

— order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant argues that the contested Article 45(8) exceeds the limits of the authority conferred by Regulation No 1307/2013/EU ⁽¹⁾ and in practice deprives of any substance the authority granted to the Member States by introducing a restrictive requirement reinterpreting the authority given to the Member States by the basic legislation.

In addition, the applicant takes the view that the preamble to the contested regulation does not state the requisite sufficient and detailed reasons. In its view, a change relating to an authorising provision on such a scale and to such a degree makes it impossible in practice to determine unequivocally precisely on which authorising provision the Commission based its position and to what extent, which makes it almost impossible to conduct the review which is indispensable from the point of view of legal certainty.

The applicant also pointed out that the legislation adopted by the Commission in practice caused unfair discrimination against those tree species called short rotation coppice or the producers of them. The plantations or planters of both types are in the same position, so that a distinction between them on the basis of the tree species they choose to plant is not justified.

The applicant also states that throughout the negotiations on the authorising regulation, the Commission also argued against allowing Member States to classify areas planted with short rotation coppice as areas of ecological interest. According to the applicant, all the signs are that the Commission wished to prevent that possibility by means of the contested legislation, thus abusing its power.

Finally, the applicant considers, inter alia, that the contested regulation breaches the general principle of legal certainty in that, on the one hand, Article 45(8) of the contested regulation is unclear from many points of view, while, on the other hand, the regulation does not provide for a sufficient adaptation period before its entry into force in order to prepare for a change of such importance. In the applicant's view, it also breaches the principle of legitimate expectations, because the Commission, in establishing the provisions for entry into force, did not take into account the fact that in the agricultural sector a longer period of preparation was required in this situation. In addition, in the applicant's view, the contested measure also constituted an infringement of the right to property enshrined in Article 17 of the Charter of Fundamental Rights of the European Union.

⁽¹⁾ Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009.

Action brought on 22 September 2014 — Slovakia v Commission

(Case T-678/14)

(2014/C 448/36)

Language of the case: Slovak

Parties

Applicant: Slovak Republic (represented by: B. Ricziová, Agent)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— declare invalid the Commission's decision, contained in the letter of 15 July 2014, by which the Commission demands the Slovak Republic to make available the funds corresponding to the loss of traditional own resources; and

— order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging the Commission's lack of jurisdiction

According to the Slovak Republic, the Commission does not have the jurisdiction to issue the contested decision. No provision of EU law confers jurisdiction on the Commission to act in the way it acted by issuing the contested decision or the jurisdiction, following the quantification of the amount of the loss of traditional own resources in the form of uncollected import duty, to order a Member State, which was not responsible for the assessment or collection of that duty, to make available the funds in the amount specified in the decision, which, the Slovak Republic submits, does not correspond to the stated loss.

2. Second plea in law, alleging infringement of the principle of legal certainty

Even if the Commission had the jurisdiction to issue the contested decision (*quod non*), the Slovak Republic submits that, in that event, the Commission infringed the principle of legal certainty. The obligation on the Slovak Republic, imposed on it by the contested decision, was, in the opinion of that Member State, not possible to predict before that decision was issued.

3. Third plea in law, alleging that the Commission exercised its jurisdiction incorrectly

Even if the Commission had the jurisdiction to issue the contested decision and, in issuing that decision, it also acted in accordance with the principle of legal certainty (*quod non*), the Slovak Republic submits that, in that event, did not exercise that jurisdiction correctly. First, the Commission committed a manifest error of assessment in so far as it demands payment of the funds from the Slovak Republic despite the fact that the loss of traditional own resources did not occur at all, or did not occur as a direct result of the events which the Commission attributes to the Slovak Republic. Secondly, the Commission infringed the Slovak Republic's rights of the defence and the principle of sound administration.

4. Fourth plea in law, alleging inadequate reasons were stated for the contested decision

In connection with this plea, the Slovak Republic argues that there are several flaws in the statement of reasons for the contested decision, as a result of which it must be regarded as inadequate. This constitutes an infringement of basic procedural legislation and also fails to meet the requirements of legal certainty. According to the Slovak Republic, the Commission failed in the contested decision to state its legal basis. It also provided no explanation of the origin and basis of some of its findings. Lastly, the Slovak Republic submits that the statement of reasons for the contested decision is contradictory.

**Action brought on 19 September 2014 — European Dynamics Luxembourg and Evropaiki Dynamiki
v European Commission**

(Case T-698/14)

(2014/C 448/37)

Language of the case: Greek

Parties

Applicants: European Dynamics Luxembourg and Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (Ettelbruck, Luxembourg) (represented by: V. Khristianos, lawyer)

Defendant: European Commission