

— Order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

In support of their action the applicants put forward the following pleas in law.

1. The first plea in law:

— Arbitrariness and flagrant error in the findings of fact taken as the basis on which the contested decision was adopted, a consequent failure on the part of the Commission to remain within the limits of its discretion, and manifest errors in the appraisal of the evidence.

2. The second plea in law:

— Failure on the part of the Commission to take account of factors and circumstances relevant to the legal appraisal of the investment in the Gdynia-Kosakowo Airport.

3. The third plea in law:

— Failure on the part of the Commission to remain within the limits of its discretion within the meaning of the case-law emphasising the obligation of an institution which enjoys discretion to explain why specific evidence and facts are taken into consideration, whereas others are rejected.

4. The fourth plea in law:

— Breach of Article 107(1) TFEU in conjunction with a general principle of European law — the principle of legal certainty and loyalty of the institution towards persons subject to the law — by reason of defective application and interpretation.

5. The fifth plea in law:

— Infringement comprising an erroneous legal classification of the facts and evidence, resulting in a breach by the contested decision of Article 107(1) TFEU by reason of the finding that, in this case, the conditions for recognition of the actions of the applicants as satisfying the private investor test were not met and it was not established that the investment project would have been carried out by a private investor, with the consequence that the Gdynia-Kosakowo investment was dependent on unauthorised public aid.

Action brought on 2 April 2014 — Regione autonoma della Sardegna v Commission

(Case T-219/14)

(2014/C 175/68)

Language of the case: Italian

Parties

Applicant: Regione autonoma della Sardegna (represented by: T. Ledda, S. Sau, G. Roberti, G. Bellitti and I. Perego, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— Annul, in whole or in part, the contested decision in so far as:

— it classified the compensation paid for public services pursuant to Regional Law No 15 of 7 August 2012 and the capital finance approved by the general meeting of Saremar's shareholders on 15 June 2012 as State aid;

- it found those measures to be incompatible with the internal market and ordered that they be recovered;
- declare, pursuant to Article 277 TFEU, that Article 4(f) of Decision 2012/21/EU and point 9 of the European Union Framework for State aid in the form of public service compensation (2011) are unlawful and inapplicable;
- order the Commission to pay the costs.

Pleas in law and main arguments

The present action is brought against the Decision of the European Commission of 22 January 2014 on aid measures SA.32014 (2011/C), SA.32015 (2011/C) and SA.32016 (2011/C) implemented by the Region of Sardinia in favour of Saremar. That decision found to be incompatible with the internal market the aid granted by the applicant to Saremar for the provision of services of general economic interest in the form of a cabotage transport service between Sardinia and mainland Italy, which operated between 2011 and 2012 and was intended to make the service as affordable as possible for users.

The applicant relies on six pleas in law in support of its action.

1. First plea in law, alleging that the defendant infringed Article 106(2) [TFEU], incorrectly assessing the facts and failing to state adequate reasons, in so far as, in addition to failing correctly to identify Saremar's public service obligations, it did not confine itself checking whether the Member State had made a manifest error, but intervened in the substance of the Member State's decision, thus interfering with decisions on economic and social policy.
2. Second plea in law, alleging that the defendant infringed Article 107(1) TFEU and Article 106(2) TFEU by taking the view that the requirements laid down by the *Altmark* line of case-law are not satisfied in the present case. In that regard, the Commission incorrectly assessed the facts and failed to state adequate reasons by concluding, inter alia, that the market provided appropriate guarantees that were sufficient for the purpose of meeting the public service requirements identified by the Region.
3. Third plea in law, alleging that the defendant also infringed Article 106(2) TFEU and Decisions 2005/824/EC and 2012/21/EU, incorrectly assessed the facts and failed to state adequate reasons, in so far as it (i) found that Decision 2005/824/EC was not applicable *ratione temporis* and (ii) concluded, in any event, that the principles established by those decisions were not met in the circumstances of the present case.
4. Fourth plea in law, alleging that the defendant infringed Article 106(2) TFEU, incorrectly assessed the facts and failed to state adequate reasons, in so far as it classified Saremar as an undertaking in difficulty within the meaning of the Guidelines on State Aid for Rescuing and Restructuring Firms in Difficulty.
5. Fifth plea in law, alleging that the defendant infringed Article 106(2) TFEU and incorrectly assessed the facts and law, in so far as it concluded that the requirements laid down by the European Union Framework for State aid in the form of public service compensation (2011) for ensuring that the measure in question was compatible were not satisfied.
6. Sixth plea in law, alleging that the defendant infringed Article 107(1) TFEU and incorrectly assessed the facts and law as regards the nature of the recapitalisation of Saremar carried out by the Region of Sardinia by finding that it gave Saremar an advantage and was in any event incompatible with the market-economy investor principle.

Action brought on 2 April 2014 — Saremar v Commission

(Case T-220/14)

(2014/C 175/69)

Language of the case: Italian

Parties

Applicant: Saremar — Sardegna Regionale Marittima SpA (Cagliari, Italy) (represented by: G. Roberti, G. Bellitti and I. Perego, lawyers)

Defendant: European Commission