

Form of order sought

The applicants claim that the Court should:

- annul Articles 1-4 of the Commission's decision of 11 January 2016 on State Aid SA.37667 (2015/C) (ex 2015/NN) on the Excess Profit Exemption State aid Scheme implemented by Belgium ('the contested decision')⁽¹⁾;
- in the alternative, annul Article 2(1) of the contested decision;
- order the Commission to pay the costs of this procedure.

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 violated Article 1(d) of Regulation 2015/1589⁽²⁾ by incorrectly qualifying the excess profit rulings as a scheme, thereby committing various manifest errors of law, fact and assessment and also giving an inadequate statement of reasons.
2. Second plea in law, alleging that the Commission violated Article 107(1) TFEU by committing a material error of law and a manifest error of assessment when interpreting and applying the reference system for purposes of assessing whether the excess profit rulings conferred a selective advantage.
3. Third plea in law, alleging that the Commission violated Article 107(1) TFEU by incorrectly establishing that the excess profit rulings conferred a selective advantage, thereby committing various manifest errors of fact and assessment, failing to conduct a diligent and impartial examination and giving an inadequate statement of reasons.
4. Fourth plea in law, alleging that the Commission violated Article 16 of Regulation 2015/1589 and various principles of EU law by committing a material error of law and a manifest error of assessment and giving an inadequate statement of reasons when establishing the methodology to quantify the alleged aid.

⁽¹⁾ Commission Decision (EU) 2016/1699 of 11 January 2016 on the excess profit exemption State aid scheme SA.37667 (2015/C) (ex 2015/NN) implemented by Belgium (notified under document C(2015) 9837) (OJ L 260, 2016, p. 61)

⁽²⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 248, 2015, p. 9)

Action brought on 5 December 2016 — Nomacorc v Commission

(Case T-867/16)

(2017/C 046/24)

Language of the case: English

Parties

Applicant: Nomacorc (Thimister-Clermont, Belgium) (represented by: S. Verschuur, M. Stroungi and L. Mélia, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Articles 1-4 of the Commission's decision of 11 January 2016 on State Aid SA.37667 (2015/C) (ex 2015/NN) on the Excess Profit Exemption State aid Scheme implemented by Belgium ('the contested decision') ⁽¹⁾;
- in the alternative, annul Article 2(1) of the contested decision;
- order the Commission to pay the costs of this procedure.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission violated Article 1(d) of Regulation 2015/1589 ⁽²⁾ by incorrectly qualifying the excess profit rulings as a scheme, thereby committing various manifest errors of law, fact and assessment and also giving an inadequate statement of reasons.
2. Second plea in law, alleging that the Commission violated Article 107(1) TFEU by committing a material error of law and a manifest error of assessment when interpreting and applying the reference system for purposes of assessing whether the excess profit rulings conferred a selective advantage.
3. Third plea in law, alleging that the Commission violated Article 107(1) TFEU by incorrectly establishing that the excess profit rulings conferred a selective advantage, thereby committing various manifest errors of fact and assessment, failing to conduct a diligent and impartial examination and giving an inadequate statement of reasons.

⁽¹⁾ Commission Decision (EU) 2016/1699 of 11 January 2016 on the excess profit exemption State aid scheme SA.37667 (2015/C) (ex 2015/NN) implemented by Belgium (notified under document C(2015) 9837) (OJ L 260, 2016, p. 61)

⁽²⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 248, 2015, p. 9)

Action brought on 9 December 2016 — RA v Court of Auditors

(Case T-874/16)

(2017/C 046/25)

Language of the case: French

Parties

Applicant: RA (Luxembourg, Luxembourg) (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: Court of Auditors of the European Union

Form of order sought

The applicant claims that the General Court should:

- annul the decision of 4 March 2016 failing to promote the applicant to grade AD 11;
- order the Court of Auditors to pay the costs.