

**Action brought on 12 December 2016 — Scandlines Danmark and Scandlines Deutschland/
Commission**

(Case T-890/16)

(2017/C 063/42)

Language of the case: English

Parties

Applicants: Scandlines Danmark ApS (Copenhagen, Denmark), Scandlines Deutschland GmbH (Hamburg, Germany) (represented by: L. Sandberg-Mørch, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul the European Commission's decision dated 30 September 2016 (the Contested Decision), concerning certain aid measures granted to certain third parties regarding the financing of the planning, construction and operation of the Fehmarn Belt Fixed Link Project;
- order the Commission to pay the applicant's costs.

Pleas in law and main arguments

In support of the action, the applicants rely on ten pleas in law.

1. First plea in law, alleging that the Commission erred in law in finding that the potential overcompensation involved in the railway fees constitutes existing aid authorised by the Construction Decision.
2. Second plea in law, alleging that the Commission erred in law in finding that the gratuitous use of State property constitutes existing aid authorised by the Construction Decision.
3. Third plea in law, alleging that the Commission erred in law in finding that the State guarantees to the third party concerned constitute existing aid authorised by the Planning Decision.
4. Fourth plea in law, alleging that the Commission erred in law in finding that the capital injections constitute existing aid authorised by the Planning Decision.
5. Fifth plea in law, alleging that the Commission erred in law in finding that the State loans constitute existing aid authorised by the Planning Decision.
6. Sixth plea in law, alleging that the Commission erred in law in finding that the State aid exceeding the amount authorised by the Planning Decision constitutes existing aid.
7. Seventh plea in law, alleging that the Commission erred in law in finding that the tax advantages constitute existing aid authorised by the Planning Decision.
8. Eighth plea in law, alleging that the Commission erred in law in finding that the Contested Aid Measures for the planning phase have been authorised in the Construction Decision.
9. Ninth plea in law, alleging that the Commission infringed its obligation to initiate the formal investigation procedure.
10. Tenth plea in law, alleging that the Commission failed to fulfil its obligation to state reasons.