3. In a situation where a farmer does not comply with the statutory management requirements and the good agricultural and environmental conditions in 2007 and 2008, but the non-compliance is first determined/found in 2011, is it then Council Regulation No 1782/2003, read in conjunction with Commission Regulation No 796/2004, that applies in the calculation of the aid reduction, or is it Council Regulation No 73/2009, read in conjunction with Commission Regulation No 1122/2009, that applies?

([1]) 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) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (OJ L 270, 2003, p. 1).

([2]) Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in of Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers (OJ L 141, 2004, p. 18).

([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 L 30,2009, p. 16).

([4]) Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector (OJ L 316,2009, p. 65).

Appeal brought on 2 May 2017 by Holistic Innovation Institute, S.L.U. against the judgment of the General Court (Fifth Chamber) delivered on 16 February 2017 in Case T-706/14, Holistic Innovation Institute v REA

(Case C-241/17 P)

(2017/C 221/18)

Language of the case: Spanish

Parties

Appellant: Holistic Innovation Institute, S.L.U. (represented by: J.J. Marín López, lawyer)

Other party to the proceedings: Research Executive Agency (REA)

Form of order sought

The appellant claims that the Court should:

— set aside the judgment of the General Court (Fifth Chamber) of 16 February 2017, *Holistic Innovation Institute* v *REA*, T-706/14, EU:T:2017:89;

— annul the decision of the Director of the Research Executive Agency of 24 July 2014 [ARES(2014) 2461172], terminating the negotiation with Holistic Innovation Institute, S.L.U. and rejecting its participation in the European projects Inachus and ZONeSEC;

— grant Holistic Innovation Institute, S.L.U. compensation under the terms set out in paragraph 177 of the appeal.

Pleas in law and main arguments

1. Error of law in that the General Court held, in the judgment under appeal, that the REA acted within its powers, and did not exceed the limits of the tasks assigned to it in relation to the management of the Seventh Framework Programme, in assessing Holistic Innovation Institute's capacity and excluding it from the negotiations in the context of the projects Inachus and ZONeSEC (paragraph 39 of the judgment under appeal).

2. Error of law in that the General Court interpreted the first paragraph of Section 2.2.2, of the annex to Decision 2012/838 as meaning that it allows the REA to exclude Holistic Innovation Institute from the negotiation in the context of the projects Inachus and ZONeSEC (paragraph 126 of the judgment under appeal).

3. Error of law in that General Court, in the judgment under appeal, held that the decision at issue was well founded (paragraph 67 of the judgment under appeal) even though the decision at issue refers, as an integral part of its statement of reasons, first, to the Commission Decision [ARES (2014) 710158] of 13 March 2014 rejecting the appellant's participation in the eDIGIREGION project (paragraphs 57 and 60 to 62 of the judgment under appeal), and, secondly, to the final audit reports 11-INFS-025 and 11-BA119-016 (paragraphs 63 and 64 of the judgment under appeal), whereas both the Commission Decision of 13 March 2014 [ARES (2014) 710158] and the final audit reports 11-INFS-025 and 11-BA119-016 were the subject of actions for annulment.

4. Error of law in that the General Court, in the judgment under appeal, distorted the assessment of the evidence adduced by asserting that the REA had requested certain information from the appellant 'on numerous occasions' (paragraph 75 of the judgment under appeal), that it had 'repeated its request' by letter of 14 May 2014 (paragraph 78 of the judgment under appeal) and that there had been 'several written exchanges between the REA and the [appellant]' (paragraph 118 of the judgment under appeal).

5. Error of law in that the General Court distorted, in the judgment under appeal, the assessment of the evidence adduced by referring, in paragraphs 8, 77 and 78, to a non-existent document which was not in the file.

6. Error of law in that the General Court, in the judgment under appeal, found that the decision at issue was well founded (paragraphs 80, 84, 94, 108 and 127 of the judgment under appeal) even though it infringes Section 2.2.2 of the Annex to Decision 2012/838 since it disregards the positive evaluation of the appellant's operational capacity carried out by independent external evaluators, without a 'solid and well-supported line of argument'.

7. Error of law in that the General Court failed to state reasons, in the judgment under appeal, for its assertion that 'the [appellant] did not provide any evidence capable of invalidating the reasoning [of the REA]' (paragraph 58 of the judgment under appeal) and that its letter of 2 June 2014, attached to the appeal as Annex A.26, 'reproduced a part of the information set out in the explanatory document referred to in paragraph 8 above, without however providing the specific information that the REA had sought, as indicated in paragraphs 7, 9 and 10 above' (paragraph 78 of the judgment under appeal).

8. Error of law in that the General Court considered, in the judgment under appeal, that the schedule set out in the negotiating mandates envisaged the end of the negotiation 'on an indicative basis' (paragraph 130 of the judgment under appeal).

9. Error of law in that the General Court incorrectly held, in the judgment under appeal, that it was not necessary to repair the material and immaterial damage suffered as a result of the adoption of the decision at issue (paragraphs 147, 148 and 150 of the judgment under appeal).

Reference for a preliminary ruling from the Supreme Court (Ireland) made on 12 May 2017 — Ryanair Ltd v The Revenue Commissioners

(Case C-249/17)

(2017/C 221/19)

Language of the case: English

Referring court

Supreme Court

Parties to the main proceedings

Applicant: Ryanair Ltd

Defendant: The Revenue Commissioners