

Order of the General Court of 26 September 2016 — Greenpeace Energy and Others v Commission(Case T-382/15) ⁽¹⁾

(Action for annulment — State aid — Nuclear energy — Aid in support of Hinkley Point C nuclear power station — Contract for difference, agreement of the Secretary of State and credit guarantee — Decision declaring the aid to be compatible with the internal market — Absence of any significant effect on a competitive position — Lack of individual concern — Inadmissibility)

(2016/C 419/61)

Language of the case: German

Parties

Applicants: Greenpeace Energy eG (Hamburg, Germany) and the nine other applicants whose names are set out in the annex to the order (represented by: D. Fouquet and J. Nysten, lawyers)

Defendant: European Commission (represented by: É. Gippini Fournier, T. Maxian Rusche and P. Němečková, acting as Agents)

Re:

Application under Article 263 TFEU for the annulment of Decision (EU) 2015/658 of 8 October 2014 on the aid measure SA.34947 (2013/C) (ex 2013/N) which the United Kingdom is planning to implement for support to the Hinkley Point C nuclear power station (OJ 2015 L 109, p. 44).

Operative part of the order

The Court orders as follows:

1. The action is dismissed as inadmissible.
2. There is no need to rule on the applications for leave to intervene submitted by NNB Generation Company Limited, the Slovak Republic, Hungary, the United Kingdom of Great Britain and Northern Ireland, the French Republic, the Czech Republic and the Republic of Poland.
3. Greenpeace Energy eG and the other applicants whose names are set out in the annex shall bear their own costs and pay those incurred by the European Commission, with the exception of the costs relating to the applications for leave to intervene.
4. Greenpeace Energy and the other applicants whose names are set out in the annex, the Commission, NNB Generation Company Limited, the Slovak Republic, Hungary, the United Kingdom of Great Britain and Northern Ireland, the French Republic, the Czech Republic and the Republic of Poland shall bear their own respective costs relating to the applications for leave to intervene.

⁽¹⁾ OJ C 337, 12.10.2015.

Action brought on 27 July 2016 — HX v Council

(Case T-408/16)

(2016/C 419/62)

Language of the case: Bulgarian

Parties

Applicant: HX (Damascus, Syria) (represented by: S. Koev, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- hold the present action to be admissible and well founded, and hold all the pleas it contains to be well founded;
- examine the present action under the accelerated procedure;
- declare that the contested acts may be annulled in part since the part of the acts which should be annulled can be separated from the act as a whole, and accordingly annul the following:
 - Council Decision (CFSP) 2016/850 of 27 May 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria, in so far as it concerns the applicant, and
 - Council Implementing Regulation (EU) 2016/840 of 27 May 2016 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, in so far as it concerns the applicant;
- order the Council to pay the entirety of the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on eight pleas in law.

1. First plea in law, alleging a manifest infringement of the right not to be tried or punished twice for the same criminal offence (Article 50 of the Charter of Fundamental Rights of the European Union).
2. Second plea in law, alleging a manifest infringement of the rights of the defence and the right to a fair trial.
3. Third plea in law, alleging infringement of the obligation to state reasons.
4. Fourth plea in law, alleging infringement of the right to effective judicial protection.
5. Fifth plea in law, alleging an error of assessment on the part of the Council.
6. Sixth plea in law, alleging an infringement of the right to property, of the principle of proportionality and of the freedom to conduct a business.
7. Seventh plea in law, alleging infringement of the right to a normal life.
8. Eighth plea in law, alleging a serious infringement of the right to the protection of reputation.

Action brought on 28 July 2016 — Acquafarm v Commission

(Case T-458/16)

(2016/C 419/63)

Language of the case: Spanish

Parties

Applicant: Acquafarm, SL (Huelva, Spain) (represented by: A. Pérez Moreno, lawyer)

Defendant: European Commission

Form of order sought

The applicant requests that the General Court award it compensation for the damage caused by the lack of coordination of administrative action relating to the aquaculture facility, located in Gibraleón (Huelva), which resulted in serious injury to the legitimate expectations placed in that entity, arising as a result of the grant of aid for the implementation of an aquaculture project, which, in parallel, the European Union makes unviable as a result of a ban on the export of the species for the breeding of which the facilities are being built.