

3. Third plea in law, alleging an infringement of the applicant's fundamental rights as guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms

- The applicant claims in this connection that in the adoption of the restrictive measures his rights to a fair trial and to the presumption of innocence were infringed, as was his right to the protection of private property.

Action brought on 7 May 2018 — Portugal v Commission

(Case T-292/18)

(2018/C 249/49)

Language of the case: Portuguese

Parties

Applicant: Portuguese Republic (represented by: L. Inez Fernandes, M. Figueiredo, P. Estevão and J. Saraiva de Almeida, acting as Agents)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul Commission Implementing Decision C(2018) 955 of 27 February 2018, 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), in so far as it excludes from EU financing expenditure declared by Portugal in the sum of EUR 1 052 101,05 on the ground that it comes under 'Debts wrongly reported in the Annex III tables, having escaped the application of the 50/50 rule';
- order the European Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on an infringement of Articles 32 and 33 of Regulation (EC) No 1290/2005 ⁽¹⁾ and of Article 54 of Regulation (EC) No 1306/2013. ⁽²⁾

⁽¹⁾ Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ 2005 L 209, p. 1).

⁽²⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ 2013 L 347, p. 549).
