

3. Third plea in law, alleging that the disputed measures are not likely to distort competition or trade between Member States.
4. Fourth plea in law, alleging that the contested decision manifestly errs in its assessment of the compatibility of the aid under Article 107(3)(c) TFEU: (i) by holding the principle of technological neutrality as an absolute principle; (ii) by holding that the measures at issue infringed technological neutrality despite the conclusions to the contrary set out in the technical reports provided by the regional government, by the Spanish central authorities and by a private operator; (iii) by concluding that the measures at issue were not appropriate or proportionate; and (iv) by stating that the measure creates unnecessary distortions of competition.
5. Fifth plea in law, alleging, in the alternative, that the decision infringes Regulation No 659/1999 insofar as it errs in its assessment of existing aid under Article 1(b)(v).

Action brought on 23 January 2015 — Abertis Telecom Terrestre v Commission

(Case T-37/15)

(2015/C 089/49)

Language of the case: Spanish

Parties

Applicant: Abertis Telecom Terrestre, SA (Barcelona, Spain) (represented by: J. Buendía Sierra, A. Lamadrid de Pablo, A. Balcells Cartagena and M. Bolsa Ferruz, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and, in particular, Article 1 of the decision in so far as it declares the existence of State aid incompatible with the internal market;
- consequently, annul the orders for the recovery of that aid set out in Articles 3 and 4 of the decision;
- order the Commission to pay the costs of these proceedings.

Pleas in law and main arguments

The pleas in law and main supporting arguments are those set out in Case T-36/15, Hispasat v Commission.

Action brought on 23 January 2015 — Telecom Castilla-La Mancha v Commission

(Case T-38/15)

(2015/C 089/50)

Language of the case: Spanish

Parties

Applicant: Telecom Castilla-La Mancha, SA (Toledo, Spain) (represented by: J. Buendía Sierra, A. Lamadrid de Pablo, A. Balcells Cartagena and M. Bolsa Ferruz, lawyers)

Defendant: European Commission