

Action brought on 23 July 2012 — ING Groep v Commission**(Case T-332/12)**

(2012/C 287/65)

*Language of the case: English***Parties***Applicant:* ING Groep NV (Amsterdam, The Netherlands) (represented by: O. Brouwer, J. Blockx and N. Lorjé, lawyers)*Defendant:* European Commission**Form of order sought**

— Annul the decision of the European Commission of 11 May 2012 C(2012)3150 final, State aid SA.28855 (N 373/2009) (ex C 10/2009 and ex N 528/2008)-The Netherlands ING — restructuring aid; and

— Order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that the defendant breached the principle of sound administration and the right to be heard by not consulting the Dutch State and ING with respect to facts and its views and assumptions that were pertinent for its conclusion that the amendment to the terms of the core-tier-1 capital injection constituted aid under Article 107(1) TFEU.
2. Second plea in law, alleging that the defendant erred in law and committed a manifest error of assessment in applying the market economy investor principle ('MEIP') test and failed to provide adequate reasoning when qualifying the amendment to the core-tier-1 capital injection as State aid and an aggravating factor in its assessment of the compensatory measures.
3. Third plea in law, alleging that the defendant breached Article 107(3)(b) TFEU and the principles of sound administration,

proportionality, legal certainty, equal treatment and the duty to state reasons by failing to take into account the amount of aid when assessing the compensatory measures, and by wrongly calculating the relative amount of the aid and the circumstances under which the aid was granted when assessing the compensatory measures.

4. Fourth plea in law, alleging that the defendant breached Article 107(3)(b) TFEU, the principle of sound administration, proportionality and the duty to state reasons when making the price leadership bans legally binding on ING.

Action brought on 19 July 2012 — T&L Sugars and Sidul Açúcares v Commission**(Case T-335/12)**

(2012/C 287/66)

*Language of the case: English***Parties***Applicants:* T&L Sugars Ltd (London, United Kingdom) and Sidul Açúcares, Unipessoal Lda (Santa Iria de Azóia, Portugal) (represented by: D. Waelbroeck, lawyer, and D. Slater, Solicitor)*Defendants:* European Commission and the European Union, represented by the European Commission**Form of order sought**

- Declare the present application for annulment under Article 263(4) TFEU and/or plea of illegality under Article 277 TFEU against Regulation 367/2012, Regulation 397/2012, Regulation 356/2012, Regulation 382/2012, Regulation 444/2011 and Regulation 485/2012 admissible and well founded;
- Annulment of Commission Implementing Regulation (EU) No 367/2012 of 27 April 2012 laying down necessary measures as regards the release of additional quantities of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during marketing year 2011/2012 (OJ 2012 L 116, p. 12);