Appeal brought on 19 September 2014 by the Hellenic Republic against the judgment delivered by the General Court (Seventh Chamber) on 16 July 2014 in Case T-52/12 Greece v Commission

(Case C-431/14 P)

(2014/C 395/32)

Language of the case: Greek

Parties

Appellant: Hellenic Republic (represented by: I. Khalkias and A. Vasilopoulou)

Other party to the proceedings: European Commission

Form of order sought

— grant the present appeal;

— set aside the contested judgment of the General Court of the European Union in its entirety;

— in accordance with the matters that have been more specifically set out, uphold the Hellenic Republic's action;

— annul the contested decision of the Commission;

— order the Commission to pay the costs.

Pleas in law and main arguments

The first plea is based on infringement of EU law or otherwise infringement of an essential procedural requirement. More specifically, by the first part of the plea, the Hellenic Republic pleads misinterpretation and misapplication by the General Court of the concept of resources which are attributed to the State, for the purpose of Article 107(1) TFEU, or otherwise an error as to the facts in the Court's classification as such resources of the amount of the mandatory contributions which were paid by the farmers who were the recipients of the aid and insured under the Organismos Ellinikon Georgikon Asfaliseon (Greek Agricultural Insurance Organisation) (ELGA), whilst, by the second part of the plea, it pleads that the General Court's judgment was delivered in breach of an essential procedural requirement, in so far as in the judgment the General Court did not investigate, or state specific reasons, as to whether the sums which were paid as contributions by the farmers who were recipients of the State aid held to be unlawful conferred on those farmers an undue advantage under Article 107(1) TFEU, that is to say, an advantage liable to distort competition, or otherwise that the provision was misinterpreted and misapplied by reason of the implicit rejection of the submission in question.

By the second plea, it is submitted that the judgment under appeal was delivered in breach of EU law and, more specifically, that Article 107(1) TFEU was misinterpreted and misapplied by the General Court, which held that the compensation payments in 2009 constituted a selective economic advantage for the recipients which was liable to threaten to distort competition and trade between Member States, without taking into account the exceptional circumstances in which the Greek economy found itself at the material time and continues to find itself.

By the third plea, it is submitted (i) that the General Court misinterpreted and misapplied Article 107(3)(b) TFEU because it limited the scope of that provision in respect of the disputed payments in 2009 to the terms of the Communication on the temporary Community framework, despite the exceptional circumstances in which the Greek economy found itself at the material time (first part of the third plea), and (ii) that the judgment under appeal contains insufficient grounds in so far as it does not examine at all the Hellenic Republic's claim that the Commission decision is excessive in so far as it orders recovery of the aid in December 2011 (second part of the third plea).

Appeal brought on 25 September 2014 by DTS Distribuidora de Televisión Digital, S.A. against the judgment of the General Court (Third Chamber) delivered on 11 July 2014 in Case T-533/10 *DTS Distribuidora de Televisión Digital* v *Commission*

(Case C-449/14 P)

(2014/C 395/33)

Language of the case: Spanish

Parties

Appellant: DTS Distribuidora de Televisión Digital, S.A. (represented by: H. Brokelmann and M. Ganino, abogados)