

**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 that the Commission incorrectly classified the Polish tax on the retail sector as State aid within the meaning of Article 107(1) TFEU by reason of a manifest error in its assessment of the condition of selectivity.
2. Second plea in law, alleging that the contested decision contains a deficient and inadequate statement of reasons.

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**Action brought on 18 September 2017 — Czech Republic v Commission****(Case T-629/17)**

(2017/C 369/53)

*Language of the case: Czech***Parties**

*Applicant:* Czech Republic (represented by: M. Smolek, J. Vláčil and T. Müller, acting as Agents)

*Defendant:* European Commission

**Form of order sought**

- annul Commission Implementing Decision C(2017) 4682 final of 6 July 2017 cancelling part of the European Social Fund assistance for the operational programme Education for Competitiveness under the ‘Convergence’ and ‘Regional Competitiveness and Employment’ objectives in the Czech Republic and part of the European Regional Development Fund assistance for the operational programmes Research and Development for Innovations under the ‘Convergence’ objective in the Czech Republic and Technical Assistance under the ‘Convergence’ and ‘Regional Competitiveness and Employment’ objectives in the Czech Republic;
- order the European Commission to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on one plea in law, alleging an infringement of Article 99(1)(a) of Council Regulation (EC) No 1083/2006 of 11 July 2006 <sup>(1)</sup> laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, in conjunction with Article 16(b) of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 <sup>(2)</sup> on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts. The Commission imposed financial corrections for alleged irregularities in awards of public contracts which, however, constitute a procedure permitted by Article 16(b) of Directive 2004/18. The Commission wrongly takes the view that the exception to the rules for the award of public contracts under Article 16(b) of Directive 2004/18 concerning programme content applies only to contracting authorities which are broadcasters.

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<sup>(1)</sup> OJ 2006 L 210, p. 25.

<sup>(2)</sup> OJ 2004 L 134, p. 114.

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