

3. Breach of the obligation to state reasons and of the principle of sound administration and rights of the defence

— Thirdly, the applicant takes the view, inter alia, that, in ordering the suspension, the Commission failed to observe the requirement to state reasons.

4. [Breach of] the requirement of sincere cooperation and the right to effective legal remedies

— The applicant takes the view that the suspension ordered by the Commission results in the breach of guaranteed basic rights such as the requirement of sincere cooperation and the right to an effective legal remedy.

5. The provisions of the decision are contradictory and not sufficiently specific

— The applicant states, that in its view, the Commission, in taking the decision, disregarded the fact that in the case of taxes to be determined on the basis of tax returns the Hungarian authorities are unable to prevent the grant of the aid, and that, further, the Commission's decision was contradictory as regards the subject-matter of the suspension. Consequently, it did not define clear rules of conduct, whilst it can none the less require the Hungarian authorities to implement the decision.

Action brought on 25 September 2015 — Hungary v Commission

(Case T-555/15)

(2015/C 398/77)

Language of the case: Hungarian

Parties

Applicant: Hungary (represented by: M.Z. Fehér and G. Koós)

Defendant: European Commission

Form of order sought

— Annul in part Commission Decision C(2015) 4808 of 15 July 2015 on the 2014 amendment of the Hungarian food chain inspection fee insofar as that decision orders the suspension of the application of the progressive rate of the Hungarian food chain inspection fee.

— Order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on the following plea(s) in law.

1. Misuse of discretion, manifest error of assessment and breach of the principle of proportionality

— First, the applicant argues that, in ordering the suspension, the Commission made a manifest error of assessment and thereby overstepped the bounds of its discretion and breached the principle of proportionality.

2. Breach of the prohibition on discrimination and of the requirement of equal treatment
 - Secondly, the applicant argues that the Commission's conduct as regards the suspension can be said to be inconsistent and as a result gives rise to a breach of the prohibition on discrimination and the requirement of equal treatment.
3. Breach of the obligation to state reasons and of the principle of sound administration and rights of the defence
 - Thirdly, the applicant takes the view, inter alia, that, in ordering the suspension, the Commission failed to observe the requirement to state reasons.
4. [Breach of] the requirement of sincere cooperation and the right to effective legal remedies
 - Finally, the applicant takes the view that the suspension ordered by the Commission results in the breach of guaranteed basic rights such as the requirement of sincere cooperation and the right to an effective legal remedy.

Action brought on 25 September 2015 — Portugal v Commission

(Case T-556/15)

(2015/C 398/78)

Language of the case: Portuguese

Parties

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

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

1. annul Commission Decision C(2015)4076 ⁽¹⁾, in so far as, under the reason 'Weaknesses in the LPIS', it excludes from financing the sum of EUR 137 389 156,95 relating to expenditure declared by the Portuguese Republic under the measure Other Direct Area Aid, in the financial years 2010, 2011 and 2012;
2. order the European Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on the following pleas in law based on the following defects:

A — With regard to 2009 and 2010

Infringement of the principle of proportionality and of Article 5 TEU, in that, since the calculations and the assumptions are exactly the same as those which had already been accepted by the Commission in previous enquiries, the Commission's refusal to accept, in a properly reasoned manner, the calculation submitted by the Portuguese authorities, together with the application of a flat-rate correction, despite having found a number of improvements when the Action Plan in the IACS was implemented, constitutes a clear infringement of the principle of sincere cooperation.