

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *The costs are reserved.*

Action brought on 9 August 2018 — *Compañía de Tranvías de la Coruña v Commission***(Case T-485/18)**

(2018/C 381/32)

*Language of the case: English***Parties**

Applicant: Compañía de Tranvías de la Coruña, SA (A Coruña, Spain) (represented by: J. Monrabà Bagan, lawyer)

Defendant: European Commission

Form of order sought

- annul European Commission decision C(2018) 3780 final of 7 June 2018 concerning access to documents;
- order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the contested decision fails to respect essential procedural requirements.
 - The decision does not provide sufficient reasoning to deny or give only partial access to documents in view of the inexistent link between the pending Court proceedings relied upon (Joined Cases C-350/17 *Mobit* ⁽¹⁾ and C-351/17 *Autolinee Toscane* ⁽²⁾) and the request for access to documents.
 - Sufficient reasoning is an essential procedural requirement and shall always be respected by the European Commission.
 - The lack of sufficient reasoning entails that the contested decision does not comply with Article 296, second paragraph, TFEU, and, thus, is to be considered void under Article 264, first paragraph, TFEU
2. Second plea in law, alleging, alternatively, the concurrence of an overriding public interest in the disclosure of the documents whose access has been denied by the contested decision.
 - The documents whose access has been requested are of public interest since they would help interpreting essential points on EU regulations on public passenger transport services by rail and by road which have been previously applied by the European Commission.
 - Thus, even were the Court to find a link between the abovementioned pending Joined Cases C-350/17 *Mobit* and C-351/17 *Autolinee Toscane* and the request for access to documents, Article 4(2), *in fine*, of Regulation (EC) No 1049/2001 ⁽³⁾ allows for access to documents when there is an overriding public interest.

- The relevance of the documents, not only for the applicant, but for any authority or stakeholder willing to apply EU regulations on public passenger transport services by rail and by road, constitutes an overriding public interest and, thus, access thereto should be granted.

- ⁽¹⁾ Request for a preliminary ruling from the Consiglio di Stato (Italy), lodged on 12 June 2017, *Mobit Soc.cons. a.r.l. v Regione Toscana* (OJ 2017 C 330, p. 4).
- ⁽²⁾ Request for a preliminary ruling from the Consiglio di Stato (Italy), lodged on 12 June 2017 — *Autolinee Toscane SpA v Mobit Soc. cons. a.r.l.* (OJ 2017 C 330, p. 5).
- ⁽³⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

Action brought on 15 August 2018 — Danske Slagtermestre v European Commission

(Case T-486/18)

(2018/C 381/33)

Language of the case: Danish

Parties

Applicant: Danske Slagtermestre (Odense, Denmark) (represented by: H. Sønderby Christensen, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul the decision of the European Commission of 19 April 2018 in State aid case SA.37433(2017/FC), notified as document C(2018) 2259;
- order the European Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on seven pleas in law:

1. The first plea in law is that the Commission infringed the principle of *audi alteram partem*.

The applicant claims that the Commission infringed the principle of *audi alteram partem*, see Article 41(2)(a) of the Charter of Fundamental Rights of the European Union, in that it failed to give to Danske Slagtermestre the opportunity to be heard in relation to the submissions of the opposing party, on the basis of which the Commission made its decision in this case.

2. The second plea in law is that the Commission was not impartial in making its decision.

The applicant claims that the Commission infringed Danske Slagtermestre's right to impartial treatment.

3. The third plea in law is that the aid grants an advantage.
4. The fourth plea in law is that the aid is selective.
5. The fifth plea in law is that the aid is granted by the State or through State resources.
6. The sixth plea in law is that the aid distorts competition.
7. The seventh plea in law is that the aid affects trade between Member States.