

7. Seventh plea in law, alleging infringement of the applicant's procedural rights

In connection with this plea in law, the applicant claims that the Commission infringed its procedural rights by not considering its submissions.

8. Eighth plea in law, alleging that the decision that the sale of assets did not constitute new State aid infringed the applicant's procedural rights

In connection with this plea in law, the applicant claims that the Commission infringed its procedural rights and, in particular, essential formal requirements in so far as, despite the applicant's formal complaint, it decided that the sale of the assets following the tender process to the buyer was not to be classified as State aid. By its decision, the Commission implicitly declined to initiate the formal investigation procedure.

9. Ninth plea in law, alleging infringement of the right to good administration

Lastly, the applicant claims that the Commission neither investigated all of the relevant aspects independently nor took the aspects of the case provided by the applicants into consideration in an appropriate manner.

⁽¹⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 1999 L 83, p. 1).

Action brought on 10 July 2015 — Germanwings v Commission

(Case T-375/15)

(2015/C 337/21)

Language of the case: German

Parties

Applicant: Germanwings GmbH (Cologne, Germany) (represented by: A. Martin-Ehlers, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's decision of 1 October 2014 in Case SA.27339 (2012/C) (ex 2011/NN) — Zweibrücken airport and airlines that use that airport — namely
 - Article 1(2) in so far as it refers to the contract with Germanwings GmbH of 2006 and;
 - Article 3(3)(e);
- annul the Commission's decision of 11 May 2015, GESTDEM 2015/1288;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the first head of claim, the applicant relies, in essence, on five pleas in law.

1. First plea in law, alleging a distortion of the facts in that they were incompletely presented

The applicant alleges that the defendant's presentation of some parts of the facts of the case were incorrect, contradictory and incomplete.

2. Second plea in law, alleging an error of reasoning

In this regard, the applicant alleges in particular that the infrastructure expenditure that the Commission attributed to a 2006 contract between the applicant and the operator of Zweibrücken Airport was not itemised.

3. Third plea in law, alleging that no sums were to be recovered from the applicant

The applicant claims in this regard that the defendant has not undertaken its own review of the attribution of the infrastructure costs at issue. Furthermore, the Commission's attribution of those costs to the contract concluded by the applicant in 2006 was not lawful, since it runs contrary to the Commission's existing decision-making practice and the Commission did not take account of the facts of the case that were publically available. In the alternative, in connection with this plea in law, the applicant claims that the attribution of those costs should have been significantly lower.

4. Fourth plea in law, alleging the Commission's failure to justify the State character of the resources

In this regard, the applicant claims that the Commission did not explain why the present case concerned State aid.

5. Fifth plea in law, alleging in the alternative infringement of the applicant's legitimate expectations

Finally, in relation to the first head of claim, the applicant claims in the alternative that any restitution of alleged State aid is precluded by the principle of the protection of legitimate expectations.

In support of the second head of claim, the applicant claims, in essence, that the Commission did not state adequate reasons for the contested decision and misinterpreted Article 4(2) of Regulation (EC) No 1049/2001 ⁽¹⁾.

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

Action brought on 14 July 2015 — IMG v Commission

(Case T-381/15)

(2015/C 337/22)

Language of the case: French

Parties

Applicant: International Management Group (IMG) (Brussels, Belgium) (represented by: L. Levi and A. Tymen, lawyers)

Defendant: European Commission