

- that the Commission breached the principles of protection of legitimate expectations and of equal treatment by departing from the guidelines in the Communication on direct taxation and its administrative practice adopted in line with that communication;
- that the Commission breached the principle of sound administration — which requires it to examine, in a diligent, detailed and impartial manner, all aspects relevant to the case — by not continuing the proceeding (as it has done in respect of extra-Community acquisitions) to establish the alleged selectivity of the measure and verify, before making a finding in that regard, the precise extent of the practical obstacles to an intra-Community commercial merger;
- that the Commission has infringed its obligation to respect the scheme of the Treaty and to ensure the consistent application of the rules relating to supervision of State aid and those relating to other principles and freedoms contained in the Treaty such as the free movement of capital and the creation of the internal market;
- that the contested decision lacks sufficient reasoning in relation to specific significant aspects of the Commission's assessment of the measure's selectivity and its effect on competition and trade between Member States.

Action brought on 20 May 2010 — Regione Puglia v Commission

(Case T-223/10)

(2010/C 179/95)

Language of the case: Italian

Parties

Applicant: Regione Puglia (Bari, Italy) (represented by: F. Brunelli and A. Aloia, lawyers)

Defendant: European Commission

Form of order sought

- Annul Debit Note No 3241001630 of the European Commission of 26 February 2010.
- Order the Commission to pay the costs, including a fixed amount for general costs.

Pleas in law and main arguments

The present action is brought against the debit note issued by the Commission on 26 February 2010 in implementation of

Decision C(2009) 10350 of 22 December 2009 concerning the cancellation of part of the contribution from the European Regional Development Fund (ERDF) allocated to the operational programme POR Puglia Obiettivo 1 2000-2006. That decision was challenged by the Regione Puglia and by Italy in Case T-84/10 ⁽¹⁾ and Case T-117/10 ⁽²⁾ respectively.

In support of its claims, the applicant puts forward the following pleas:

- Decision C(2009) 10350 of 22 December 2009 is unlawful, on the basis of the pleas in law and main arguments already relied on in Case T-84/10.
- Infringement of Article 7(2) of Commission Regulation (EC) No 448/2001 of 2 March 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 1260/1999 as regards the procedure for making financial corrections to assistance granted under the Structural Funds, ⁽³⁾ which provides for the application of a rate of interest of 1,5 % above the rate applied by the European Central Bank in its main refinancing operations, since the contested debit note provides that the rate of interest to be charged is that published in the OJEU on 1 April 2010, increased by 3,5 %.

⁽¹⁾ OJ C 113, 1.5.10, p. 58.

⁽²⁾ Not yet published in the OJ.

⁽³⁾ OJ L 64, 6.3.2001, p. 13.

Action brought on 18 May 2010 — Banco Bilbao Vizcaya Argentaria v Commission

(Case T-225/10)

(2010/C 179/96)

Language of the case: Spanish

Parties

Applicant: Banco Bilbao Vizcaya Argentaria, SA (Bilbao, Spain) (represented by: J. Buendía Sierra, E. Abad Valdenebro, M. Muñoz de Juan and R. Calvo Salinero, lawyers)

Defendant: European Commission

Form of order sought

- Annulment of Article 1(1) of the contested decision in so far as it states that Article 12(5) TRLIS (Amended Law on Corporation Tax) contains elements of State aid;