

2. Second plea, alleging failure to state the reasons for the decision and breach of the principle of legality, with reference to the Commission's findings relating to failure to fulfil the obligation to extrapolate.

According to the applicant, the Commission erred when it found that, in the Republic of Slovenia, the agricultural parcels selected for checks were chosen at random, and to the extent of at least 50 %, that the method of selecting GERKS did not make it possible to achieve representativity or reliability as required by Regulation No 1122/2009, and that there had been a breach of the obligation to extrapolate for the purpose of recital 44 in the preamble to that regulation.

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- (¹) Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in of Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers (OJ 2004 L 141, p. 18).
- (²) Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector (OJ 2009 L 316, p. 65).

Action brought on 19 September 2014 — Biogaran v Commission

(Case T-677/14)

(2014/C 395/72)

Language of the case: French

Parties

Applicant: Biogaran (Colombes, France) (represented by: T. Reymond, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Articles 1, 7 and 8 of Commission Decision C(2014) 4955 final of 9 July 2014 relating to a proceeding under Articles 101 and 102 of the Treaty on the Functioning of the European Union (AT.39612-Perindopril (SERVIER)) so far as they relate to Biogaran;
- in the alternative, make use of its unlimited jurisdiction in order to reduce very substantially the fine imposed on Biogaran by Article 7 of that decision;
- grant Biogaran the benefit of any annulment, in whole or in part, of Commission Decision C(2014) 4955 final of 9 July 2014 in the action brought by the companies Servier S.A.S, Les Laboratoires Servier and Servier Laboratories Limited, and draw all appropriate conclusions therefrom in the exercise of its unlimited jurisdiction;
- order the European Commission to pay all the costs.

Pleas in law and arguments

The applicant puts forward three pleas in law in support of its action.

1. First plea, alleging an error of law in the contested decision, in that it does not show that the applicant participated in any infringement whatever of the competition rules.

The applicant claims that it did not commit in person any anti-competitive acts and could not be held liable for an amicable settlement agreement relating to patents concluded by its parent company, to which it was not party and of the content of which it was unaware.

2. Second plea, alleging a distortion of the facts, in that the contested decision wrongly concluded that the licence and supply agreement which the applicant had concluded with the company Niche constituted a further incentive for that company to conclude the amicable settlement agreement relating to patents with the applicant's parent company.
3. Third plea, alleging, in the alternative, an error of law, in that a fine was imposed on the applicant even though the infringement held to have occurred was novel in nature.

Action brought on 22 September 2014 — Italy v Commission

(Case T-686/14)

(2014/C 395/73)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: G. Galluzzo, avvocato dello Stato, and G. Palmieri, Agent)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul, in so far as it is contested in the present action and in so far as it was imposed against Italy, Implementing Decision C (2014) 4479 of the European Commission of 9 July 2014, notified on 10 July 2014, excluding from Community 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);
- revoke the flat-rate financial correction relating to tomato processing aid for the 2008 financial year, totalling EUR 1 399 293,78;
- revoke the one-off financial correction for the irregularity 'Lack of information on the undertaken recovery actions', totalling EUR 2 362 005,73;
- revoke the one-off financial correction for the irregularity 'Non-reporting in Annex III', totalling EUR 1 460 976,88.

Pleas in law and main arguments

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

1. First plea in law: (i) failure to comply with essential procedural requirements (Article 253 EC) owing to a failure to state adequate reasons and (ii) breach of the principle of proportionality.