

**Form of order sought**

The applicant claims that the Court should:

- annul Commission Decision C (2014) 2008 of 4 April 2014, notified on 7 April 2014, which excludes from European Union financing certain expenditure incurred by the Member States, and by Italy in particular, 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).

**Pleas in law and main arguments**

The applicant raises three pleas in law:

1. First plea in law: failure to observe Community principles and insufficient investigation.
  - In that regard, the applicant claims that, in the contested decision, the Commission made a financial correction in response to some shortcomings observed during an on-site inspection which took place only in the Lazio and Abruzzo regions. The applicant contests the idea that the results of that inspection can be extrapolated beyond those regions and that the correction can be quantified at 5 %, since in reality the various regions of Italy are extremely diverse and in any event only one paying agency (the Agenzia per le Erogazioni in Agricoltura) (the Agricultural Payments Agency) (AGEA) was involved.
2. Second plea in law: infringement of Articles 43 and 48 of Regulation No 1782/2003 <sup>(1)</sup>.
  - In its decision, the Commission asserted that the Italian State had misapplied the legislation on special rights, stating that a risk to the Fund had come about. The applicant submits that Articles 43 and 48 of Regulation No 1782/2003 do not specify a particular method for the redistribution of special rights as regards the cases investigated by the Commission, and that the methodology adopted in Italy not only fully complies with that legislation, but, what is more, does not in itself represent a particular risk to the Fund.
3. Third plea in law: failure to observe the general principles of financial correction and compliance with the recognition criteria, and failure to provide an adequate statement of reasons.
  - In its decision, the Commission made a correction in relation to the operational shortcomings attributable to the Agenzia della Regione Basilicata per le Erogazioni in Agricoltura (Basilicata Region Agricultural Payments Agency) (ARBEA), the paying agency whose recognition was withdrawn through the administration's decision of 12 May 2010 with effect from 16 October 2010, the date when ARBEA's competences were taken over by AGEA. The applicant criticises the Commission's way of proceeding — that is, its extending to 2010 the correction previously applied to the financial years 2007-2009 on the assumption that the risks previously established were still present and adopting the same percentage — and also criticises its application of that correction to the period between the date on which recognition was withdrawn and the date on which AGEA took over ARBEA's duties.

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<sup>(1)</sup> Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001.

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**Order of the General Court of 14 May 2014 — Seatech International and Others v Commission**

**(Case T-500/13) <sup>(1)</sup>**

(2014/C 235/44)

*Language of the case: French*

The President of the Fourth Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 377, 21.12.2013.