

Pleas in law and main arguments

1. Infringement by the Council of its margin of discretion in fixing fishing opportunities for 2015 and 2016 in Article 3 of Regulation No 1367/2014⁽¹⁾ and Part 2 of the Annex thereto for the species roundnose grenadier (RNG — *Coryphaenoides rupestris*) in zones Vb, VI and VII, and roughhead grenadier (RHG — *Macrourus berglax*) in zones VIII, IX, X, XII and XIV, which undermines the relative stability of historical catches of the species roughhead grenadier by the Kingdom of Spain.
2. Compliance with the principle of proportionality. Regulation No 1367/2014 is manifestly disproportionate with regard to the fixing of the combined TAC for the two species of grenadier in zones V, VI and VII on the one hand, and for zones VIII, IX, X, XII and XIV on the other.
3. Infringement of the principle of equal treatment. The principle of non-discrimination has been infringed in the fixing of a combined TAC for the two species of grenadier, since in comparison with the cases referred to, the principle of relative stability was not complied with and the TAC was imposed unilaterally by the European institutions without taking account of Spain's legitimate demands.

⁽¹⁾ Council Regulation (EU) No 1367/2014 of 15 December 2014 fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ 2014 L 366, p. 1).

Appeal brought on 24 March 2015 by the European Commission against the judgment of the General Court (Third Chamber) delivered on 20 January 2015 in Case T-109/12 Kingdom of Spain v Commission

(Case C-139/15 P)

(2015/C 155/20)

Language of the case: Spanish

Parties

Appellant: European Commission (represented by: D. Recchia and S. Pardo Quintillán, acting as Agents)

Other party to the proceedings: Kingdom of Spain

Form of order sought

The Commission claims that the Court should:

- set aside the judgment of the General Court of 20 January 2015 in Case T-109/12 *Spain v Commission*;
- refer the case back to the General Court for determination, and
- order the Kingdom of Spain to pay the costs.

Grounds of appeal and main arguments

The appeal brought by the Commission concerns the judgment of the General Court of 20 January 2015 in Case **T-109/12**. By its judgment, the General Court annulled Commission Decision **C(2011) 9992** of 22 December 2011 reducing the assistance from the Cohesion Fund granted to certain projects.

The Commission relies on two grounds of appeal. Primarily, the Commission submits that the General Court committed an error of law in holding that the Commission had to adopt the decision on financial corrections within a period determined on the basis of the basic legislative act in force at the date of the hearing between the Commission and the Member State. In the alternative, the Commission submits that the General Court committed an error of law in holding that that the period imposed on the Commission for the adoption of the decision on financial corrections is a mandatory period, disregard for which constitutes infringement of an essential procedural requirement which invalidates a decision adopted outside that period.

Appeal brought on 24 March 2015 by the European Commission against the judgment of the General Court (Third Chamber) delivered on 20 January 2015 in Case T-111/12 Spain v Commission

(Case C-140/15 P)

(2015/C 155/21)

Language of the case: Spanish

Parties

Appellant: European Commission (represented by: D. Recchia and S. Pardo Quintillán, acting as Agents)

Other party to the proceedings: Kingdom of Spain

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court of 20 January 2015 in Case T-111/12 *Spain v Commission*;
- refer the case back to the General Court for judgment;
- order the Kingdom of Spain to pay the costs.

Pleas in law and main arguments

The appeal brought by the Commission concerns the judgment of the General Court of 20 January 2015 in Case **T-111/12**. In that judgment, the General Court annulled Commission Decision **C(2011)9990** of 22 December 2011 reducing the assistance granted under the Cohesion Fund to certain projects.

The Commission relies, in support of its appeal, on two grounds of appeal. By its primary ground of appeal, the Commission claims that the General Court erred in law in finding that the Commission had to adopt the decision on financial corrections within a time-limit, which is determined by the basic act in force on the date of the hearing between the Commission and the Member State. In the alternative, the Commission claims that the General Court erred in law in finding that the time-limit imposed on the Commission for adopting the decision on financial corrections is a mandatory time-limit, non-observance of which constitutes an infringement of an essential procedural requirement that invalidates the decision adopted outside that time-limit.
