

**Pleas in law and main arguments**

The Italian Government has challenged before the Court of First Instance of the European Communities Commission Decision C(2007) 1901 final of 27 April 2007, notified on even date, on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2006 financial year, in so far as it charges to the Italian Republic, as provided for in Article 32(5) of Regulation (EC) No 1290/2005, 50 % of the financial consequences of the non-recovery of amounts in particular cases of irregularity or negligence.

In support of its action the Italian Government complained of the inclusion in the decision of cases which the Commission ought to have decided expressly, with diligence and within a reasonable period, at a earlier time, by charging in full to the EAGGF. That is also having regard to the fact that, in respect of several of those positions, the Commission had taken a favourable decision.

The Italian Government therefore pleaded the following grounds of appeal:

- (a) infringement and/or misapplication of Article 5(2) of Regulation (EEC) No 595/91 and Article 8 of Regulation (EC) No 1663/95. Infringement of Article 253 EC in respect of failure to state the grounds;
- (b) infringement and/or misapplication of Article 8(2) of Regulation (EEC) No 729/70 and Article 8(2) of Regulation (EC) No 1258/99. Infringement of Article 253 EC in respect of failure to state the grounds;
- (c) infringement and/or misapplication of Article 5(2) of Regulation (EEC) No 595/91, Article 8 of Regulation (EC) No 1663/95, Article 8(2) of Regulation (EEC) No 729/70 and Article 8(2) of Regulation (EC) No 1258/99 (in relation to the amounts less than EUR 500 000,00). Infringement of Article 253 EC in respect of failure to state the grounds (in relation to amounts less than EUR 500 000,00).

**Action brought on 19 July 2007 — Agrícola del Sureste v Council and Commission**

(Case T-268/07)

(2007/C 223/19)

*Language of the case: Spanish***Parties**

*Applicant:* S. Coop. Agrícola del Sureste (Murcia, Spain) (represented by: L. Ortiz Blanco, lawyer)

*Defendants:* Council of the European Union and Commission of the European Communities

**Form of order sought**

- to uphold the present action for damages, in accordance with Article 288 EC, and declare the applicant is entitled to be financially compensated by the Council and the Commission jointly and severally in the sum total of one hundred and forty-two thousand five hundred and eighty five euros (EUR 142 585);
- order the defendants to pay the costs.

**Pleas in law and main arguments**

The pleas in law and the main arguments are the same as those raised in Case T-217/07 *Las Palmeras v Council and Commission*.

**Action brought on 19 July 2007 — Mediterráneo Algodón v Council and Commission**

(Case T-269/07)

(2007/C 223/20)

*Language of the case: Spanish***Parties**

*Applicant:* Mediterráneo Algodón, SA (Sevilla, Spain) (represented by: L. Ortiz Blanco, lawyer)

*Defendants:* Council of the European Union and Commission of the European Communities

**Form of order sought**

- to uphold the present action for damages, in accordance with Article 288 EC, and declare the applicant is entitled to be financially compensated by the Council and the Commission jointly and severally in the sum total of three million two hundred and seventy-three thousand one hundred and forty-seven euros (EUR 3 273 147);
- order the defendants to pay the costs.

**Pleas in law and main arguments**

The pleas in law and the main arguments are the same as those raised in Case T-217/07 *Las Palmeras v Council and Commission*.