

**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.

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**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.

2. Second plea in law, alleging infringement of the principle of proportionality. In this regard, the applicant considers that, although the dispute concerns only the areas described as 'landes et parcours', the Commission adopted a correction based on all the areas in cases which include such areas, and thus includes the share of those areas which are not areas of that kind, and in any event ignored the calculations sent by the French authorities.
3. Third plea in law, alleging that the Commission relied on data which it accepted contrary to Article 6(1) of Regulation No 73/2009 and Annex III thereto, in order to carry out a financial correction of EUR 13 127 243,30 as regards the EAFRD programming period 2014-2020 ('RDR 3').
4. Fourth plea in law, alleging infringement of the principle of proportionality and breach of the duty to state reasons as regards 'Control system gravely deficient Corse' for claim years 2013 and 2014 in the contested decision, in that the Commission applies a flat-rate correction of 100 % to the *Département* of Haute-Corse.

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**Action brought on 19 January 2018 — Planet v Commission**

(Case T-29/18)

(2018/C 112/46)

*Language of the case: Greek*

**Parties**

*Applicant:* Planet AE Anonimi Etairia Parokhis Simvouleftikon Ipiresion (Athens, Greece) (represented by: V. Christianos, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the General Court should:

- annul the refusal decision of the Commission, whereby the Commission implicitly rejected the applicant's request for access to the documents relating to the tendering procedure for the EuropeAid/137681/IH/SER/ROC/4 project; and
- order the Commission to pay all the applicant's costs.

**Pleas in law and main arguments**

By means of this action, Planet seeks the annulment of the Commission's implicit decision whereby it denied Planet access to documents, under Regulation No 1049/2001, in connection with the EuropeAid/137681/IH/SER/ROC/4 tendering procedure.

Planet maintains that the Commission's implicit refusal should be annulled, since no reasons have been stated, which is mandatory under Article 296 TFEU in terms of EU law and which constitutes an essential procedural requirement for EU acts.

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**Action brought on 20 January 2018 — Izuzquiza and Semsrott v Frontex**

(Case T-31/18)

(2018/C 112/47)

*Language of the case: English*

**Parties**

*Applicants:* Luisa Izuzquiza (Madrid, Spain) and Arne Semsrott (Berlin, Germany) (represented by: S. Hilbrans and R. Callsen, lawyers)

*Defendant:* European Border and Coast Guard Agency