

*Defendant:* European Commission

#### **Forms of order sought**

- annul Article 1 of the contested decision;
- annul Article 4(1) of the contested decision insofar as it orders the Kingdom of Spain to put an end to the aid scheme referred to in Article 1;
- annul Article 4(2),(3),(4) and (5) of the contested decision, insofar as it orders the recovery of the State aid established by the Commission;
- in the alternative, limit the recovery obligation laid down by Article 4(2) of the contested decision under the same conditions as those established in the First and Second Decisions, and
- order the Commission to bear the total costs of the proceedings.

#### **Pleas in law and main arguments**

The contested decision in these proceedings is the same as that in Cases T-12/15, *Banco de Santander and Santusa v Commission* and T-252/15 *Ferrovial SA and others v Commission*.

The pleas and main arguments relied on are similar to those already raised in those cases.

It is claimed in particular that the Commission committed errors of law and assessment in examining the interpretation of the Spanish tax administration (DGT) and concluding that it amounts to a new measure likely to constitute new state aid, and in claiming that the first two decisions did not cover the possible application of the measure at issue to the acquisition of indirect shareholdings.

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### **Action brought on 22 May 2015 — Arcelormittal Spain Holding v Commission**

**(Case T-257/15)**

(2015/C 245/45)

*Language of the case: Spanish*

#### **Parties**

*Applicant:* Arcelormittal Spain Holding, S.L. (Madrid, Spain) (represented by: M. Muñoz Pérez, lawyer)

*Defendant:* European Commission

#### **Forms of order sought**

- annul European Commission Decision C (2014) 7280 of 15 October 2014, on State aid SA 355550 (13/C) (ex 12/CP) implemented by Spain;
- in the alternative annul Article 4(2) of that decision for the reasons stated, and
- order the defendant institution to bear the costs.

**Pleas in law and main arguments**

The contested decision in these proceedings is the same as that in Cases T-12/15, *Banco de Santander and Santusa v Commission*, and T-252/15 *Ferrovial SA and others v Commission*.

The pleas and main arguments relied on are similar to those already raised in those cases.

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**Action brought on 22 May 2015 — Axa Mediterranean Holding v Commission****(Case T-258/15)**

(2015/C 245/46)

*Language of the case: Spanish***Parties**

*Applicant:* Axa Mediterranean Holding, S.A (Palma de Mallorca, Spain) (represented by: J. Buendía Sierra, D. Armesto Macías and A. Balcells Cartagena, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the General Court should:

- annul Article 1 of the contested decision in so far as it declares that the new administrative interpretation of Article 12 TRLIS adopted by the Spanish administration must be regarded as state aid which is incompatible with the interior market;
- annul Article 4(1) of the contested decision in so far as it requires the Kingdom of Spain to put an end to the alleged aid scheme as described in Article 1;
- annul Article 4(2)(3)(4) and (5) of the contested decision in so far as it requires the Kingdom of Spain to recover the amounts considered by the Commission to be State aid;
- in the alternative, limit the scope of the recovery obligation imposed on the Kingdom of Spain by Article 4(2) of the contested decision in the same terms as in the first and second decisions; and
- order the Commission to pay the costs.

**Pleas in law and main arguments**

The contested decision in the present proceedings is the same as in cases T-12/15, *Banco de Santander and Santusa v Commission* and T-252/15 *Ferrovial SA and Others v Commission*.

The pleas in law and the main arguments put forward are similar to those relied on in those cases.

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**Action brought on 22 May 2015 — Spirig Pharma v OHIM (Daylong)****(Case T-261/15)**

(2015/C 245/47)

*Language of the case: French***Parties**

*Applicant:* Spirig Pharma (Egerkingen, Switzerland) (represented by: T. de Haan and P. Péters, lawyers)