

- In addition, the applicant as an importer is also unfairly disadvantaged vis-à-vis producers, since the taking into account of the development of the annual stocks is suitable for producers to accurately reflect the quantity actually placed on the market, whereas it is distorted to the applicant's detriment.

3. Third plea in law: Infringement of the obligation to state reasons stemming from Article 296 TFEU

- By this plea the applicant submits in particular that the contested decision does not comply with the requirements flowing from the obligation to state reasons; in particular it is not evident how the tonnes of CO<sub>2</sub> equivalent indicated for the applicant is composed.

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(<sup>1</sup>) Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ 2014 L 150, p. 195).

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**Action brought on 2 January 2015 — SNCM v Commission**

**(Case T-1/15)**

(2015/C 056/40)

*Language of the case: French*

**Parties**

*Applicant:* Société nationale maritime Corse Méditerranée (SNCM) (Marseille, France) (represented by: F.-C. Laprèvote and C. Froitzheim, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul, on the basis of Articles 107 and 263 TFEU and Article 41 of the Charter, Decision C(2013) 7066 final of 20 November 2013 in its entirety;
- annul the decision in its entirety to the extent that it finds that the disposal of 75 % of SNCM at the negative price of EUR 158 million constitutes State aid for the purposes of Article 107 TFEU;
- in the alternative, partially annul the decision to the extent that it finds that the increase in capital of EUR 8,75 million to which CGMF subscribed constitutes State aid;
- in the alternative, partially annul the decision to the extent that it finds that the current account advance of EUR 38,5 million constitutes State aid;
- in the alternative, partially annul the Commission's decision in that it examines jointly the compatibility of the balance of EUR 15,81 million awarded as restructuring aid in 2002 with all of the 2006 measures;
- in the alternative, partially annul the decision to the extent that it concludes that the measures at issue constitute State aid incompatible with the common market;
- order the Commission to pay all the costs.

**Pleas in law and main arguments**

By its application, the applicant seeks the annulment of Commission Decision 2014/882/UE of 20 November 2013 (notified under document C(2013) 7066 final) by which the Commission found that, first, the balance of the restructuring aid, notified by the French authorities on 18 February 2002, in the amount of EUR 15,81 million and, secondly, the three measures implemented by the French authorities in 2006 in favour of the applicant, namely, the disposal of 75 % of the applicant at the negative price of EUR 158 million, the capital increase of EUR 8,75 million subscribed by Compagnie générale maritime et financière and the current account advance of EUR 38,5 million, constitute State aid which is unlawful and incompatible with the internal market. The Commission consequently ordered recovery of those amounts.

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

1. First plea in law, alleging infringement of Articles 108(2) and 266 TFEU, and Article 41 of the Charter of Fundamental Rights of the European Union, in that the Commission refused to extend the formal investigation procedure following the partial annulment of Commission Decision 2009/611/EC of 8 July 2008 <sup>(1)</sup> by the judgment of the Court of 11 September 2012 in Case T-565/08, *Corsica Ferries France v Commission* <sup>(2)</sup>.
2. Second plea in law, alleging infringement of Article 107 TFEU, infringement of the obligation to state reasons and of the principle of equal treatment, and an error in law and a manifest error of assessment in that the Commission found that the negative sale price constituted State aid.
3. Third plea in law, put forward in the alternative, alleging infringement of the principle of proportionality and a manifest error of assessment, in that the Commission found that the capital contribution of EUR 8,75 million constituted State aid.
4. Fourth plea in law, put forward in the alternative, alleging a manifest error of assessment, in that the Commission found that the measures involving aid to individuals in the sum of EUR 38,5 million constituted State aid.
5. Fifth plea in law, put forward in the alternative, alleging an error in law and a manifest error of assessment, in that the Commission examined jointly the compatibility of the balance of EUR 15,81 million awarded as restructuring aid in 2002 with all of the 2006 measures.
6. Sixth plea in law, put forward in the alternative, alleging manifest errors of assessment and infringement of the obligation to state reasons, in that the Commission declared the restructuring aid awarded in 2002 and 2006 incompatible with the common market.

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<sup>(1)</sup> Commission Decision 2009/611/EC of 8 July 2008 concerning the measures C 58/02 (ex N 118/02) which France has implemented in favour of the Société Nationale Maritime Corse-Méditerranée (SNCM) (notified under document C(2008) 3182) (OJ 2009 L 225, p. 180).

<sup>(2)</sup> Judgment of 11 September 2012 in *Corsica Ferries France v Commission*, T-565/08, ECR, EU:T:2012:415.

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**Order of the General Court of 11 December 2014 — Alban Giacomo v Commission**

**(Case T-259/12) <sup>(1)</sup>**

(2015/C 056/41)

*Language of the case: Italian*

The President of the Third Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 227, 28.7.2012.

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**Order of the General Court of 5 December 2014 — Teva Pharma and Teva Pharmaceuticals Europe v EMA**

**(Case T-547/12) <sup>(1)</sup>**

(2015/C 056/42)

*Language of the case: English*

The President of the Sixth Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 46, 16.2.2013.