

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.

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 applicant alleges that there are evidence of serious difficulties relating to the length and the circumstances of the preliminary investigation procedure. In addition, the applicant alleges 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 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 in relation to the undue distortions of competition and balancing test.

Action brought on 19 November 2015 — Guardian Europe v European Union

(Case T-673/15)

(2016/C 059/26)

Language of the case: English

Parties

Applicant: Guardian Europe Sàrl (Bertrange, Luxembourg) (represented by: F. Louis, lawyer, and C. O'Daly, Solicitor)

Defendants: European Union represented by the European Commission and the Court of Justice of the European

Form of order sought

The applicant claims that the Court should:

- (1) order that the applicant be compensated for the following damages caused as a result of the General Court's failure to rule within a reasonable time: (a) guarantee costs of EUR 936 000; (b) opportunity costs/loss of profit of EUR 1 671 000; and (c) non-pecuniary losses of EUR 14,8 million;
- (2) award interest on the amounts sought under (1) above, in so far as relevant, at the average rate applied by the European Central Bank at the relevant time to its main refinancing operations, increased by two percentage points;
- (3) order that the applicant be compensated for damages caused as a result of the Commission and the General Court's infringement of the principle of equal treatment namely the following amounts: (a) guarantee costs of EUR 1 547 000; (b) opportunity costs/loss of profit of EUR 9 292 000; and (c) non-pecuniary losses of EUR 14,8 million;
- (4) award interest on the amounts sought under (3) above, in so far as relevant, at the average rate applied by the European Central Bank at the relevant time to its main refinancing operations, increased by two percentage points; and