

2. **Second ground of appeal, alleging infringement of Article 107(1) TFEU and Article 296(2) TFEU in respect of the conclusion that Measures No 2 and 4 conferred an advantage on the appellant.** With regard to Measure No 2 (2008 guarantee): misinterpretation of the temporal criterion in the concept of undertaking in difficulty. Misinterpretation of the criterion of remuneration of the guarantee. With regard to Measure No 4 (2010 guarantee): (a) failure to state reasons regarding the granting of the guarantee as a current practice; (b) failure to state reasons regarding the irreparable harm that the appellant claims to have suffered; (c) failure to state reasons and infringement of Article 107(1) TFEU and of the principle of protection of legitimate expectations as regards the conditions of the guarantee and the amount of the commission; (d) failure to state reasons regarding the particular position of the National Bank of Greece SA (ETE) as private shareholder.
3. **Third ground of appeal, alleging infringement of Article 107(3)(b) and Article 296(2) TFEU in respect of the conclusion that Measure No 6 was incompatible with the common market.** (a) As regards the application of the 2011 Temporary Framework; (b) as regards the application of the Rescue and Restructuring Guidelines.
4. **Fourth ground of appeal, alleging infringement of Article 108(2) TFEU, Article 14(1) of Regulation No 659/1999⁽¹⁾ and Article 296(2) TFEU regarding the quantification of the aid amount to be recovered by Measures 2, 4 and 6.** As regards the points accepted in the judgment under appeal concerning the specificities of the State aid in the form of guarantees.

⁽¹⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 1999 L 83, p. 1).

**Appeal brought on 6 April 2018 by the Hellenic Republic against the judgment delivered on
1 February 2018 in Case T-506/15 Hellenic Republic v European Commission**

(Case C-252/18 PP)

(2018/C 190/22)

Language of the case: Greek

Parties

Appellant: Hellenic Republic (represented by: G. Kanellopoulos, E. Leftheriotou, A. Vasilopoulou and E. Chroni)

Other party to the proceedings: European Commission

Form of order sought

The appellant asks the Court to grant its appeal, set aside the judgment under appeal of the General Court of 1 February 2018 in Case T-506/15, in accordance with the matters specifically set out in its appeal, uphold the action brought by the Hellenic Republic on 29 August 2015 in accordance with the form of order set out in its application, annul Commission Decision 2015/1119/EU of 22 June 2015 in so far as it imposes (a) one-off and flat-rate financial corrections of EUR 313 483 531,71 for the 2009, 2010 and 2011 claim years in the sector of area-related direct aid, and (b) a flat-rate financial correction of 2 %, with regard to cross-compliance, in the 2011 claim year, and order the Commission to pay the costs of the proceeding.

Pleas in law and main arguments

In support of the appeal, the appellant relies on five grounds:

- A. In so far as the judgment under appeal examines the first and second grounds of appeal, concerning the correction of 25 % of area aid (paragraphs 48-140 of the judgment under appeal).

The first ground of appeal concerns the misinterpretation and application of Article 2 of Regulation (EC) No 796/2004 of the Commission of 21 April 2004, regarding the definition of pasture, and the misapplication of Article 296 TFEU, as well as the insufficient and inadequate reasoning of the judgment under appeal.

The second ground of appeal concerns the misinterpretation and misapplication of the Guidelines (document VI/5530/1997) with respect to whether the conditions for the imposition of a 25 % financial correction are met, misinterpretation and misapplication of Article 296 TFEU and of Articles 43, 44 and 137 of Regulation No 73/2009, insufficient and contradictory reasoning of the judgment under appeal, breach of the principle of equality of arms and alteration of the summary report.

- B. In so far as the judgment under appeal examines the third ground of appeal, concerning the imposition of a 5 % financial correction for weaknesses in the Land Parcel Identification System (LPIS) (paragraphs 141-162 of the judgment under appeal).

The third ground of appeal concerns breach of the principle of legality, of good administration, of the rights of defence of the person concerned, breach of the principle of proportionality, misinterpretation and misapplication of Article 296 TFEU and insufficient reasoning.

- C. In so far as the judgment under appeal examines the fourth ground of appeal, concerning the imposition of a financial correction of 2 % (paragraphs 163-183 of the judgment under appeal).

The fourth ground of appeal concerns the misinterpretation and misapplication of Article 31(2) of Regulation No 1122/2009 and Article 27 of Regulation No 796/2004, inadequate reasoning of the judgment under appeal, as well as a distortion of the content of the application.

- D. In so far as the judgment under appeal examines the fifth ground of appeal, relating to the cross-compliance system (paragraphs 184 to 268 of the judgment under appeal).

The fifth ground of appeal concerns the erroneous interpretation and application of Article 11 of Regulation No 885/2006 and Article 31 of Regulation No 1290/2005, as well as insufficient reasoning of the judgment under appeal.

Order of the President of the Court of 23 January 2018 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — Die Länderbahn GmbH DLB v DB Station & Service AG

(Case C-344/16) ⁽¹⁾

(2018/C 190/23)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 428, 21.11.2016.

Order of the President of the Court of 16 February 2018 — Council of the European Union v PT Wilmar Bioenergi Indonesia, PT Wilmar Nabati Indonesia, European Commission, European Biodiesel Board (EBB)

(Case C-603/16 P) ⁽¹⁾

(2018/C 190/24)

Language of the case: English

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 30, 31.1.2017.
