

**Judgment of the Court of First Instance (Second Chamber) of 25 July 2006 —  
Belgium v Commission  
(Case T-221/04)**

EAGGF — Clearance of accounts — Arable crops — Check on areas based on a system of aerial orthoimagery (GIS) — Difference between the area declared and the area resulting from the GIS system — Administrative check and inspection on site — Loss to EAGGF

1. *Court of Justice — Court of First Instance — Unlimited jurisdiction — Exercise in the context of an action for annulment (Arts 229 EC and 230 EC) (see paras 27, 28)*
2. *Agriculture — EAGGF — Clearance of accounts (Council Regulation No 729/70) (see paras 30-33, 82-92)*
3. *Agriculture — EAGGF — Grant of aids and premiums (Council Regulations Nos 729/70 and 3508/92; Commission Regulation No 3887/92) (see paras 52-57)*

**Re:**

APPLICATION for the partial annulment of Commission Decision 2004/136/EC of 4 February 2004 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2004 L 40, p. 31), in so far as it imposes a flat-rate correction of 2% of the expenses declared by Belgium in respect of arable crops.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders the Kingdom of Belgium to pay the costs.