

GENERAL COURT

Judgment of the General Court of 30 April 2015 — France v Commission

(Case T-259/13) ⁽¹⁾

(EAGGF — Guarantee Section — EAGF and EAFRD — Expenditure excluded from financing — Rural development support measures — Areas with natural handicaps — Flat rate financial correction — Expenditure incurred by France — Loading criterion — On-the-spot controls — Procedural safeguards)

(2015/C 228/11)

Language of the case: French

Parties

Applicant: French Republic (represented by: E. Belliard, D. Colas, C. Candat and G. de Bergues, acting as Agents)

Defendant: European Commission (represented by: D. Bianchi and G. von Rintelen, acting as Agents)

Intervener in support of the applicant: Kingdom of Spain (represented initially by N. Díaz Abad and subsequently by A. Sampol Pucurull, abogados del Estado)

Re:

Application for the partial annulment of Commission Implementing Decision 2013/123/EU of 26 February 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) (OJ 2013 L 67, p. 20).

Operative part of the judgment

The Court:

1. *Annuls Commission Implementing Decision 2013/123/EU of 26 February 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) in so far as it applies a financial correction to the French Republic in the context of rural development support measures for sheep not covered by an application for sheep premiums for the accounting years 2008 and 2009;*
2. *Dismisses the action as to the remainder;*
3. *Orders the French Republic to bear three quarters of its own costs and three quarters of the costs incurred by the European Commission;*
4. *Orders the European Commission to bear one quarter of its own costs and one quarter of the costs incurred by the French Republic;*
5. *Orders the Kingdom of Spain to bear its own costs.*

⁽¹⁾ OJ C 207, 20.7.2013.