

Form of order sought

The applicant claims that the General Court should:

annul, in its entirety or in individual parts, the Commission decision adopted on 27 March 2017 (SA.38825) State aid — Italy, presumed State aid for private providers of social and healthcare services.

Pleas in law and main arguments

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

1. First plea in law, alleging that Article 107 TFEU has been infringed and that the Commission erred in finding that the selective exclusion of public providers of social and healthcare services from INPS (National Social Welfare Institute) maternity insurance and from the refunding of costs incurred in respect of the absence of employees who care for family members with serious disabilities was justified.
2. Second plea in law, based on the State origin of the aid, on the ground that, according to the applicant, the funds intended to cover private companies' costs relating to maternity insurance and the refunding of costs incurred in respect of the absence of employees who care for family members with serious disabilities are paid by the INPS and, consequently, by the Italian State via State resources.
3. Third plea in law, alleging that, according to the applicant, such measures favour private companies by conferring on them an advantage over public providers of the same services, which must instead bear in full the costs relating to periods of absence in respect of maternity leave and care provided to family members with serious disabilities, resulting in serious financial consequences.
4. Fourth plea in law, alleging that, according to the applicant, the contested measures affect trade between Member States inasmuch as they favour multinational groups and Italian companies with foreign capital contribution which invest in Italy for profit-making purposes and, by contrast, penalise smaller public providers which operate for non-profit purposes by distorting the structure of their labour costs.

Action brought on 4 August 2017 — Sánchez del Valle and Calatrava Real State 2015 v Commission and SRB

(Case T-497/17)

(2017/C 330/20)

Language of the case: Spanish

Parties

Applicants: Manuel Alfonso Sánchez del Valle (Madrid, Spain) and Calatrava Real State 2015 (Madrid) (represented by: B. Gutiérrez de la Roza Pérez, P. Rubio Escobar, R. Ruiz de la Torre Esporrín and B. Fernández García, lawyers)

Defendants: European Commission and Single Resolution Board

Form of order sought

- Annul the Decision SRB/EES/2017/08 of the Single Resolution Board at its executive session of 7 June 2017 to adopt the resolution scheme regarding the institution Banco Popular Español S.A.;
- Annul Commission Decision (EU) 2017/1246 of 7 June 2017 endorsing the resolution scheme for Banco Popular Español, S.A.;
- Order the defendant[s] and the interveners to pay the costs in respect of all or part of the claims.

Pleas in law and main arguments

In support of the action, the applicants rely on 11 pleas in law.

1. First plea in law, alleging lacking or insufficient reasoning for the contested decision, which entails infringement of Articles 41(2) and 47 of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging infringement of Article 20(1) of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 by failing to carry out a reasonable, prudent and realistic valuation of the assets and liabilities of Banco Popular by an independent person before the resolution decision.
3. Infringement of Article 18(1)(a) in conjunction with Article 18(4)(c) of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014, insofar as the contested decisions uphold the resolution of Banco Popular while, as at 6 June 2017, that bank had no solvency problems and its liquidity problems were temporary.
4. Infringement of Article 18(1)(b) of Regulation (EU) No 806/2014, insofar as the contested decisions consent to the resolution of Banco Popular, while there were reasonable prospects that other means from the private sector could prevent it become unviable within a reasonable time.
5. Infringement of Article 14(2) of Regulation (EU) No 806/2014, since no attempt was made to minimise the cost of the resolution and avoid the destruction of wealth, which was unnecessary to achieve the objectives of the resolution.
6. Infringement of Article 22 of Regulation (EU) No 806/2014, by failing to weight the contested decisions and adopt resolution tools other than the sale of the business, provided for in paragraph 2 thereof, in accordance with the factors set out in paragraph 3.
7. Infringement of Article 15(1)(g) of Regulation (EU) No 806/2014, insofar as the shareholders ought to have received more than they would receive in the event of insolvency.
8. Infringement of Article 29 of Regulation (EU) No 806/2014.
9. Infringement of the right to property and, in consequence, of Article 17 of the Charter of Fundamental Rights of the European Union.
10. Infringement of the right to an effective remedy, given the inability of the shareholders to protect their position.
11. Infringement of the right of the shareholders and other holders of securities included in the scope of the write-down and conversion to be heard before adoption of the individual measure, which adversely affects them, of write-down of their assets.

Action brought on 4 August 2017 — *Álvares de Linera Granda v Commission and SRB*

(Case T-498/17)

(2017/C 330/21)

Language of the case: Spanish

Parties

Applicant: *Álvares de Linera Granda* (Madrid, Spain) (represented by: E. Pastor Palomar, F. Arroyo Romero and N. Subuh Falero, lawyers)

Defendants: Commission and SRB