

In support of its application, the European Commission raises a single plea in law: the Commission contends that the defendant has breached its contractual obligations by failing to reimburse to the Commission the difference between the Union's financial contribution due to defendant and the total amount of funding already received by it. The financial contribution due to the defendant is less than the total amount paid by the applicant by means of advance and intermediate payments. The Commission contends therefore that, under the contract, the defendant is liable for the sum due.

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**Action brought on 11 April 2014 — EGBA and RGA v Commission**

**(Case T-238/14)**

(2014/C 212/45)

*Language of the case: English*

**Parties**

*Applicants:* European Gaming and Betting Association (EGBA) (Brussels, Belgium) and The Remote Gambling Association (RGA) (London, United Kingdom) (represented by: S. Brankin, Solicitor, T. De Meese, E. Wijckmans and M. Mudrony, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- Order the annulment of the Commission Decision of 19 June 2013 on State aid No SA.30753 (C 34/10) (ex N 140/10) which France is planning to implement for horse racing companies (OJ L 14, 18/01/2014, p. 17); and
- Order the Commission to bear the costs of the applicants in the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicants rely on three pleas in law.

1. First plea in law, alleging that the Contested Decision infringes essential procedural requirements contained in or arising from Article 108(2), the principle of good administration and Articles 41 and 47 of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging that the Contested Decision infringes Article 107(3)(c) TFEU and the principle of good administration since:
  - the measure is not necessary and therefore has no proper common interest objective;
  - the measure includes costs with no common interest justification;
  - the measure is not an appropriate instrument for achieving the common interest objective;
  - the measure distorts competition and has an adverse effect on trade; and
  - the Commission failed to take the overall context into account for the assessment of the measure.
3. Third plea in law, alleging that the Commission, at various points in the contested measure, failed to adequately state its reasons.