

The applicant also alleges that the calculation methods for the contract indirect costs, used by the auditor and agreed by the Commission, were unjustifiably different from the accounting system of the beneficiary, while by contract all costs had to be determined in accordance with the usual accounting and management principle and practice of the beneficiary. The beneficiary's accounting system was the only accepted accounting system for the contract, and there was no reason to replace or disapprove the beneficiary's accounting procedures used for the computation of contract's indirect costs.

Finally it is alleged that, by the audit procedure, the auditor undervalued the real indirect costs for the contract, and the Commission, after agreeing in whole with the auditor's conclusions, generated the debit notes of 28 June 2016 Nos. 3241608864, in the amount of EUR 63 653,58, and 3241608865, in the amount of EUR 9 690,30, to recover the differences in costs described in the audit.

Action brought on 19 September 2016 — Malta v Commission

(Case T-653/16)

(2016/C 428/20)

Language of the case: English

Parties

Applicant: Republic of Malta (represented by: A. Buhagiar, agent)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's decision dated 13 July 2016, delivered pursuant to Regulation (EC) No 1049/2001, ⁽¹⁾ relating to a request for access to documents registered under the reference GESTDEM 2015/5711;
- 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 a failure to abide by the procedural time-limits stipulated in Regulation No 1049/2001;
2. Second plea in law, alleging the wrongful treatment of a request for access to documents as a fresh application;
3. Third plea in law, alleging the unlawful extension of the scope of the application for access to documents at the confirmatory stage;
4. Fourth plea in law, alleging the inclusion by the defendant in the contested decision of documents for release to a third party whose disclosure would breach Article 113 of Regulation No 1224/2009. ⁽²⁾

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ 2001 L 145, p. 43.

⁽²⁾ Council Regulation No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006, OJ 2009 L 343, p. 1.
