

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *The costs are reserved.*

Action brought on 24 August 2018 — France v Commission**(Case T-507/18)**

(2018/C 392/40)

*Language of the case: French***Parties**

Applicant: French Republic (represented by: F. Alabrune, D. Colas, A.-L. Desjonquères, S. Horrenberger and A. Alidière, acting as Agents)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul in part Commission Implementing Decision (EU) 2018/873 of 13 June 2018 excluding from European Union 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 applies a lump-sum correction of 5 %, equal to EUR 945 435,39, concerning ‘Other Direct Aid — POSEI’, on the basis of ‘Inaccurate accounting for certain consignments of bananas’ for the financial years 2013, 2014, 2015 and 2016;
- order the European Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law alleging an error of law committed by the Commission in the conformity clearance procedure concerning support for bananas, in that it misinterpreted the notion of ‘marketing’ of green bananas eligible for support from the Programme of Options Specifically Relating to Remoteness and Insularity (POSEI) applicable to Guadeloupe and Martinique.

First, the applicant claims that the Commission’s interpretation of that notion misconstrued the scope of Commission Implementing Regulation (EU) No 1333/2011 of 19 December 2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector (OJ 2011, L 336, p. 23).

Secondly, it submits that the Commission’s interpretation of that notion is based on a misapplication of Article 76 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ 2013, L 347, p. 671).
