— 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.

The applicant claims, in support of the third to seventh pleas in law, inter alia, that the Commission erred in law in finding that the measure did not confer an advantage on certain undertakings.

— First, it is claimed that the measure confers on large slaughter houses an obvious advantage because the measure ensures that smaller slaughter houses pay more than twice as much in waste water charges per animal for slaughter as compared with large slaughter houses, which therefore can pay a higher price to suppliers.

— Second, it is claimed that there is no objective reason for conferring a reduction in waste water charges only on large slaughter houses, when the 'true cost' payment is the same for small, medium-sized and large slaughter houses, and the measure can only be 'cost true', if the reduction is also given to smaller slaughter houses.

— Third, it is claimed that the Commission's market economy operator (MEO) test is inapplicable for the purposes of assessing whether the measure confers an advantage, because no Danish undertaking has any right to be disconnected from a central treatment plant, and because there is no actual or potential market for waste water drainage in Denmark.

— Fourth, it is claimed that even if the MEO test is applicable, the Commission has not correctly applied that test. The MEO test can only be based on data established in relation to the activity of the specific user. It is incompatible with the MEO test to use average figures obtained from other municipalities in the calculation and, further, to ignore the significant capital expenditure of treatment plants on the connection of large beneficiary undertakings to the municipal plant in the form of expenditure on waste water infrastructure and the expansion of treatment plants.

Action brought on 17 August 2018 — PO v EEAS

(Case T-494/18)

(2018/C 381/34)

Language of the case: French

Parties

Applicant: PO (represented by: N. de Montigny, lawyer)

Defendant: European External Action Service

Form of order sought

The applicant claims that the Court should:

— [Annul] the calculation slip dated 17 October 2017 which was sent to him by email on the same day by the EEAS Human Resources Department;

— [Annul] the email of 16 January 2018 sent to him by the EEAS Human Resources Department confirming the absence of a legal basis to exceed the statutory ceiling for his son and daughter;

— [Annul], in so far as necessary, the decision rejecting the complaint lodged on 17 January 2018 and notified to the applicant on 17 May 2018;

— Order the defendant to pay the costs.