽²⁾ and of Annex III to that regulation.
 3. Third plea in law, alleging an infringement of Article 11(1) of Commission Regulation (EC) No 885/2006 and the applicant's rights of the defence in so far as the financial correction applied in this sector of all the aid expenditure in Upper Corsica is based on deficiencies that were not notified to the applicant.
 4. Fourth plea in law, raised partially in the alternative, alleging an infringement of the principle of proportionality and breach of document No VI/5330/97 of the Commission, of 23 December 1997, entitled 'Guidelines for the calculation of financial consequences when preparing the Decision regarding the clearance of the accounts'

- The part of the contested decision concerning compensatory allowances for natural handicaps concerning Axis 2 of the rural development plan — EAFRD
- 5. Fifth plea in law, alleging an infringement of Articles 10(2) and (4) and Article 14(2) of Commission Regulation (EC) No 1975/2006 ⁽³⁾, the Commission having wrongly found that the applicant had failed to comply with its obligations in respect of checks on the basis that the applicant had not carried out a livestock count during the on-the-spot checks.
- 6. Sixth plea in law, raised in the alternative, alleging the unlawful extension of the application of the flat-rate correction to sheep not eligible for the ewe premium.
- The part of the contested decision in respect of the financial correction applied in the restructuring of the sugar industry sector
- 7. Seventh plea in law, alleging an infringement of Articles 3 and 4 of Council Regulation (EC) No 320/2006 ⁽⁴⁾ and Article 4 of Commission Regulation (EC) No 968/2006 ⁽⁵⁾, the Commission having excluded from European Union financing certain expenditure made by the applicant in the abovementioned sector on the basis that the stockage silos maintained on four French sites were production facilities.
- 8. Eighth ground, raised in the alternative, alleging infringement of the principles of proportionality and equal treatment.

⁽¹⁾ Commission Regulation (EC) No 885/2006 of 21 June 2006 implementing Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other entities and the clearance of accounts for the EAGF and the EAFRD (OJ 2006 L 171, p. 90).

⁽²⁾ Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ 2009 L 30, p. 16).

⁽³⁾ Commission Regulation (EC) No 1975/2006 of 7 December 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures (OJ 2006 L 368, p. 74).

⁽⁴⁾ Council Regulation (EC) No 320/2006 of 20 February 2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community and amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy.

⁽⁵⁾ Commission Regulation (EC) No 968/2006 of 27 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community.

Action brought on 30 March 2015 — Estonia v Commission

(Case T-157/15)

(2015/C 190/29)

Language of the case: Estonian

Parties

Applicant: Republic of Estonia (represented by: Kristi Kraavi-Käerdi, acting as Agent)

Defendant: European Commission

Form of order sought

- annul Commission Implementing Decision (EU) 2015/103 of 16 January 2015 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (C(2015) 53 final) ⁽¹⁾ in so far as it concerns the Republic of Estonia in the amount of EUR 691 746,53;
- order the defendant to pay the costs.