

— order that the Commission pay the applicant's costs in these proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging that the Commission has made errors of assessment in deciding that eight exemptions from the aggregates levy ('AGL') under the Finance Act 2001 do not result in selectivity and thereby do not constitute State aid under Article 107(1) TFEU and in determining the normal taxation principle and objective of the AGL for the purposes of applying the selectivity criterion.
2. Second plea in law, alleging that the Commission has failed to make a genuinely diligent and impartial examination as to whether the eight exemptions in question result in selectivity and thereby constitute State aid under Article 107(1) TFEU.
3. Third plea in law, alleging that the Commission has failed to state reasons for the contested decision as required by Article 296 TFEU because the application made by the Commission of the normal taxation principle and objective of the AGL in explaining why the eight exemptions in question do not result in selectivity is contradictory on the face of the contested decision.

Action brought on 2 November 2015 — Edeka-Handelsgesellschaft Hessenring v Commission

(Case T-611/15)

(2016/C 027/83)

Language of the case: German

Parties

Applicant: Edeka-Handelsgesellschaft Hessenring mbH (Melsungen, Germany) (represented by: E. Wagner and H. Hoffmeyer, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul entirely or, in the alternative, partially, the Commission Decision of 3 September 2015 in Case 2015/4023 by which the applicant's access to the non-confidential version of the Commission Decision of 4 December 2013 in the cartel proceedings AT/39914 — EIRD and to the enumerative list of the Commission's file relating to those proceedings was entirely refused, in so far as the Commission refused to grant access to the part of the non-confidential version of the decision or enumerative list whose confidentiality was not claimed by the undertaking affected by the decision, or was no longer claimed;
- in the alternative, in the event that the Commission Decision of 3 September 2015 in Case 2015/4023 by which the applicant's access to the non-confidential version of the Commission Decision of 4 December 2013 in the cartel proceedings AT/39914 — EIRD and to the enumerative list of the Commission's file relating to those proceedings was entirely refused, is not annulled on the ground and to the extent that the non-confidential version of the Commission Decision of 4 December 2013 in the cartel proceedings AT/39914 — EIRD and/or the non-confidential version of the enumerative list of the Commission's file relating to those proceedings does not exist, declare that the Commission unlawfully failed to issue and produce to the applicant a non-confidential version of the Commission Decision of 4 December 2013 in the cartel proceedings AT/39914 — EIRD and/or a non-confidential version of the enumerative list of the Commission's file relating to those proceedings;

— order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on ten pleas in law.

1. First plea in law, alleging infringement of the fundamental right to effective legal protection and the fundamental rights to good administration and the provision of reasons due to a failure to provide reasons for the contested decision
2. Second plea in law, alleging infringement of the fundamental right to effective legal protection and the right to be notified about legal remedies as a result of the failure to notify about possible legal remedies
3. Third plea in law, alleging infringement of the third indent of Article 4(2) of Regulation (EC) No 1049/2001 ⁽¹⁾
4. Fourth plea in law, alleging infringement of the first indent of Article 4(2) of Regulation (EC) No 1049/2001
5. Fifth plea in law, alleging infringement of the first indent of Article 4(3)(1) of Regulation (EC) No 1049/2001
6. Sixth plea in law, alleging infringement of the first indent of Article 4(3)(2) of Regulation (EC) No 1049/2001
7. Seventh plea in law, alleging infringement of the fundamental right of access to documents
8. Eighth plea in law, alleging infringement of the fundamental right of access to documents and the principle of proportionality as a result of the failure to ensure at least partial access to the file as was requested
9. Ninth plea in law, alleging infringement of Article 101 TFEU as a result of the practical preclusion of the applicant's right to have its claim for competition law damages examined and, where appropriate, upheld
10. Tenth plea in law in the alternative, alleging infringement of the applicant's right to be provided with a non-confidential version of the Commission decision in the cartel proceedings AT/39914 — EIRD and the enumerative list of the Commission's file relating to those proceedings (Regulation (EC) No 1049/2001 and Art. 30(2) of Regulation (EC) No 1/2003 ⁽²⁾)

In that regard, the applicant claims that the conditions for the exemptions in Article 4(2) and (3) of Regulation (EC) No 1049/2001, which could justify a failure to reveal the contents of documents applied for by the applicant, are not satisfied.

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

⁽²⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).

Action brought on 2 November 2015 — LL v Parliament

(Case T-615/15)

(2016/C 027/84)

Language of the case: Lithuanian

Parties

Applicant: LL (Vilnius, Lithuania) (represented by: J. Petrulionis, lawyer)

Defendant: European Parliament