

— order the defendant to bear its own costs and the costs incurred by the applicants in the current proceedings.

### **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 a first manifest error of assessment.

— The contested decision is vitiated by a manifest error of assessment when distinguishing between ‘usual’ and ‘additional’ service provided by the applicants’ partners/shareholders during the project in question, as the Agency manifestly disregarded the nature of the services provided by the partners, the clear will of the applicant’s general assembly to address and regulate such services as it considered them to constitute a distinct category that was not falling under the provisions of the Statutes, and the fact that the services provided by the partners in the project in question met all the requirements of the aforementioned decision of the general assembly.

2. Second plea in law, alleging a second manifest error of assessment

— The contested decision is vitiated by a manifest error of assessment as regards the reasoning of the decision relating to the link of subordination between the partners/shareholders and the applicant, the existence of which was clearly established in the evidence submitted to the Agency.

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### **Action brought on 2 June 2015 — Hellenic Republic v Commission**

**(Case T-314/15)**

(2015/C 279/50)

*Language of the case: Greek*

### **Parties**

*Applicant:* Hellenic Republic (represented by: K. Boskovits and L. Cotroni)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the General Court should:

— annul the Commission decision of 23 March 2015 in relation to the State aid SA.28876 (2012/C) (ex CP202/2009) which Greece granted to the undertakings Container Terminal Port of Piraeus and Cosco Pacific Limited;

— order the Commission to pay the costs.

### **Pleas in law and main arguments**

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

1. The first plea in law for annulment is a claim of infringement of the rights of defence of the Hellenic Republic.

— In support of that plea, the Hellenic Republic invokes the change in the factual and legal basis for the procedure between the decision to initiate the procedure and the decision declaring that aid had been granted.

2. The second plea in law for annulment is a claim of misinterpretation and misapplication of Article 107(1) TFEU in relation to the concept of State aid.
  - In support of that plea, the Hellenic Republic invokes the absence of economic advantage and the absence of selectivity with respect to the measures at issue and particularly the fact that the defendant failed to define correctly the reference system of the measures at issue, failed to assess the substantially distinct legal and factual situation of the undertakings which are active in public infrastructure projects in the light of the particular characteristics of the concession agreements with that subject matter and disregarded the basic and guiding principles of the general tax system which the measures at issue manifestly serve.
3. The third plea in law for annulment is a claim of erroneous, deficient, and contradictory statement of reasons with respect to the determination of State aid.
  - In support of that plea, the Hellenic Republic invokes the erroneous, deficient, and contradictory statement of reasons as regards: (a) the granting of State aid through State resources, (b) the existence of a selective advantage, (c) the comparison with similar tax related provisions with respect to concession agreements for public infrastructure projects which the Commission approved, and (d) distortion of competition and the effect on trade between Member States.
4. The fourth plea in law for annulment is a claim of misinterpretation and misapplication of Article 107(3) TFEU in relation to the compatibility of the aid with the internal market.
  - In support of that plea, the Hellenic Republic invokes the defendants's erroneous assessment with respect to the existence of compatible regional aid and with respect to whether the aid was necessary and proportionate and had an incentive effect in achieving an objective of common interest.
5. The fifth plea in law for annulment is a claim of erroneous quantification of the aid and infringement of the general principles of EU law at the stage of recovery.
  - In support of that plea, the Hellenic Republic invokes the erroneous methodology employed by the defendant with respect to the quantification of the aid and infringement of the principle of equal treatment.

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**Action brought on 22 June 2015 — Sun System Kereskedelmi és Szolgáltató v OHIM —  
Hollandimpex Kereskedelmi és Szolgáltató (Choco Love)**

(Case T-325/15)

(2015/C 279/51)

*Language in which the application was lodged: English*

**Parties**

*Applicant:* Sun System Kereskedelmi és Szolgáltató kft (Budapest, Hungary) (represented by: Á. László, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

*Other party to the proceedings before the Board of Appeal:* Hollandimpex Kereskedelmi és Szolgáltató kft (Budapest, Hungary)

**Details of the proceedings before OHIM**

*Applicant:* Other party to the proceedings before the Board of Appeal