

Form of order sought

The applicant requests the Office:

- to review the division opposition judgment and declare the opposition inadmissible;
- to order the opponent to bear the costs and applicant's fees in the opposition proceedings on the basis of article 81 CTM Regulation.

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 2 September 2015 — Hungary v European Commission**(Case T-505/15)**

(2015/C 381/57)

*Language of the case: Hungarian***Parties**

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

Defendant: European Commission

Form of order sought

- Annul in part Commission Implementing Decision C(2015) 4076 of 22 June 2015 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) insofar as it excludes from European Union financing EUR 6 324 349,33 relating to the cross compliance audit, and
- Order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant disputes the findings of the Commission.

In that regard, the applicant states that the Commission complains that, in accordance with the fundamental principles applicable to the verification of aid, both the sanctions not imposed because of the inadequate or wholly absent verifications of cross compliance (the legal requirements of management and good agricultural and ecological conditions) and the sanctions provided for by the rules but deprived of their deterrent effect because they have not been applied or have been applied incorrectly must be regarded as fundamentally deficient verifications. Further, the Commission complains that, in a case of non-compliance considered to be 'minor' within the meaning of Article 24(2) of Regulation No 73/2009/EC, the Hungarian authorities applied tolerance thresholds on the basis of which no sanctions were imposed but which did not take into account aspects relating to animal and human health, in breach of the provisions of the EU legislation.
