

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 Commission acted in breach of Articles 4 and 6 of Regulation (EC) N° 1107/2009 ⁽²⁾ and Annex I and Annex II to Regulation (EC) N° 1107/2009 when adopting the contested regulation and approving the putting on the market of sulfoxaflor.
 - The Commission acted in breach of Article 4 of Regulation (EC) N° 1107/2009 and/or did not apply correctly the requirements regarding the approval of active substances as laid down in Regulation (EC) N° 1107/2009;
 - The Commission also acted in breach of Article 4 in combination with Article 6(f) of Regulation (EC) N° 1107/2009 and of point 1.1 and 2.2 of Annex II to the Regulation and/or did not apply correctly the requirements regarding the approval of active substances as laid down in Regulation (EC) N° 1107/2009; and
 - The Commission acted in breach of Article 4 and Article 6(i) of Regulation (EC) N° 1107/2009 and/or did not apply correctly the requirements regarding the approval of active substances as laid down in Regulation (EC) N° 1107/2009.
2. Second plea in law, alleging that the contested regulation breaches beekeepers' right to property and their right to conduct a business as laid down in the Articles 16 and 17 of the Charter of Fundamental Rights of the European Union ⁽³⁾.
3. Third plea in law, alleging that the Commission acted in breach of the principle of good administration, consistency of decision-making and the duty of care, with the adoption of the contested regulation.

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- ⁽¹⁾ Commission Implementing Regulation (EU) N° 2015/1295 of 27 July 2015 approving the active substance sulfoxaflor, in accordance with Regulation (EC) N° 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) N° 540/2011 (OJ L 199, p. 8).
- ⁽²⁾ Regulation (EC) N° 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, p. 1).
- ⁽³⁾ Charter of Fundamental Rights of the European Union (OJ 2000, C 326, p. 1).

Action brought on 10 November 2015 — Scandlines Danmark et Scandlines Deutschland v Commission

(Case T-630/15)

(2016/C 059/24)

Language of the case: English

Parties

Applicants: Scandlines Danmark ApS (København, Denmark), Scandlines Deutschland GmbH (Hamburg, Germany) (represented by: L. Sandberg-Mørch, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- declare the application admissible and well-founded;
- annul the decision of the European Commission of 23 July 2015 on State aid SA.39078 (2014/N) (Denmark) for the financing of the Fehmarn Belt Fixed Link project; and
- order the Commission to pay the applicants' costs.

Pleas in law and main arguments

In support of the action, the applicants rely on four pleas in law:

1. First plea in law, alleging that the Commission erred in finding that the funding granted to Femern A/S for the Danish rail hinterland connections does not constitute State aid within the meaning of Article 107(1) TFEU.
2. Second plea in law, alleging that the Commission erred in finding that the aid measures granted to Femern A/S for the Fixed Link are compatible with the internal market pursuant to Article 107(3)(b) TFEU. The Commission erred in law and made a manifest error of assessment in finding that the Fehmarn Belt Fixed Link project was of common European interest and in finding that the aid was necessary and proportionate. The Commission also erred in law and made a manifest error of assessment regarding the prevention of undue distortions of competition and balancing test and regarding the mobilisation of the State guarantees.
3. Third plea in law, alleging that the Commission infringed its obligation to initiate the formal investigation procedure. The applicants allege that there are evidence of serious difficulties relating to the length and the circumstances of the preliminary investigation procedure. In addition, they allege an insufficient and incomplete analysis regarding the funding granted to Femern A/S for the Danish rail hinterland connections, regarding the common European interest of the Fehmarn Belt Fixed Link project, regarding the necessity and proportionality of the aid and finally regarding the prevention of undue distortions of competition and balancing test.
4. Fourth plea in law, alleging that the Commission failed to fulfil its duty to state reasons. The Commission failed to provide reasons in relation to the Danish rail hinterland connections, in relation to the common European interest of the Fehmarn Belt Fixed Link project, in relation to the necessity and proportionality of the aid and finally in relation to the undue distortions of competition and balancing test.

Action brought on 11 November 2015 — Stena Line Scandinavia v Commission**(Case T-631/15)**

(2016/C 059/25)

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

Applicant: Stena Line Scandinavia AB (Göteborg, Sweden) (represented by: P. Alexiadis, Solicitor, L. Sandberg-Mørch, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the application admissible and well-founded;
- annul the decision of the European Commission of 23 July 2015 on State aid SA.39078 (2014/N) (Denmark) for the financing of the Fehmarn Belt Fixed Link project; and
- order the Commission to pay the applicant's costs.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law:

1. First plea in law, alleging that the Commission erred in finding that the funding granted to A/S Femern for the Danish rail hinterland connections does not constitute State aid within the meaning of Article 107(1) TFEU.