

Action brought on 20 January 2012 — Athens Resort Casino v Commission

(Case T-36/12)

(2012/C 80/42)

Language of the case: English

Parties

Applicant: Athens Resort Casino AE Symmetochon (Marrousi, Greece) (represented by: N. Niejahr, Q. Azau, F. Spyropoulos, I. Dryllerakis and K. Spyropoulos, lawyers and F. Carlin, Barrister)

Defendant: European Commission

Form of order sought

- annul the Commission Decision 2011/716/EU of 24 May 2011 on State aid to certain Greek casinos C 16/10 (ex NN 22/10, ex CP 318/09) implemented by the Hellenic Republic (OJ L 285, 1.11.2011, p. 25) (hereafter referred to as ‘the contested decision’); or
- in the alternative, annul the contested decision to the extent it applies to the applicant; or
- further in the alternative, annul the contested decision insofar as it orders the recovery of amounts from the applicant; and
- order the defendant to pay its own costs and the applicant’s costs incurred in connection with these proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that

- the defendant violated Article 107(1) TFEU by determining that the contested decision constituted an aid measure by:
 - (a) finding that the applicant benefited from an economic advantage in the form of a ‘fiscal discrimination’ in the amount of 7,20 euros (EUR) per ticket;
 - (b) finding that the measure involved forgone State resources;
 - (c) considering that the measure was selective in favour of the applicant;
 - (d) concluding that the measure distorted competition and had an effect on trade between Member States.

2. Second plea in law, alleging

- that the defendant violated Article 296 TFEU by failing to provide adequate reasoning to enable the applicant to understand and the General Court to review the reasoning based on which it found that the applicant benefited from a selective advantage, that any such advantage involved forgone State revenues and would be liable to distort competition and affect trade between Member States.

3. Third plea in law, alleging

- that in the event that the Court finds that incompatible aid had been granted to the applicant, the Court should annul the contested decision, insofar as it orders recovery of amounts from the applicant, since that recovery would violate:
 - (a) Article 14(1) first sentence of Regulation 659/1999⁽¹⁾, pursuant to which recovery shall relate to the aid received by the beneficiary, since the defendant failed to correctly quantify in the contested decision the amount of aid that the applicant may have received;
 - (b) Article 14(1) second sentence of Regulation 659/1999, since recovery in this case infringes general principles of EU law, namely: the principle of legitimate expectations; the principle of legal certainty; and the principle of proportionality.

⁽¹⁾ Council Regulation No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 (now Art. 108) of the EC Treaty (OJ L 83, 27.03.1999, p. 1)

Action brought on 30 January 2012 — Hamcho and Hamcho International v Council

(Case T-43/12)

(2012/C 80/43)

Language of the case: French

Parties

Applicants: Mohamad Hamcho (Damascus, Syria) and Hamcho International (Damascus) (represented by: M. Ponsard, lawyer)

Defendant: Council of the European Union

Form of order sought

- allow the present action to be dealt with under an expedited procedure;