

Judgment of the General Court of (Eighth Chamber) of 6 April 2017 — Saremar v Commission(Case T-220/14) ⁽¹⁾

(State aid — Maritime transport — Public service compensation — Capital increase — Decision declaring aid incompatible with the internal market and ordering that it be recovered — Liquidation of the applicant — Capacity to be a party to legal proceedings — Continued interest in bringing proceedings — Failure to find that there was no need to adjudicate — Concept of aid — Service of general economic interest — Private investor test — Manifest error of assessment — Error of law — Plea of illegality — Obligation to state reasons — Rights of the defence — Decision 2011/21/EU — Guidelines on State aid for rescuing and restructuring firms in difficulty — Union framework applicable to State aid in the form of public service compensation — Altmark judgment)

(2017/C 161/28)

Language of the case: Italian

Parties

Applicant: Saremar — Sardegna Regionale Marittima SpA (Cagliari, Italy) (represented by: G.M. Roberti, G. Bellitti and I. Perego, lawyers)

Defendant: European Commission (represented by: G. Conte, D. Grespan, and A. Bouchagiar, Agents)

Interveners in support of the defendants: Compagnia Italiana di Navigazione SpA (Naples, Italy) (represented initially by: F. Sciaudone, R. Sciaudone, D. Fioretti and A. Neri, and subsequently by M. Merola, B. Carnevale and M. Toniolo, lawyers)

Re:

Application under Article 263 TFEU for annulment of Commission Decision C(2013) 9101 final of 22 January 2014 concerning aid measures SA.32014 (2011/C), SA.32015 (2011/C), SA.32016 (2011/C) granted by the Autonomous Region of Sardinia (Italy) to Saremar in the form of public service compensation and a capital increase, in so far as that decision found those measures to be State aid incompatible with the internal market and ordered that it be recovered.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Saremar — Sardegna Regionale Marittima SpA to bear its own costs and to pay those incurred by the European Commission and Compagnia Italiana di Navigazione SpA.

⁽¹⁾ OJ C 175, 10.6.2014.

Judgment of the General Court of 5 April 2017 — HB and Others v Commission(Case T-361/14) ⁽¹⁾

(Law governing the institutions — European citizens' initiative — Protection of stray animals — Psychological effects on adults and children — Refusal of registration — Manifest lack of powers of the Commission — Article 4(2)(b) and (3) of Regulation (EU) No 211/2011)

(2017/C 161/29)

Language of the case: German

Parties

Applicants: HB (Linz, Austria) and the six other applicants whose names are set out in the annex to the judgment (represented by: initially C. Kolar, and subsequently by F. Moyse, lawyers)

Defendant: European Commission (represented by: H. Krämer and J. Vondung, acting as Agents)

Re:

Action pursuant to Article 263 TFEU for annulment of Commission Decision C(2014) 2119 final of 26 March 2014 rejecting the request for registration of the proposed citizens' initiative entitled 'Ethics for Animals and Kids'

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders HB and the other applicants whose names are set out in the annex to pay the costs.*

⁽¹⁾ OJ C 409, 17.11.2014.

Judgment of the General Court of 6 April 2017 — Alkarim for Trade and Industry v Council

(Case T-35/15) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken against Syria — Freezing of funds — Manifest error of assessment)

(2017/C 161/30)

Language of the case: French

Parties

Applicant: Alkarim for Trade and Industry LLC (Tal Kurdi, Syria) (represented by: J.-P. Buyle and L. Cloquet, lawyers)

Defendant: Council of the European Union (represented by: initially G. Étienne and S. Kyriakopoulou, and subsequently S. Kyriakopoulou, acting as Agents)

Re:

Application pursuant to Article 263 TFEU for annulment of Council Implementing Decision 2014/730/CFSP of 20 October 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2014 L 301, p. 36), and Council Implementing Regulation (EU) No 1105/2014 of 20 October 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2014 L 301, p. 7), in so far as the name of the applicant has been included in the list of the persons and bodies to which the restrictive measures apply.

Operative part of the judgment

The Court:

1. *Annuls Council Implementing Decision 2014/730/CFSP of 20 October 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, and Council Implementing Regulation (EU) No 1105/2014 of 20 October 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria in so far as they concern Alkarim for Trade and Industry LLC;*
2. *Orders the Council of the European Union to bear its own costs and to pay the costs incurred by Alkarim for Trade and Industry.*

⁽¹⁾ OJ C 89 of 16.3.2015.