

**Action brought on 18 May 2010 — Banco Santander v Commission**

(Case T-227/10)

(2010/C 195/43)

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

*Applicant:* Banco Santander, SA (Santander, Spain) (represented by: J. Buendía Sierra, E. Abad Valdenebro, M. Muñoz de Juan, R. Calvo Salinero, lawyers)

*Defendant:* European Commission

**Form of order sought**

- annul Article 1(1) of the contested decision inasmuch as it declares that Article 12(5) of the consolidated text of the Law on Corporation Tax (texto refundido de la Ley del Impuesto sobre Sociedades, TRLIS) involves State aid elements;
- in the alternative, annul Article 1(1) of the contested decision inasmuch as it declares that Article 12(5) TRLIS involves State aid elements when it applies to acquisitions of shares which entail the acquisition of control;
- in the alternative, annul Article 4 of the contested decision inasmuch as it applies the recovery order to operations which occurred prior to the publication in the *Official Journal of the European Union* of the final decision which is the object of the present action; and
- order the Commission to pay the costs of these proceedings.

**Pleas in law and main arguments**

The decision against which these proceedings are brought is the same as that contested in Cases T-219/10 *Autogrill España v Commission*; T-221/10 *Iberdrola v Commission*; and T-225/10 *Banco Bilbao Vizcaya Argentaria v Commission*.

The pleas in law and the principal arguments are similar to those relied on in those cases.

In particular, various errors of law in the legal classification of the measures as State aid, in the identification of the beneficiary of that measure and in the establishment of the deadline for recognising legitimate expectations are alleged. The last ground is raised by the applicant inasmuch as the contested decision

recognises the existence of legitimate expectations, distinguishing, at the same time, between such operations carried out from the entry into force of the measure to the date of publication of the decision to initiate of the formal investigation procedure and those carried out subsequently.

**Action brought on 21 May 2010 — Telefónica v Commission**

(Case T-228/10)

(2010/C 195/44)

*Language of the case: Spain***Parties**

*Applicant:* Telefónica, SA (Madrid, Spain) (represented by: J. Ruiz Calzado, M. Núñez Müller and J. Domínguez Pérez, lawyers)

*Defendant:* European Commission

**Form of order sought**

- annul Article 1(1) of the Decision;
- order the Commission to pay all the costs arising from the proceedings.

**Pleas in law and main arguments**

The decision against which these proceedings are brought is the same as that contested in Cases T-219/10 *Autogrill España v Commission*; T-221/10 *IBERDROLA v Commission*; and T-227/10 *Banco Santander v Commission*.

The pleas in law and the principal arguments are similar to those relied on in those cases.

**Action brought on 21 May 2010 — Graf-Syteco v OHIM — Teco Electric & Machinery (SYTECO)**

(Case T-229/10)

(2010/C 195/45)

*Language in which the application was lodged: German***Parties**

*Applicant:* Graf-Syteco GmbH & Co. KG (Tuningen, Germany) (represented by: T. Kieser, lawyer)