

8. Eighth plea in law, alleging misuse of powers.

- The applicants contend that the imposition of default interest on the applicants results in an outcome that totally deviates from the objectives behind conferring the Commission with delegated powers to set default interest.

Action brought on 27 March 2015 — Hungary v Commission

(Case T-139/15)

(2015/C 190/20)

Language of the case: Hungarian

Parties

Applicant: Hungary (represented by: M.Z. Fehér, G. Koós and A. Pálffy, Agents)

Defendant: European Commission

Form of order sought

- Set aside in part Commission Implementing Decision C(2015) 53 of 16 January 2015 excluding from European Union financing certain expenditure of the Member States under the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD), in so far as, with regard to Hungary, it excludes from European Union financing EUR 11 709 400 in relation to the sugar restructuring fund.
- Order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant rejects the requirement which the Commission considers to apply, but which does not appear expressly in the judgment delivered by the Court of Justice of the European Union in Joined Cases C-187/12 and C-189/12 *SFIR and Others*, according to which the time of presentation of the aid application to which the exclusion contained in the contested decision refers is important for the purposes of examining the applicability of the exceptions contained in the judgment. That conclusion, according to the applicant, is contrary to the logic of the restructuring programme and, moreover, completely overlooks the seasonal nature of sugar production and calls into question the practical applicability of the exceptions.

Furthermore, the applicant considers that, although the Commission's legal interpretation may be correct, as regards the legislation on restructuring aid — in particular the classification of silos — difficulties of interpretation have arisen, so that, given the uncertainty, the Commission acted in accordance with the law in reducing the amount excluded from European Union financing, having regard to the difficulties of interpretation inherent in the EU legislation, or completely disregarding the exclusion.

Action brought on 24 March 2015 — Aurora v CPVO — SES-VanderHave (M 02205)

(Case T-140/15)

(2015/C 190/21)

Language in which the application was lodged: English

Parties

Applicant: Aurora Srl (Finale Emilia, Italy) (represented by: L. Buchman, lawyer)

Defendant: Community Plant Variety Office (CPVO)

Other party to the proceedings before the Board of Appeal: SES-VanderHave NV/SA (Tienen, Belgium)

Details of the proceedings before CPVO

Proprietor of the Community plant variety right at issue: Other party to the proceedings before the Board of Appeal

Community plant variety right at issue: Community Plant Variety Right No EU 15118, variety denomination M 02205

Contested decision: Decision of the Board of Appeal of CPVO of 26 November 2014 in Case A10/2013

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- declare that CPVR No EU 15118 is null and void;
- order CPVO to pay the costs, including the cost of any intervening parties.

Pleas in law

- Infringement of Articles 6 and 7 of Regulation No 2100/94;
- Misinterpretation of Article 87(4) of Regulation No 2100/94;
- Infringement of the principle of legal certainty insofar as the conditions of the granted CPVR were retrospectively changed;
- Infringement, to a certain extent, of the principle of legitimate expectation;
- Infringement of the principle of transparency and of the right of public access to documents insofar as the Examination process was not carried out in a transparent manner as the Applicant did not have access to fundamental documents.

Action brought on 27 March 2015 — EFB v Commission

(Case T-150/15)

(2015/C 190/22)

Language of the case: English

Parties

Applicant: European Federation of Biotechnology (EFB) (Liège, Belgium) (represented by: M. Troncoso Ferrer and S. Moya Izquierdo, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the action admissible and well-founded;
- order the European Commission to pay the applicant 39 316,54 EUR;
- condemn the European Commission to pay all the legal costs.