

In support of its appeal, the appellant relies on two grounds of appeal, alleging that, in the judgment under appeal, the General Court erred in law in its interpretation of Articles 14, 106(2) and 107(1) TFEU and of Protocol No 26 annexed to the TFEU on Services of General Interest.

In particular, the appellant submits that the General Court erred:

- by going beyond the limit of the ‘manifest error’ in the assessment of the various measures defining and allocating SGIEs;
- by unduly limiting the ‘wide discretion’ of the Member States, which applies both to the definition and the ‘organisation’ of the SGIE and therefore includes the choice of the methods of providing the SGIE and the choice of a specific technology, irrespective of whether they are set out in the measure defining the SGIE or in a separate measure;
- by analysing the applicable Spanish law, distorting the meaning of the provisions analysed and of the case-law interpreting those provisions, and interpreting it in a manner which is manifestly contrary to its content and giving some information a scope which it should not have in relation to other information;
- by failing to observe that the ‘definition’ of the SGIE and the ‘commissioning’ of the SGIE to one or more undertakings may take place in one or more measures;
- by failing to observe that the ‘definition’ of the SGIE and its ‘commissioning’ do not require the use of a specific formula or expression, but rather a material and functional analysis; and
- by quantifying the alleged advantage received as the total amount of the contracts concluded by the public authorities, disregarding the fact that that amount is not a non-repayable subsidy, but rather constitutes consideration for the goods and services that the undertaking in question provided to the State.

Action brought on 22 February 2017 — European Commission v Hellenic Republic

(Case C-93/17)

(2017/C 129/12)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: A. Bouchagiar and B. Stromsky)

Defendant: Hellenic Republic

Form of order sought

- declare that, by failing to take measures to comply with the judgment delivered by the Court of Justice on 28 June 2012 in Case C-485/10 *Commission v Greece*, EU:C:2012:395, the Hellenic Republic has failed to fulfil its obligations under that judgment and Article 260(1) TFEU;
- order the Hellenic Republic to pay to the Commission, into the ‘European Union own resources’ account, a penalty payment in the sum of EUR 34 974 for each day of delay in complying with the Court’s judgment of 28 June 2012 in Case C-485/10, in respect of the period from the day on which judgment is delivered in the present case until the day on which the judgment of 28 June 2012 has been complied with;
- order the Hellenic Republic to pay to the Commission, into the ‘European Union own resources’ account, a lump sum whose amount is derived from multiplying a daily sum of EUR 3 828 by the number of days that will have elapsed from the day of delivery of the judgment of 28 June 2012 until the day on which the infringement has ended or, if there has not been compliance, until the day on which judgment is delivered in the present case;
- order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

On 2 July 2008, the European Commission issued Decision 2009/610/EC on the measures C 16/04 (ex NN 29/04, CP 71/02 and CP 133/05) implemented by Greece in favour of Hellenic Shipyards. By that decision, the Commission found certain aid in favour of Hellenic Shipyards to be incompatible with the internal market and ordered its recovery, including interest calculated up to the point in time at which the aid was fully recovered.

On 8 October 2010, the Commission brought an action before the Court for infringement of Article 108(2) TFEU (Case C-485/10). The Court held on 28 June 2012 that, by failing to take, within the period laid down, all the measures necessary in order to implement the Commission decision and by failing to provide the information listed in Article 19 of that decision to the Commission within the period laid down, the Hellenic Republic had failed to fulfil its obligations under Articles 2, 3, 5, 6, 8, 9 and 11 to 19 of that decision.

Since the Hellenic Republic has not taken measures to comply with the judgment delivered by the Court on 28 June 2012, it has failed to fulfil its obligations under that judgment and Article 260(1) TFEU.

Appeal brought on 3 March 2017 by the Kingdom of Spain against the judgment of the General Court (Fifth Chamber) delivered on 15 December 2016 in Case T-808/14, Spain v Commission

(Case C-114/17 P)

(2017/C 129/13)

Language of the case: Spanish

Parties

Appellant: Kingdom of Spain (represented by: M. J. García-Valdecasas Dorrego, acting as Agent)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court of 15 December 2016 in Case T-808/14, *Kingdom of Spain v Commission*;
- annul Commission Decision C(2014) 6846 final of 1 October 2014 on State aid SA.27408 (C 24/2010) (ex NN 37/2010, ex CP 19/2009) granted by the Kingdom of Spain for the deployment of digital terrestrial television in remote and less urbanised areas of Castilla-La Mancha;
- order the Commission to pay the costs.

Pleas in law and main arguments

1. Error of law in relation to the interpretation of Article 1 of the contested decision, before its amendment, and in relation to the principles of sound administration and legal certainty, in that the General Court considered that that article also referred to the provision of equipment and that it did not entail any new obligation for the Kingdom of Spain.
2. Error of law in relation to the review of the Member States' definition and application of a Service of General Economic Interest, with regard to both the first and the fourth criteria established in *Altmark Trans and Regierungspräsidium Magdeburg* (C-280/00, EU:C:2003:415).