

2. Mr Ibram Acsen is ordered to pay the costs.

⁽¹⁾ OJ C 269, 14.8.2017.

Action brought on 25 September 2017 — Hernando Avendaño and Others v SRB

(Case T-669/17)

(2018/C 042/41)

Language of the case: Spanish

Parties

Applicants: María Hernando Avendaño (Madrid, Spain), Ignacio Ruiz-Rivas Hernando (Madrid), Juan Ruiz-Rivas Cuesta (Madrid), Lucía Ruiz-Rivas Cuesta (Madrid) (represented by: P. Gabeiras Vázquez, lawyer)

Defendant: Single Resolution Board

Form of order sought

The applicants claim that the General Court should:

- Declare the present action for annulment admissible, together with the evidence submitted and measures sought;
- Annul Decision SRB/EES/2017/08;
- Order the payment of compensation for the harm caused.

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*.

Action brought on 31 October 2017 — Asociación de Usuarios de Bancos, Cajas y Seguros de España v SRB

(Case T-735/17)

(2018/C 042/42)

Language of the case: Spanish

Parties

Applicant: Asociación de Usuarios de Bancos, Cajas y Seguros de España (Adicae Consumidores Críticos y Responsables) (Zaragoza, Spain) (represented by: J. Llanos Acuña, lawyer)

Defendant: Single Resolution Board

Form of order sought

The applicant claims that the General Court should annul the contested decision and declare it null and void.

Pleas in law and main arguments

The present action is brought against the decision of the Single Resolution Board adopted in its executive session of 7 June 2017 (Decision SRB/EES/2017/08) ordering the activation of the Single Resolution Mechanism and its application to the Spanish institution Banco Popular Español, S.A..

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*.

Action brought on 14 November 2017 — Kerkosand v Commission

(Case T-745/17)

(2018/C 042/43)

Language of the Case: German

Parties

Applicant: Kerkosand spol. s.r.o. (Šajdíkové Humence, Slovak Republic) (represented by: A. Rosenfeld and C. Holtmann, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul European Commission Decision C(2017)5050 final of 20 July 2017 in State aid Case SA.38121 (2016/FC) — Slovak Republic ‘Investment aid to the Slovak glass sand producer NAJPI a.s.’;
- in the alternative, annul the letter of notification of 5 September 2017 sent to the applicant’s representatives by the European Commission in Case SA.38121 (2014/CP) ‘Alleged State aid to Slovak glass sand producer NAJPI a.s.’; and
- order the European Commission to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law: infringement of an essential procedural requirement in the form of the first sentence of Article 15(1), in conjunction with Article 4, of Regulation (EU) 2015/1589 ⁽¹⁾

According to the applicant, the defendant takes the view that the aid meets the requirements of Regulation (EU) No 651/2014. ⁽²⁾ This, in the defendant’s view, precludes it from carrying out a preliminary investigation procedure and adopting a decision within the meaning of Article 4(2), (3) or (4) of Regulation (EU) 2015/1589. That view is vitiated by an error of law, since the defendant is authorised to subject aid based on Regulation (EU) No 651/2014 to a preliminary investigation. The more than three and a half year-long investigation procedure crossed the threshold between a prima facie examination and a preliminary investigation. The defendant was therefore obliged, pursuant to the first sentence of Article 15(1) of Regulation (EU) 2015/1589, to adopt a decision within the meaning of Article 4(2), (3) or (4) of Regulation (EU) 2015/1589. The defendant, however, infringed that obligation, in so far as it rejected the complaint as unfounded without establishing that the aid at issue raises no doubts as to its compatibility with the internal market.