(EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2009 L 257, p. 28), in so far as it excludes certain expenditure incurred by the Italian Republic in the sector of citrus-fruit processing.

Operative part

The Court:

1. Dismisses the action;

2. Orders the Italian Republic to pay the costs.

Judgment of the General Court (Sixth Chamber) of 22 September 2011 — Spain v Commission

(Case T-67/10)

(EAGGF — Guidance Section — Reduction of financial assistance — Financial assistance awarded to an operational programme for the improvement of the processing and marketing of agricultural products — Effectiveness of checks — Proportionality)

1. *Economic and social cohesion — Structural assistance — Community financing — Obligation on Member States to establish management and control systems — Serious inadequacies capable of leading to systemic irregularities — Consequence — Suspension of intermediate payments (Council Regulation No 1260/1999, Arts 38(1) and 39(2)(c) and (3); Commission Regulation No 438/2001, Arts 3, 4 and 7) (see paras 23-25)*

2. *Economic and social cohesion — Structural assistance — Community financing — Decision to reduce financial aid by reason of irregularities — Financial consequences not ascertainable — Flat-rate correction — Breach of principle of proportionality — None (Council Regulation No 1260/1999, Art. 39(3)) (see paras 36-38)*

Re:

APPLICATION for annulment of Commission Decision C(2009) 9827 of 10 December 2009 applying financial corrections to the EAGGF assistance, Guidance Section, awarded to the operational programme CCI 2000.ES.16.1.PO.007 (Spain, Castilla y León) in relation to the measure improving processing and marketing of agricultural products.

Operative part

The Court:

1. Dismisses the action;

2. Orders the Kingdom of Spain to pay the costs.

Judgment of the General Court (Seventh Chamber) of 22 September 2011 — ara v OHIM — Allrounder (A with two rectangular motifs)

(Case T-174/10)

(Community trade mark — Opposition procedure — International registration covering the European Community — Figurative mark A with two triangular motifs — Earlier national word mark A — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)