

3. **Third plea in law**, alleging infringement of the duty to state reasons under Article 296 TFEU, inasmuch as, in deciding to apply a flat-rate correction of 5 %, the Commission:
- failed to provide proper reasons for and substantiate its finding of infringements or the nature of such infringements and the resultant risk to the Fund;
 - did not provide reasons why the discrepancies established in 2011 and 2012 for the purpose of applying the 5 % financial correction were assessed jointly even though their number and nature differed significantly in each year, and, in any event, did not provide any convincing reasons why a uniform flat-rate correction of 5 % has to be imposed for the discrepancies established in 2012 and for those established in 2011.

Action brought on 28 January 2016 — EEB v Commission

(Case T-38/16)

(2016/C 118/38)

Language of the case: English

Parties

Applicant: European Environmental Bureau (EEB) (Brussels, Belgium) (represented by: B. Kloostra, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Commission of 19 November 2015 with reference Ares(2015)5212500 confirming its decision of 14 September 2015 with reference Ares(2015)3790389 in which the Commission took an additional decision on the request for information of 3 February 2015, submitted by the EEB; and
- order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging a manifest error as to the determination of the subject-matter of the initial application and, consecutively, infringement of the Commission's obligation to give the said application a full examination and infringement of the Articles 6(2), 7 and 8 of Regulation 1049/2001.
2. Second plea in law, alleging an infringement of the duty to state reasons.

Action brought on 28 January 2016 — Cyprus Turkish Chamber of Industry and Others v Commission

(Case T-41/16)

(2016/C 118/39)

Language of the case: English

Parties

Applicants: Cyprus Turkish Chamber of Industry (Nicosia, Cyprus), Animal Breeders Association (Nicosia), Milk and Oil Products Production and Marketing Cooperative Ltd. (Nicosia), Süt Ürünleri İmalatçuları Birliği Milk Processors Association (Nicosia) and Fatma Garanti (Güzelyurt, Cyprus) (represented by: B. O'Connor, Solicitor, S. Gubel and E. Bertolotto, lawyers)