

Action brought on 24 September 2011 — Ryanair v Commission**(Case T-512/11)**

(2011/C 347/71)

*Language of the case: English***Parties***Applicant:* Ryanair Ltd (Dublin, Ireland) (represented by: E. Vahida and I. Metaxas-Maragkidis, lawyers)*Defendant:* European Commission**Form of order sought**

- To declare, in accordance with Articles 263 and 264 TFEU, that the part of the European Commission's Decision of 13 July 2011 in State aid case SA.29064 (2011/C ex 2011/NN) — *Ireland — Air Transport — Exemptions from air passenger tax* finding that the exemption of transfer and transit traffic from the Irish Air Travel Tax does not constitute State aid, is void;
- To order the defendant to bear its own costs and to pay those incurred by the applicant; and
- To take such further action as the Court may deem appropriate.

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 defendant has committed a manifest error of assessment and an error of law by finding that the exemption of transfer and traffic from the Irish Air Travel Tax did not constitute State aid within the meaning of Article 107(1) TFEU.
2. Second plea in law, alleging that the defendant has infringed Article 108(2) TFEU and Article 4(4) of Council Regulation No 659/1999⁽¹⁾, in so far as it has failed to initiate the procedure provided for in those provisions, in relation to the aid covered by the first part of the contested Decision, despite the existence of, at a minimum, serious doubts as to the compatibility of the exemption of transfer and transit traffic from the Irish Air Travel Tax with the common market, and has therefore violated the applicant's procedural rights under Article 108(2) TFEU and Article 6(1) of Council Regulation No 659/1999.
3. Third plea in law, alleging that the defendant is in breach of its obligation to state reasons, as it provided defective

statements of reasons marked by contradictions and over-generalization.

⁽¹⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 1999 L 83, p. 1)

Action brought on 22 September 2011 — MasterCard and Others v Commission**(Case T-516/11)**

(2011/C 347/72)

*Language of the case: English***Parties**

Applicants: MasterCard, Inc. (Wilmington, United States); MasterCard International, Inc. (Wilmington); and MasterCard Europe (Waterloo, Belgium) (represented by: B. Amory, V. Brophy and S. McInnes, lawyers)

Defendant: European Commission**Form of order sought**

- Declare the application admissible;
- Annul, in its entirety, the Commission's negative decision dated 12 July 2011 based on the exceptions laid down in Articles 4(2), first indent, and 4(3), first subparagraph, of 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); and
- Order the Commission to pay the costs of the proceedings, including the costs incurred by the applicants.

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging that the Commission breached Articles 4(3) and 8(1) of Regulation (EC) No 1049/2001, in that:
 - the Commission has not established that the conditions of Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001 are fulfilled;
 - the elements relied on by the Commission are factually inaccurate; and