

2. Second plea in law, alleging an error of law when assessing the compatibility of the aid

— In the alternative, should it be found that there is a State aid, the applicants argue that that aid should be considered compatible with the internal market in accordance with Articles 106(2) and Article 107(3)(c) TFEU.

3. Third plea in law, alleging an error on the part of the Commission when assessing the existing aid.

— In that regard, the applicants argue, also in the alternative, that in any event, the aid granted in the present case should be regarded as an existing aid. Given that a public television network already existed, it was in fact a simple modification and updating of that network, without any change in its function.

Action brought on 30 August 2013 — Comunidad Autónoma de Galicia v Commission

(Case T-463/13)

(2013/C 304/43)

Language of the case: Spanish

Parties

Applicant: Comunidad Autónoma de Galicia (Santiago de Compostela, Spain) (represented by: M. Lorenzo Outón, P. Egerique Mosquera, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the contested decision by holding that the measures implemented in the Comunidad Autónoma de Galicia (Autonomous Community of Galicia) did not constitute unlawful State aid;

— in the alternative, in the event that the first head of claim is dismissed, annul the contested decision in order to conclude that RETEGAL is not a direct or an indirect beneficiary of unlawful State aid; and

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

Pleas in law and main arguments

The decision contested in the present case is the same as that in Case T-461/13 *Spain v Commission*, and Case T-462/13 *Comunidad Autónoma del País Vasco and Itelazpi v Commission*.

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

The applicant claims, in particular, that:

1. The Commission erred in law in concluding that there was State aid within the meaning of Article 107(1) TFEU.

2. The Commission infringed Article 106(2) TFEU in considering that the measures at issue are incompatible with the internal market.

3. The Commission infringed Article 107(3)(c) TFEU, since it acknowledges, in the contested decision, that there is a structural deficiency in the public sector in question and that the public intervention at issue pursues an objective of public interest, but that it nevertheless describes the measure as State aid incompatible with the internal market on the ground that the principle of technological neutrality has been infringed.

4. The Commission committed an error of assessment in taking the view that unlawful State aid had been paid to RETEGAL, an instrument of the Autonomous Community of Galicia, in so far as that instrument limited itself to buying and installing equipment financed by the public funds in question, with a view to their subsequent use by the municipalities, so that those municipalities can provide the public broadcasting service in rural and remote areas and thus compensate for the market failure that existed in those areas.

Action brought on 30 August 2013 — Retegal v Commission

(Case T-464/13)

(2013/C 304/44)

Language of the case: Spanish

Parties

Applicant: Redes de Telecomunicación Galegas Retegal, SA (Retegal) (Santiago de Compostela, Spain) (represented by: F. García Martínez y B. Pérez Conde, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the contested decision by holding that the measures implemented in the Comunidad Autónoma de Galicia (Autonomous Community of Galicia) did not constitute unlawful State aid;