

Action brought on 23 February 2007 — Spain v Commission

(Case T-60/07)

(2007/C 95/98)

*Language of the case: Spanish***Parties***Applicant:* Kingdom of Spain (represented by: M. Muñoz Pérez)*Defendant:* Commission of the European Communities**Form of order sought**

- Annul Commission Decision 2006/932/EC of 14 December 2006 excluding from Community financing certain expenditures incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), in so far as it relates to the subject-matter of this action;
- Order the Commission to pay the costs

Pleas in law and main arguments

The Kingdom of Spain challenges the contested Decision, in so far as it provides for a financial correction in respect of the failure to meet environmental conditions in the withdrawals of fruit and vegetables for animal feed in the Valencian Community during the financial years 2001, 2002 and 2003, in the amounts of EUR 2 858 447,88, EUR 4 357 238,89 and EUR 3 679 878,76 respectively.

In support of its claim, the applicant alleges:

- Non-existence of the irregularities complained of by the Commission, since the relevant rules of the Valencian Community did not give rise to a parallel system of biodegradation.
- Breach of the principle of proportionality by the financial correction made, in so far as, the Commission did not establish the real amount of the financial risk that the supposed irregularities found entailed for the EAGGF; and secondly, the controls carried out by the Spanish authorities with regard to the withdrawal of products for animal feed were far superior to those required by the Community rules.
- In the alternative, partial lack of basis for the financial correction applied.

Action brought on 26 February 2007 — Italian Republic v Commission

(Case T-61/07)

(2007/C 95/99)

*Language of the case: Italian***Parties***Applicant:* Italian Republic (represented by: P. Gentili, Avvocato dello Stato)*Defendant:* Commission of the European Communities**Form of order sought**

The applicant claims that the Court should:

- annul memorandum No 12244 of 14.12.2006 of the European Commission, Directorate General for Regional Policy — Programmes and projects in Cyprus, Greece, Hungary, Italy, Malta and the Netherlands — concerning payments by the Commission which differ from the amount requested. Ref. Programma DOCUP Lazio (No CCI 2000 IT 162 DO 009);
- annul memorandum No 12528 of 19.12.2006 of the European Commission, Directorate General for Regional Policy — Programmes and projects in Cyprus, Greece, Hungary, Italy, Malta and the Netherlands — concerning payments by the Commission which differ from the amount requested. Ref. Programma DOCUP Piemonte (No CCI 2000 IT 162 DO 007);
- annul memorandum No 12558 of 20.12.2006 of the European Commission, Directorate General for Regional Policy — Programmes and projects in Cyprus, Greece, Hungary, Italy, Malta and the Netherlands — concerning payments by the Commission which differ from the amount requested. Ref. Programma POR Puglia (No CCI 1999 IT 161 PO 009);
- annul memorandum No 00321 of 16.1.2007 of the European Commission, Directorate General for Regional Policy — Programmes and projects in Cyprus, Greece, Hungary, Italy, Malta and the Netherlands — concerning payments by the Commission which differ from the amount requested. Ref. Programma DOCUP Lazio (No CCI 2000 IT 162 DO 009);
- annul memorandum No 00322 of 16.1.2007 of the European Commission, Directorate General for Regional Policy — Programmes and projects in Cyprus, Greece, Hungary, Italy, Malta and the Netherlands — concerning certification of the intermediate statement of expenses and claim for payment. Ref. DOCUP Veneto Ob. 2 2000-2006 (No CCI 2000 IT 162 DO 005);
- annul memorandum No 00324 of 16.1.2007 of the European Commission, Directorate General for Regional Policy — Programmes and projects in Cyprus, Greece, Hungary, Italy, Malta and the Netherlands — concerning payments by the Commission which differ from the amount requested. Ref. Programma POR Sardegna 2000-2006 (No CCI 1999 IT 161 PO 010);