

**Action brought on 6 February 2014 — European Commission v Hellenic Republic**

(Case C-60/14)

(2014/C 93/34)

*Language of the case: Greek*

**Parties**

*Applicant:* European Commission (represented by: B. Stromsky and I. Zervas, acting as Agents)

*Defendant:* Hellenic Republic

**Form of order sought**

The applicant claims that the Court should:

- Declare that the Hellenic Republic has failed to fulfil its obligations under the Treaty on the Functioning of the European Union and Articles 2, 3 and 4 of the Decision<sup>(1)</sup> of the European Commission of 24 May 2011, since it has not taken within the prescribed time-limit all the measures necessary for the recovery of unlawful State aid from the Casinos of Mont Parnès, Corfu and Thessaloniki, and, in any event, since it has not fully informed the Commission of the exact amount to be recovered (principal and interest) from all the beneficiaries of the unlawful State aid and of the other measures which it took in accordance with Article 4 of the Decision;
- order the Hellenic Republic to pay the costs.

**Pleas in law and main arguments**

1. The Hellenic Republic is obliged to have recovered the unlawful State aid by 25 September 2011.
2. The Hellenic Republic is obliged to have informed the Commission of the action which it has undertaken in order to recover the unlawful State aid, and the total amount to be recovered, by 25 July 2011.
3. The Hellenic Republic has not fulfilled any of the above obligations within the prescribed time-limits.

<sup>(1)</sup> Decision of 24 May 2011 on State aid to certain Greek casinos C-16/10 implemented by the Hellenic Republic (OJ 2011 L 285, pp 25-45)

**Action brought on 10 February 2014 — Council of the European Union v European Commission**

(Case C-73/14)

(2014/C 93/35)

*Language of the case: English*

**Parties**

*Applicant:* Council of the European Union (represented by: A. Westerhof Löfflerová, E. Finnegan, R. Liudvinaviciute-Cordeiro, Agents)

*Defendant:* European Commission

**The applicant claims that the Court should:**

- annul the Commission's decision of 29 November 2013 to submit a 'Written statement by the European Commission on behalf of the European Union' to the International Tribunal for the Law of the Sea in Case 21<sup>(1)</sup>; and
- order the Defendant to pay the costs.

**Pleas in law and main arguments**

1. By means of this application, the Council respectfully requests the Court to annul the Commission's decision of 29 November 2013 to submit the 'Written statement on behalf of the European Union' to the International Tribunal for the Law of the Sea in Case 21 (the 'Contested Decision').
2. The Council considers that the Contested Decision, which was submitted by the Commission without the Council's approval and against the Council's will, is illegal because it infringes fundamental principles of Union law enshrined in the Treaties.
3. The Council raises two pleas in law in support of its claim for annulment of the Contested Decision.
4. First, by adopting the Contested Decision, the Commission infringed the principle of distribution of powers enshrined in Article 13(2) TEU and, consequently, the principle of institutional balance (first plea in law). Under the first limb of that plea, the Council submits that the International Tribunal for the Law of the Sea is a body established by the United Nations Convention on the Law of the Sea which adopts acts having legal effects and that, consequently, the position to be expressed on behalf of the Union before the International Tribunal for the Law of the Sea should have been established by the Council in accordance with Article 218(9) TFEU. Under the second limb of the first plea, the Council considers that, in any event, the Commission infringed Article 16(1) TEU by usurping for itself the policy-making functions which, under that Treaty provision, belong to the Council alone.
5. Secondly, by undertaking the course of action leading to the adoption of the Contested Decision, the Commission infringed the principle of sincere cooperation enshrined in Article 13(2) TEU (second plea in law).

<sup>(1)</sup> The Council does not request, at this juncture, the annulment of the Commission Statement to the Tribunal.