

Appeal brought on 16 July 2021 by Ryanair DAC against the judgment of the General Court (Tenth Chamber, Extended Composition) delivered on 19 May 2021 in Case T-628/20, Ryanair v Commission (Spain; Covid-19)

(Case C-441/21 P)

(2021/C 382/24)

Language of the case: English

Parties

Appellant: Ryanair DAC (represented by: V. Blanc, E. Vahida and F.-C. Lapr votte, avocats, S. Rating, abogado, and I. G. Metaxas-Maranghidis, dikigoros)

Other parties to the proceedings: European Commission, Kingdom of Spain, French Republic

Form of order sought

The appellant claims that the Court should:

- set aside the judgment under appeal;
- declare in accordance with Articles 263 TFEU and 264 TFEU that Commission Decision C(2020) 5414 final of 31 July 2020 on State Aid SA.57659 (2020/N) — Spain — COVID-19 — Recapitalisation fund is void; and
- order the Commission to bear its own costs and pay those incurred by Ryanair, and order the interveners at first instance and in this appeal (if any) to bear their own costs.

Pleas in law and main arguments

In support of the action, the appellant relies on six pleas in law.

First plea in law: the General Court erred in law in rejecting the appellant's claim that the non-discrimination principle has been unjustifiably violated.

Second plea in law: the General Court erred in law and manifestly distorted the facts regarding the appellant's claim on the infringement of the freedom of establishment and the free provision of services.

Third plea in law: the General Court erred in law and manifestly distorted the facts in rejecting the appellant's plea concerning the misapplication of the balancing test.

Fourth plea in law: the General Court erred in law and committed a manifest error of assessment in the classification of the aid as an aid scheme.

Fifth plea in law: the General Court erred in law and manifestly distorted the facts regarding the Commission's failure to open a formal investigation procedure.

Sixth plea in law: the General Court erred in law and manifestly distorted the facts regarding the Commission's failure to state reasons.