2. Second plea in law, alleging infringement of the principle of equal treatment

   — The applicant submits reasons why in its view the defendant drew an inappropriate distinction between its proposal relating to emission abatement technologies and similar proposals by its competitors which have been selected for funding.

Action brought on 16 January 2017 — Portugal v Commission

(Case T-22/17)

(2017/C 104/69)

Language of the case: Portuguese

Parties

Applicant: Portuguese Republic (represented by: L. Inez Fernandes, M. Figueiredo, P. Estêvão and J. Saraiva de Almeida, Agents)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— Annul Commission Implementing Decision (EU) 2016/2018 of 15 November 2016 (OJ 2016 L 312, p. 26), which excludes from financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), in so far as it excludes from financing the amount of EUR 1 999 810,30 in relation to expenditure declared by Portugal on the measure 'Rural Development EAFRD Investment — private beneficiaries', in the financial years 2010, 2011, 2012, 2013 and 2014;

— order the European Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging an infringement of Article 31(4)(c) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ 2005 L 209, p. 1).

2. Second plea in law, alleging a failure to state the grounds. That plea is divided into three arguments.

   — In the first argument, the applicant submits that the Commission did not provide evidence of serious and reasonable doubt;

   — In the second argument, the applicant submits that the guidelines set out in the document VI/5330/97-PT of 23 December 1997 are not applicable to the present case;

   — In the third argument, the applicant submits that the Commission did not align the imputed facts with the requirements for the 5 % financial correction provided for in Document VI/5330/97-PT of 23 December 1997.
