

**Action brought on 30 May 2014 — Grigoriadis and Others v European Parliament and Others****(Case T-413/14)**

(2014/C 439/39)

*Language of the case: Greek***Parties**

*Applicants:* Grigoris Grigoriadis (Athens, Greece), Faidra Grigoriadou (Athens, Greece), Ioannis Tsolias (Thessaloniki, Greece), Dimitrios Alexopoulos (Thessaloniki, Greece), Nikolaos Papageorgiou (Athens, Greece) and Ioannis Marinopoulos (Athens, Greece), (represented by: K. Papadimitriou, lawyer)

*Defendants:* European Parliament, European Council, Council of the European Union, European Commission, European Central Bank, Eurogroup

**Form of order sought**

The applicants claim that the General Court should:

- declare that the defendants failed to legislate in order that the bonds which the applicants purchased from the Hellenic Republic are expressly exempt from the compulsory participation of holders of Greek State bonds governed by Greek law in P.S.I. (private sector involvement in debt relief);
- grant the applicants by a directly applicable Community measure, directive, regulation or other Community legislative act the ability to receive 100 % of the value of the bonds which were included in P.S.I. without their being asked and without their agreement;
- grant compensation of EUR 500 000 by a directly applicable Community measure, directive, regulation or other Community legislative act to each of the applicants for the hardship, distress and gross breach of fundamental rights that they have suffered.

**Pleas in law and main arguments**

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

1. First plea: The legislative and other acts which led Greece to the compulsory participation of the holders of Greek State bonds governed by Greek law in P.S.I. are in reality Community measures.
2. Second plea: The measures which the Greek Government adopted to deal with Greek public debt were in reality imposed by the institutions of the European Union, in particular the ECB and the European Commission.
3. Third plea: The defendants failed to legislate, and to explicitly exempt the applicants' bonds governed by Greek law by means of the acts of the Council of Ministers by which the terms governing the application of P.S.I. in Greece were specified.
4. Fourth plea: The failure to exempt the applicants and their express compensation from P.S.I. have caused them direct, personal and serious harm and denied them enjoyment of their fundamental rights.
5. Fifth plea: All the legislative measures of the Greek Government were adopted on the recommendation and, to be more precise, after decision of the Eurogroup, ECOFIN, the ECB and the European Commission.

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**Action brought on 2 September 2014 — Micula a.o. v Commission****(Case T-646/14)**

(2014/C 439/40)

*Language of the case: English***Parties**

*Applicants:* Ioan Micula (Oradea, Romania); S.C. European Food SA (Drăgănești Romania); S.C. Starmill Srl (Drăgănești); S.C. Multipack Srl (Drăgănești); Viorel Micula (Oradea) (represented by: K. Hobér, J. Ragnwaldh, T. Pettersson, E. Gaillard and Y. Banifatemi, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- annul the decision C(2014) 3192 final of 26 May 2014 issued in Case State aid SA.38517 (2014/NN) — Micula v Romania (ICSID arbitration award) ordering Romania to suspend any action which may lead to the execution or implementation of the award of 11 December 2013 rendered by an Arbitral Tribunal established under the auspices of the International Centre for Settlement of Investment Disputes in the case Ioan Micula, Viorel Micula and others v. Romania (ICSID Case No. ARB/05/20), as the Commission considers that the execution of the award constitutes unlawful State aid, until the Commission has taken a final decision on the compatibility of that State aid with the internal market;
- award the applicants the costs of the action.

**Pleas in law and main arguments**

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

1. First plea in law, alleging a lack of competence.

- EU law is not applicable to the case and the Commission lacks the competence to issue a decision under Article 11 (1) of Regulation n° 659/1999. The Commission's decision fails to acknowledge that Romania is obligated by international law to execute the ICSID award without delay and that Romania's international law obligations take primacy over EU law. The Commission's decision infringes Article 351(1) TFEU and Article 4(3) TEU, which recognise and protect Romania's obligations under the ICSID Convention and under the Sweden-Romania Bilateral Investment Treaty.

2. Second plea in law, alleging a manifest error of law and assessment.

- The Commission erred in law by wrongly categorising the execution of the ICSID award as a new State aid measure and violated the applicants' legitimate expectations. The Commission's entire decision is based on the incorrect assumption that the execution of the ICSID award constitutes State aid under EU law. The ICSID award neither gives an economic advantage to the applicants, nor does it constitute a selective measure, nor a voluntary measure that is imputable to Romania, nor does it distort or threaten to distort competition.

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**Action brought on 19 September 2014 — Bayerische Motoren Werke v Commission**

(Case T-671/14)

(2014/C 439/41)

*Language of the case: German*

**Parties**

*Applicant:* Bayerische Motoren Werke AG (Munich, Germany) (represented by: M. Rosenthal, G. Drauz and M. Schütte, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul, in accordance with the fourth paragraph of Article 263 TFEU, the decision of 9 July 2014 in case SA.32009 (2011/C) in so far as it declares the amount by which the aid claimed of EUR 45 257 273 exceeds EUR 17 million (EUR 28 257 273) to be incompatible with the internal market;
- in the alternative: annul, in accordance with the fourth paragraph of Article 263 TFEU, the decision of 9 July 2014 in case SA.32009 (2011/C) in so far as it declares the amount of EUR 22,5 million which is exempt from notification in accordance with Article 6(2) of Regulation (EC) No 800/2008 <sup>(1)</sup> to be incompatible with the internal market;