

- The Commission did not adopt a consistent approach with regard to the mandatory and essential nature of the requirements listed in Annex III to Regulation No 1782/2003; in addition, there was a breach of the principle of the protection of legitimate expectations because of the Commission's failure to act until the autumn of 2009.
2. By its second plea in law, the applicant claims that the Commission erred in its application of Regulation No 1290/2005 ⁽¹⁾ and Guidelines No VI/5330/97 (Guidelines for the calculation of financial consequences within the framework of the clearance of the accounts of the EAGGF Guarantee) when it calculated the financial correction for the Republic of Latvia because:
- It failed to apply the principle of proportionality, in that it did not indicate what was the risk occasioned to the funds and did not take into account the calculations submitted by the Republic of Latvia, on the basis of which the risk occasioned was smaller.
 - It infringed the Guidelines, under which the criterion of the flat-rate correction is only to be used when it is not possible, on the basis of the information available, to calculate the losses, despite the fact that the Republic of Latvia sent the Commission precise information which made it possible to calculate the risk occasioned to the funds.

⁽¹⁾ Commission Implementing Decision 2014/458/EU of 9 July 2014 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 2014 L 205, p. 62).

⁽²⁾ Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (OJ 2003 L 270, p. 1).

⁽³⁾ Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ 2009 L 30, p. 16).

⁽⁴⁾ Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ 2005 L 209, p. 1).

Action brought on 10 September 2014 — International Gaming Projects v OHIM (BIG BINGO)

(Case T-663/14)

(2014/C 395/70)

Language of the case: Spanish

Parties

Applicant: International Gaming Projects Ltd (Valletta, Malta) (represented by: M.D. Garayalde Niño, lawyer)

Respondent: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought

The applicant claims that the General Court should:

- annul the decision of the First Board of Appeal of OHIM of 11 June 2014 in Case R 755/2014-1;
- approve for registration the Community trade mark application No 12 120 325 'BIG BINGO' in Classes 9, 28 and 41;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

Community trade mark applied for: The figurative mark with the word elements 'BIG BINGO' for goods and services in Classes 9, 28 and 41 — Community trade mark application No 12 120 325

Decision of the Examiner: Refusal of the mark applied for

Decision of the Board of Appeal: Appeal dismissed

Pleas in law:

- Infringement of Article 7(1)(c) of Regulation No 207/2009;
- Infringement of Article 7(1)(b) of Regulation No 207/2009.

Action brought on 12 September 2014 — Slovenia v Commission

(Case T-667/14)

(2014/C 395/71)

Language of the case: Slovene

Parties

Applicant: Republic of Slovenia (represented by L. Bembič, legal representative of the State)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission implementing decision 2014/459/EU 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) (notified under document C(2014) 4479) (OJ L 205 of 12.7.2014, p. 62), insofar as it refers to the Republic of Slovenia, in particular as it relates to:
 - weakness in the verification of small parcels as regards conformity with the definition of agricultural parcels, for which reason a flat-rate correction of 5 % of direct payments was made in the sum of EUR 85 780,08 for the financial year 2010, of EUR 115 956,46 for the financial year 2011 and of EUR 131 269,23 for the financial year 2012;
 - non-extrapolation of control results when the difference was less than 3 %, for which reason an ad hoc correction of direct payments was made in the sum of EUR 1 771,90 for the financial year 2010, of EUR 6 376,67 for the financial year 2011 and of EUR 6 506,76 for the financial year 2012;
- order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea, alleging a manifest error of assessment, failure to state reasons for the decision and breach of the principle of legality with regard to the Commission's findings as to weaknesses in checking small parcels and in defining agricultural parcels.

The applicant claims that the Commission erred in finding that the Slovene system allows farmers to add, in their declarations of parcels of land, the long thin strips of meadows that surround arable crops, in particular, so that the areas shown in the graphs of the parcels of agricultural land of a holding [grafične enote rabe zemljišča kmetijskega gospodarstva (GERK)] become eligible, which could give rise to inaccuracy in measurements and so to the acceptance of parcels of less than the minimum size for an agricultural parcel in accordance with Article 14(4) of Regulation No 796/2004⁽¹⁾ and Article 13(9) of Regulation No 1122/2009.⁽²⁾