

2. relying on an incorrect interpretation of **Article 24(2)(d) of Regulation (EU) No 65/2011**, it wrongly found that the quality of the checks carried out in Lithuania of the reasonableness of the costs was insufficient;
 3. relying on an incorrect interpretation of **Article 26(1)(d) and (2) of Regulation (EU) No 65/2011**, it wrongly found that the system of on-the-spot checks applied in Lithuania is insufficient;
 4. relying on an incorrect interpretation of **Article 24(2)(a) of Regulation (EU) No 65/2011**, it wrongly found that goods acquired in one of the projects checked were essentially used for purposes other than those of the project.
- II. By imposing a correction of EUR 546 351,91 for a deficiency in key and ancillary controls, the Commission infringed **Article 52(2) of Regulation (EU) No 1306/2013** in so far as, in deciding on the gravity of the non-conformity, on the nature of the infringements and on the financial damage caused to the European Union:
1. it failed to take account of the calculations carried out by the competent authorities of the Republic of Lithuania concerning the financial damage caused to the European Union that is connected with divergences of the penalty system which relate to infringements as to animal identification and registration and are not provided for in the relevant measures of EU law, in respect of the 2014 claim year;
 2. it failed to take account of the calculations carried out by the competent authorities of the Republic of Lithuania concerning the financial damage caused to the European Union that is connected with an overly lenient assessment of failure to observe the requirements for the identification and registration of animals, in respect of the 2014 claim year;
 3. also relying on an incorrect interpretation of **Article 51(1) of Regulation (EC) No 1122/2009**, it wrongly found that in Lithuania risk analysis did not comply with that regulation because risk factors connected with the animals were not included in it;
 4. also relying on an incorrect interpretation of **Article 84 of Regulation (EC) No 1122/2009**, it wrongly found that the monitoring carried out in Lithuania of the results of controls did not comply with that regulation, because statistics were supplied without full observance of the Commission's templates.

Action brought on 17 January 2018 — CV v Commission

(Case T-20/18)

(2018/C 112/44)

Language of the case: French

Parties

Applicant: CV (represented by: F. Moyse, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the contested decisions of 15 and 20 March 2017 and of 18 October 2017;
- award the applicant the amount of EUR 1 475 by way of compensation for material damage plus statutory interest at the rate of 2,25 %, to be calculated as from the payment of that amount, or, in the alternative, as from the date on which the complaint was lodged, or, in the further alternative, as from the date on which the application was lodged, and the amount of EUR 1 by way of compensation for non-material damage;
- order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging irregularity of the administrative procedure preceding the adoption of the contested decisions, including before the Medical Committee, by which the application for recognition of the occupational origin of the applicant's disease was rejected and certain costs and fees of the members of the Medical Committee were imposed on the applicant.
2. Second plea in law, alleging a manifest error of assessment made by a doctor in that doctor's reports.
3. Third plea in law, alleging that the reasons stated in the contested decisions were insufficient.

Action brought on 19 January 2018 — France v Commission**(Case T-26/18)**

(2018/C 112/45)

*Language of the case: French***Parties**

Applicant: French Republic (represented by: F. Alabrune, D. Colas, A.-L. Desjonquères and S. Horrenberger, acting as Agents)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul in part Commission Implementing Decision C(2017) 7263 final of 8 November 2017 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), notified to the French Government on 9 November 2017, in so far as it:
 - includes a correction of EUR 2 246 700 as a result of taking into account landscape features in the context of alleged non-compliance with good agricultural and environmental conditions (GAEC), as regards 'Deficiencies in the LPIS' for claim years 2013 and 2014;
 - includes a flat-rate correction covering all the areas which include at least one area described as 'landes et parcours' and not only areas described as 'ineligible areas ("landes et parcours")' for claim years 2013 and 2014;
 - concerns 'Most Likely Error — FEADER SIGC — 2014-2020' in the context of audit CEB/2016/047; and
 - applies a flat-rate correction of 100 % to the *Département* of Haute-Corse, for claim years 2013 and 2014, in regard to 'Control system gravely deficient Corse';
- 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 infringement of Article 6(1) of, and Annex III to, 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.

According to the applicant, that infringement resulted from the fact that the Commission considered that, first, elements such as rock outcrops, ponds and small woods covered by French legislation do not come within the GAEC and, second, that those provisions require the individual protection of each landscape element and, consequently, that those elements could not be incorporated in the total area of agricultural land.