

Action brought on 3 December 2013 — Gemeente Bergen op Zoom v Commission

(Case T-641/13)

(2014/C 31/30)

*Language of the case: Dutch***Parties**

Applicant: Gemeente Bergen op Zoom (Bergen op Zoom, Netherlands) (represented by: T. Hovius and R. Pasma, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul the decision;
- order the Commission to pay the costs.

Pleas in law and main arguments

The applicant contests the Commission's decision of 2 October 2013, ⁽¹⁾ whereby the Commission found that the purchase by

the Bergen op Zoom municipality of the industrial premises of Koninklijke Nedalco BV and Nedalco International BV did not constitute State aid within the meaning of Article 107(1) TFEU.

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

1. First plea in law, alleging breach of Article 107 TFEU and/or Article 108 TFEU in so far as the Commission failed to apply the market economy investor principle or, at least, applied that principle incorrectly, did not rely on the proper facts in that regard and/or did not provide sufficient reasons for the application of that principle.
2. Second plea in law, alleging breach of Article 107 TFEU and/or Article 108 TFEU in so far as the Commission incorrectly assessed the facts and/or the law and committed a manifest error of assessment in concluding that Nedalco had not been granted a (selective) advantage that it could not have acquired in the ordinary course of business.
3. Third plea in law, alleging infringement of the principles relating to the duty of care and the duty to state reasons in so far as the Commission erred in failing to investigate the facts put forward by the municipality and/or to provide sound reasons for the decision.

⁽¹⁾ OJ 2013 C 335, p. 1.