

4. Fourth plea in law, alleging that INEA/Commission has infringed an essential procedural requirement on the ground of failure to give a statement of reasons for the contested decision — INEA/Commission did not give sufficient reasons why the applicant did not receive at least 3 points in all categories and INEA/Commission reasons were based on a false understanding of the facts.

Action brought on 7 September 2017 — Vialto Consulting v Commission

(Case T-617/17)

(2017/C 402/56)

Language of the case: Greek

Parties

Applicant: Vialto Consulting Kft. (Budapest, Hungary) (represented by: V. Christianos, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- order the Commission to pay the applicant the sum of EUR 190 951,93, as the actual loss which it has caused the applicant, and the sum of EUR 129 992,63 as loss of profit, with interest for late payment from delivery of judgment on the present dispute until settlement in full;
- order the Commission to pay the applicant the sum of EUR 150 000, as compensation for the harm to professional reputation which it has caused the applicant, with interest for late payment from delivery of judgment on the present dispute until settlement in full; and
- order the Commission to pay the applicant's costs.

Pleas in law and main arguments

By the present action, the public limited company named 'Vialto Consulting Korlátolt Felelősségű Társaság' ('Vialto') seeks from the General Court of the European Union, pursuant to the second paragraph of Article 340 TFEU in conjunction with Article 268 TFEU, compensation for the damage which it has suffered on account of unlawful conduct on the part of the Anti-Fraud Office ('OLAF') and of other services of the European Commission ('the Commission'), in the context of performance of service contract No TR2010/0311.01-02/001 financed by the European Union, which had been entered into between the Central Finance and Contracts Unit ('the CFCU') of the Republic of Turkey and a consortium of companies in which Vialto participated.

Specifically, the Commission — both through OLAF and through other Commission services — has caused Vialto the following damage: (a) financial loss amounting to EUR 190 951,93 as actual loss; (b) financial loss amounting to EUR 129 992,63 as loss of profit; and (c) non-material harm amounting to EUR 150 000 on account of injury to its professional reputation.

Vialto submits that it has suffered the foregoing damage on account of acts and omissions of the Commission both during the on-the-spot check that OLAF carried out in respect of Vialto and after that check. It submits, more specifically, that the Commission infringed the following rules, which confer rights on individuals:

- Article 7(1) of Regulation No 2185/1996 in relation to the carrying out of checks on the part of OLAF, particularly in relation to its conferred and limited power to check;

- the right to good administration, the right to protection of legitimate expectations and the principle of proportionality, in relation to the check that OLAF carried out;
- the right to be heard, in relation to the acts of the Commission's Directorate-General for Neighbourhood and Enlargement Negotiations after OLAF's check was completed.

Action brought on 08 September 2017 – Teollisuuden Voima v Commission

(Case T-620/17)

(2017/C 402/57)

Language of the case: English

Parties

Applicant: Teollisuuden Voima Oyj (Eurajoki, Finland) (represented by: M. Powell, Solicitor, Y. Utzschneider, K. Struckmann and G. Forwood, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission Decision (EU) 2017/1021 of 10 January 2017 on State aid SA.44727 2016/C (ex 2016/N) which France is planning to implement in favour of the Areva Group ⁽¹⁾;
- order the Commission to pay the applicant's costs.

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 the Commission failed to state sufficient reasons, contrary to Article 296 TFEU, due to the excessive redactions of the published version of the contested decision that prevent the applicant from ascertaining the reasons for it and the Court from carrying out its review.
2. Second plea in law, alleging manifest errors of assessment concerning the restoration of the Areva Group's long-term viability.
 - The applicant refers in this regard to the Commission Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, which require that a restructuring plan restore the long-term viability of the beneficiary within a reasonable timescale and on the basis of realistic assumptions ⁽²⁾.
3. Third plea in law, alleging manifest errors in the assessment of the proposed measures to limit distortions of competition in the main market in which the Areva Group will be active after restructuring.
4. Fourth plea in law, alleging an error of assessment in making the State aid approval subject to inappropriate and insufficient conditions.