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C/2025/5223

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Action brought on 19 August 2025 – Hungary v Commission

(Case T-572/25)

(C/2025/5223)

Language of the case: Hungarian

Parties

Applicant: Hungary (represented by: M. Z. Fehér and G. Koós, acting as Agents)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— annul Commission Implementing Decision (EU) 2025/1147 of 11 June 2025 excluding from European Union financing certain expenditure incurred by certain Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), ([1]) in the part concerning Hungary which excludes from EU financing the sum of EUR 1 840 833,97 in respect of the financial years 2018, 2019 and 2020 for not performing the sufficient number of on-the-spot checks;

— order the European Commission to pay the costs.

Pleas in law and main arguments

By its application, the Hungarian Government seeks partial annulment of the contested decision on the grounds that that government has not infringed the provisions of EU law relating to the appropriate number of on-the-spot checks, and in particular those relating to more frequent checks following the identification of a high level of irregularities. Hungary's practice complies with Articles 30, 31, and 35 of Regulation No 809/2014. ([2])

The Hungarian Government submits that the Commission misinterpreted Article 35 of Regulation No 809/2014. The Commission misinterpreted the clause 'the competent authority shall appropriately increase the percentage of beneficiaries to be checked on-the-spot in the following year' and developed a wrongful practice, on the basis of that misinterpretation. The Hungarian Government maintains that the exclusion is based on the fact that, in its working documents, the Commission considers itself bound by an interpretation which, on the one hand, is technically incorrect and, on the other, is not in accordance with that provisions of that regulation.

By adopting those working documents, the Commission effectively deprived the Member States of their power to determine for themselves the percentage of additional beneficiaries that they consider should be subjected to on-the-spot checks. The contested exclusion is unlawful because, contrary to the provisions of the regulation, the Commission specifically determines, using a specific calculation method, the only figure for the increase in the percentage of checks considered acceptable. Furthermore, that determination lacks a technical basis, as the Commission does not take into account the differences between the Member States' checks and their efficiency.

([1]) OJ L 2025/1147.

([2]) Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ 2014 L 227, p. 69).