

- the right to good administration, the right to protection of legitimate expectations and the principle of proportionality, in relation to the check that OLAF carried out;
- the right to be heard, in relation to the acts of the Commission's Directorate-General for Neighbourhood and Enlargement Negotiations after OLAF's check was completed.

Action brought on 08 September 2017 – Teollisuuden Voima v Commission

(Case T-620/17)

(2017/C 402/57)

Language of the case: English

Parties

Applicant: Teollisuuden Voima Oyj (Eurajoki, Finland) (represented by: M. Powell, Solicitor, Y. Utzschneider, K. Struckmann and G. Forwood, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission Decision (EU) 2017/1021 of 10 January 2017 on State aid SA.44727 2016/C (ex 2016/N) which France is planning to implement in favour of the Areva Group ⁽¹⁾;
- order the Commission to pay the applicant's costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission failed to state sufficient reasons, contrary to Article 296 TFEU, due to the excessive redactions of the published version of the contested decision that prevent the applicant from ascertaining the reasons for it and the Court from carrying out its review.
2. Second plea in law, alleging manifest errors of assessment concerning the restoration of the Areva Group's long-term viability.
 - The applicant refers in this regard to the Commission Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, which require that a restructuring plan restore the long-term viability of the beneficiary within a reasonable timescale and on the basis of realistic assumptions ⁽²⁾.
3. Third plea in law, alleging manifest errors in the assessment of the proposed measures to limit distortions of competition in the main market in which the Areva Group will be active after restructuring.
4. Fourth plea in law, alleging an error of assessment in making the State aid approval subject to inappropriate and insufficient conditions.

5. Fifth plea in law, alleging a manifest error in finding the State aid compatible with the internal market, in view of the fact that the proposed restructuring plan does not provide sufficient guarantees that Areva will be able to deliver on the timely completion of the OL3 Project, thus running contrary to certain other EU Treaty objectives which should have been taken in account when examining the compatibility of the State aid.

⁽¹⁾ OJ 2017 L 155, p. 23.

⁽²⁾ OJ 2014 C 249, p. 1, point 47.

Action brought on 21 September 2017 — González Buñuel and Others v SRB

(Case T-642/17)

(2017/C 402/58)

Language of the case: Spanish

Parties

Applicants: Antonio González Buñuel (Barcelona, Spain) and 12 other applicants (represented by: J. De Castro Martín, M. Azpitarte Sánchez and J. Ruiz de Villa Jubany, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicants claim that the General Court should:

- In accordance with Article 263 TFEU, annul the Decision of the SRB concerning the BANCO POPULAR ESPAÑOL (SRB/EES/2017/08);
- In accordance with Article 340(2) TFEU and Article 41(3) of the the Charter of Fundamental Rights of the European Union, order SRB to pay to the applicants, at the expense of the Single Resolution Fund established in accordance with Article 67 of Regulation No 806/2014, compensation for the damage caused to the applicants as a direct consequence of the Decision concerning the BANCO POPULAR ESPAÑOL and the value of which corresponds to the market value of the capital instruments of the banking institution the day preceding (6 June 2017) the implementation of the resolution scheme; in the alternative, in the event that the Court does not uphold the previous claim for compensation, order SRB to pay to the applicants compensation, the value of which corresponds to the difference, which will be determined by the valuation of the independent person laid down in Article 20(16) of Regulation No 806/2014, between the payment in respect of their claims received by the applicants pursuant to the application of the Decision and the amount they would have received under a normal insolvency procedure;
- In accordance with Articles 133 and 134 of the Rules of Procedure of the General Court, order SRB to pay the costs of these proceedings.

Pleas in law and main arguments

The pleas in law and main arguments are similar to those put forward in Cases T-478/17, *Mutualidad de la Abogacía and Hermandad Nacional de Arquitectos Superiores y Químicos v Single Resolution Board*, T-481/17, *Fundación Tatiana Pérez de Guzmán el Bueno and SFL v Single Resolution Board*, T-482/17, *Comercial Vascongada Recalde v Commission and Single Resolution Board*, T-483/17, *García Suárez and Others v Commission and Single Resolution Board*, T-484/17, *Fidesban and Others v Single Resolution Board*, T-497/17, *Sánchez del Valle and Calatrava Real State 2015 v Commission and Single Resolution Board*, and T-498/17, *Pablo Álvarez de Linera Granda v Commission and Single Resolution Board*.
