



Judgment of the General Court of 13 November 2024 – Merlin and Others v Commission

(Case T-141/23) (¹)

(Action for failure to act – State aid – Common fisheries policy – Funding for shipowners fishing with beam trawl using electrical pulse current – Complaint – Admissibility – Definition of a position by the Commission – Clear and definitive nature of the position adopted – Competence of the Commission – Obligation to act)

(C/2025/264)

Language of the case: French

Parties

Applicants: Laurent Merlin (Équihen-Plage, France) and the 27 other applicants whose names are listed in the annex to the judgment (represented by: F.-C. Laprévote, F. de Bure and T. Otmani, lawyers)

Defendant: European Commission (represented by: B. Stromsky, M. Abenham and C. Perrin, acting as Agents)

Re:

By their action under Article 265 TFEU, the applicants ask the Court to declare that the European Commission unlawfully failed to adopt, following the examination of their complaints concerning alleged unlawful State aid granted by the Kingdom of the Netherlands to shipowners engaged in fishing with beam trawl using electrical pulse current, a decision under Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 TFEU (OJ 2015 L 248, p. 9).

Operative part of the judgment

The Court:

1. Declares that the European Commission has failed to fulfil its obligations under Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 TFEU by failing to act under that regulation in so far as concerns the alleged State aid referred to in paragraph 6(a) under the heading 'State aids that are incompatible with the internal market' of the applicants' complaints and under point VI of their letter of 4 April 2022;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

(¹) OJ C 164, 8.5.2023.