

### Pleas in law and main arguments

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

1. First plea in law, alleging that by proceeding without a valid legal basis, the Commission violated the principle of conferral under Articles 5(1) and 5(2) TFUE.
2. Second plea in law, alleging that by failing to take the necessary measures to comply with the judgment of the Court of Justice of 4 February 2016, *C & J Clark International*, C-659/13 and C-34/14, EU:C:2016:74, the Commission violated Article 266 TFUE.
3. Third plea in law, alleging that by imposing an anti-dumping duty on imports of Footwear 'which took place during the period of application of the [Invalidated Regulations]', the Commission violated Articles 1(1) and 10(1) of the Basic Regulation<sup>(1)</sup> and the principle of legal certainty (non-retroactivity);
4. Fourth plea in law, alleging that by imposing an anti-dumping duty without conducting a fresh Union interest assessment, the Commission violated Article 21 of the Basic Regulation, in any event, it would have been manifestly erroneous to conclude that the imposition of the anti-dumping duty was in the Union interest;
5. Fifth plea in law, alleging that by adopting an act that exceeds what is necessary to achieve its objective, the Commission violated Articles 5(1) and 5(4) TEU.

---

<sup>(1)</sup> Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union, OJ L 176, p. 21.

---

### Action brought on 14 November 2016 — Real Madrid Club de Fútbol v Commission

(Case T-791/16)

(2017/C 014/62)

*Language of the case: Spanish*

### Parties

*Applicant:* Real Madrid Club de Fútbol (Madrid, Spain) (represented by: J. Pérez-Bustamante and F. Löwhagen, lawyers)

*Defendant:* European Commission

### Form of order sought

The applicant claims that the Court should:

- declare the present application admissible;
- annul, in its entirety, the Commission decision of 4 July 2016 in Case SA.33754 (2013/C) (ex 2013/NN);
- order the Commission to pay the costs.

### Pleas in law and main arguments

In the contested decision in the present case, the Commission considered that a transfer of land between Real Madrid and Madrid City Council constituted State aid, in so far as the land to which the transaction related had been overvalued by EUR 18,4 million.

The contested decision arises from the non-compliance, by Madrid City Council, with the 1998 implementing agreement, under which it undertook to transfer to Real Madrid CF plot B-32 in Las Tablas. Madrid City Council and Real Madrid CF remedied that situation by the 2011 settlement agreement under which compensation was awarded to Real Madrid FC in the form of the transfer of the abovementioned land.

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

1. First plea in law, alleging infringement of Article 107(1), TFEU

— In that regard, the applicant submits that the Commission committed manifest errors when it concluded that the 2011 settlement agreement conferred an economic advantage on the applicant and thus constituted State aid in its favour. By the 2011 settlement agreement, Madrid City Council merely recognised its responsibility for the non-compliance with the 1998 implementing agreement. Furthermore, the Commission did not take into account, in applying the principle of the private market economy operator, of the fact that options other than the 2011 settlement agreement, such as defending a legal action, would have been much more onerous for the city council.

2. Second plea in law, alleging infringement of article 107(1) TFEU and the general principle of sound administration.

— In that regard, the applicant submits that the Commission has made serious errors of assessment by basing its conclusions on an expert opinion with no probative value and by rejecting the other valuations of plot B-32 included in the file without having sought the opinion of its own assessor or any other expert with the relevant qualifications.

3. Third plea in law, alleging infringement of Articles 107(1) and 296 TFEU and the principle of sound administration when determining the amount of compensation awarded to Real Madrid FC under the 2011 settlement agreement.

— In that regard, the applicant submits that the Commission has not assessed the value of the immovable property transferred to the applicant under the 2011 settlement agreement as compensation but has accepted, without any reasoning and without replying to the detailed arguments set out by the applicant on that point, the value which the Madrid City Council attributed to it, although the Commission simply rejected the other valuations (such as the valuation of plot B-32) carried out by the city council using the same method.

---

**Action brought on 15 November 2016 — Agricola J.M. v EUIPO — Torres (CLOS DE LA TORRE)**

**(Case T-806/16)**

(2017/C 014/63)

*Language in which the application was lodged: Spanish*

**Parties**

*Applicant:* Agricola J.M., SL (Girona, Spain) (represented by: J. Clos Creus, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Miguel Torres, SA (Vilafranca del Penedès, Spain).

**Details of the proceedings before EUIPO**

*Applicant:* Applicant

*Trade mark at issue:* European Union word mark 'CLOS DE LA TORRE' — Application for registration No 13 029 533

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 28 July 2016 in Case R 2099/2015-5

**Form of order sought**

The applicant claims that the Court should:

— annul the decision of the Fifth Board of Appeal of EUIPO of 28 July 2016;