

6. Sixth plea in law, alleging a breach to the rules of transparency and equality of treatment of the candidates, and an advantage in contradiction to the rules concerning conflicts of interest.
7. Seventh plea in law, alleging that the GSA made a number of errors concerning the Qualitative Award Criteria.
8. Eighth plea in law, alleging that the GSA disregarded its obligation to give sufficient reasons for the contested decisions.
9. Ninth plea in law, alleging that the value of the contract is much lower than the total value stated in the contract award notice published by GSA and the BAFO of Eutelsat.

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**Action brought on 2 March 2017 — Hércules Club de Fútbol v Commission**

(Case T-134/17)

(2017/C 144/68)

*Language of the case: Spanish*

**Parties**

*Applicant:* Hércules Club de Fútbol, SAD (Alicante, Spain) (represented by: S. Rating and Y. Martínez Mata, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul Decision C(2017) 736 final of the European Commission of 2 February 2017 in Case GESTDEM 2016/6034 to 2016/6044;
- order the Commission to pay the costs.

**Pleas in law and main arguments**

The present application has been brought against the decision confirming a decision refusing access to the documents sought by Hércules CF, in relation to certain documents in the administrative file that led to the adoption of Decision C (2016) 4060 final of 4 July 2016 on the State Aid SA.36387 (2013/C) (ex 2013/NN) (ex 2013/CP) implemented by Spain for Valencia Club de Fútbol Sociedad Anónima Deportiva, Hércules Club de Fútbol Sociedad Anónima Deportiva and Elche Club de Fútbol Sociedad Anónima Deportiva.

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

1. First plea in law, alleging that the Commission erred in concluding that access to the requested documents could be refused on the basis of the third and first indents of Article 4(2) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 4).
  - The applicant argues, in that respect, that the Commission automatically applied the general presumption of confidentiality of the administrative file in State aid proceedings established by the case-law; and that the Commission incorrectly applied, by analogy, the case-law concerning merger cases, in relation to the effects on the commercial interests of third parties.
2. Second plea in law, alleging that the Commission incorrectly applied Article 4(3) of Regulation No 1049/2001.

- The applicant argues in this respect that the case-law relating to merger cases is also inapplicable by analogy here. While, in those cases, it is understandable that the information continues to be sensitive after the Commission's decision, that is not the case as regards a single loan, the conditions of which the Commission considers to be incompatible with the TFEU.
3. Third plea in law, put forward in the alternative, alleging that, even if the confidentiality grounds raised by the Commission were well-founded in this case, there is an overriding public interest which justifies granting access to the documents requested, namely ensuring that the applicant is adequately able to exercise the rights of defence laid down in the Charter of Fundamental Rights of the European Union.
  4. Fourth plea in law, put forward in the alternative, alleging the infringement of Article 4(6) of Regulation No 1049/2001, in that, ultimately, the Commission is required to offer at least partial access to the requested information.

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**Action brought on 28 February 2017 — Scor v Commission**

(Case T-135/17)

(2017/C 144/69)

*Language of the case: French*

**Parties**

*Applicant:* Scor SE (Paris, France) (represented by: N. Baverez, N. Autet, M. Béas and G. Marson, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the General Court should:

- annul point '(i) an unlimited guarantee granted to the Caisse Centrale de Réassurance (CCR) for its business of reinsuring the risks of natural disasters in France' of State aid Decision SA.37649 (2013/CP); SA.45860 (2016/PN); SA.45860 (2016/N) — France of 26 September 2016, C(2016) 5995 final;
- order the Commission to pay all of the costs, in accordance with Article 134 of the Rules of Procedure of the General Court.

**Pleas in law and main arguments**

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

1. First plea in law, based on the contention that the contested decision rests on an incorrect legal basis for the purpose of assessing the compatibility of the guarantee granted to the Caisse Centrale de Réassurance.
2. Second plea in law, alleging several failures to state reasons which vitiate the contested decision.
3. Third plea in law, alleging infringement of Article 107(3)(c) TFEU. This plea is divided into two parts:
  - first part, alleging errors of law relating to the application of the proportionality test;
  - second part, alleging that the guarantee is disproportionate in nature.
4. Fourth plea in law, alleging infringement of the applicant's procedural rights.