



Reports of Cases

Order of the General Court (Third Chamber) of 26 April 2016 —

EGBA and RGA v Commission

(Case T-238/14)

(Action for annulment — State aid — Gambling and betting — Aid envisaged by France for horse-racing companies — Parafiscal levy collected on online horse-race betting — Decision declaring the aid to be compatible with the internal market — Association — Lack of individual concern — Regulatory act entailing implementing measures — Inadmissibility)

1. *Judicial proceedings — Decision taken by way of reasoned order — Conditions — Appeal manifestly inadmissible or manifestly lacking any foundation in law (Rules of Procedure of the General Court, Art. 126) (see para. 20)*
2. *Actions for annulment — Natural or legal persons — Meaning of ‘regulatory act’ in Article 263, fourth paragraph, TFEU — Any act of general scope other than legislative acts — Commission decision declaring an aid scheme compatible with the internal market — Commission decision declaring state aid to the horse-racing industry compatible with the internal market — Legal effects in relation to a general and abstract category of persons — Included (Art. 263, fourth para., TFEU) (see paras 28-35)*
3. *Actions for annulment — Natural or legal persons — Regulatory acts not constituting implementing measures for the purposes of Article 263, fourth para., TFEU — Concept — Commission decision declaring state aid to the horse-racing industry compatible with the internal market — Implementation by national implementing measures — Not included (Art. 263, fourth para., TFEU) (see paras 37-41)*
4. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Commission decision declaring State aid to be compatible with the common market without initiating the formal investigation procedure — Action by interested parties within the meaning of Article 108(2) TFEU — Admissibility — Conditions (Arts 108(2) and (3) TFEU and 263, fourth para., TFEU) (see paras 45-47)*
5. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Action brought by a trade association set up to protect and represent its members — Admissibility — Conditions (Art. 263, fourth para., TFEU) (see para. 50)*

6. *Judicial proceedings — Time-limit for producing evidence — Article 85(2) of the Rules of Procedure of the General Court — Scope (Rules of Procedure of the General Court, Arts 85(2), and 92(7)) (see para. 53)*
7. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Commission decision finding an aid compatible with the internal market — Action by an association acting in the collective interests of its members — Whether members of the association individually affected — Need for the association to demonstrate that its members substantially affected — Requirement not met — Inadmissibility (Arts 108(2) and (3) TFEU and 263, fourth para., TFEU) (see paras 57-59, 66-69)*
8. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Commission decision finding State aid compatible with the internal market at the conclusion of the formal investigation procedure — Action by an association having played an active part in that procedure — Not sufficient for recognition of a capacity to bring proceedings — Inadmissibility (Arts 108(2) and (3) TFEU and 263, fourth para., TFEU) (see paras 74, 75)*

Re:

APPLICATION for annulment of Commission Decision 2014/19/EU of 19 June 2013 on State aid No SA.30753 (C 34/10) (ex N 140/10) which France is planning to implement for horse-racing companies (OJ 2014 L 14, p. 17).

Operative part

1. The action is dismissed.
2. European Gaming and Betting Association (EGBA) and The Remote Gambling Association (RGA) are ordered to bear their own costs and pay those incurred by the European Commission.
3. The French Republic is ordered to bear its own costs.