

Form of order sought

The applicant claims that the General Court should:

- Partially annul the Commission's decision of 14 April 2014, in that it held that the remission of import duties in accordance with Article 236 in conjunction with Article 220(2)(b) of the Community Customs Code [Regulation (EEC) No 2913/92] was justified and that the remission of another amount of import duty was not justified in a particular case (file REM 02/2013) as regards the refusal to remit import duties which is considered, wrongly, not to be justified, and
- Order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the right to good administration in relation to Article 872a of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ 1993 L 253, p. 1).
 - The Applicant submits that in the context of a procedure such as that of remission, in which the Commission may request all the additional information it considers appropriate and must give reasons for adopting a unfavourable decision, a decision that includes reasons for the refusal other than those included in its previous communication is contrary to Article 41 of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging infringement of Article 220(2)(b) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1).
 - According to the Applicant the conditions laid down in settled case-law and forming the basis of numerous previous Commission decisions allowing remissions in the tuna sector in the past have been satisfied. In particular, the legislation is complex, the exporter did not give an incorrect version, the interpretation of the provisions on the basis of correction information is different, the Commission is in part responsible and the competent authorities persisted in their error and never applied the provisions correctly.

Action brought on 25 June 2014 — Ibercaja Banco and Others v Commission

(Case T-471/14)

(2014/C 261/73)

Language of the case: Spanish

Parties

Applicants: Ibercaja Banco, SA (Zaragoza, Spain); Banco Grupo Cajatres SA (Zaragoza); and Naviera Bósforo, AIE (Las Palmas de Gran Canaria, Spain) (represented by: J.L. Buendía Sierra, E. Abad Valdenebro, R. Calvo Salinero and A. Lamadrid de Pablo, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the General Court should:

- annul the contested decision in so far as it categorises the measures which, according to that decision, together constitute the 'Spanish Tax Lease System' as new State aid that is incompatible with the internal market;
- in the alternative, annul Articles 1 and 4 of the contested decision, which identify the investors in the Economic Interest Groupings (EIGs) as the beneficiaries of the alleged aid and as the sole addressees of the order for recovery;

- in the alternative, annul Article 4 of the contested decision, in so far as it orders recovery of the alleged aid;
- annul Article 4 of the contested decision, in so far as it makes a determination as to the lawfulness of private contracts between the investors and other entities; and
- order the Commission to pay the costs of these proceedings.

Pleas in law and main arguments

The pleas in law and main arguments are those raised in Case T-700/13 *Bankia v Commission*.

Action brought on 25 June 2014 — Joyería Tous v Commission

(Case T-472/14)

(2014/C 261/74)

Language of the case: Spanish

Parties

Applicant: Joyería Tous, SA (Lleida, Spain) (represented by: J.L. Buendía Sierra, E. Abad Valdenebro, R. Calvo Salinero and A. Lamadrid de Pablo, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul the contested decision in so far as it categorises the measures which, according to that decision, together constitute the ‘Spanish Tax Lease System’ as new State aid that is incompatible with the internal market;
- in the alternative, annul Articles 1 and 4 of the contested decision, which identify the investors in the Economic Interest Groupings (EIGs) as the beneficiaries of the alleged aid and as the sole addressees of the order for recovery;
- in the alternative, annul Article 4 of the contested decision, in so far as it orders recovery of the alleged aid;
- annul Article 4 of the contested decision, in so far as it makes a determination as to the lawfulness of private contracts between the investors and other entities; and
- order the Commission to pay the costs of these proceedings.

Pleas in law and main arguments

The pleas in law and main arguments are those raised in Case T-700/13 *Bankia v Commission*.

Action brought on 25 June 2014 — Corporación Alimentaria Guissona and Naviera Muriola v Commission

(Case T-473/14)

(2014/C 261/75)

Language of the case: Spanish

Parties

Applicants: Corporación Alimentaria Guissona, SA (Lleida, Spain); and Naviera Muriola, AIE (Madrid, Spain) (represented by: J.L. Buendía Sierra, E. Abad Valdenebro, R. Calvo Salinero and A. Lamadrid de Pablo, lawyers)