

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Axa Mediterranean Holding SA to pay the costs.

(¹) OJ C 112, 25.3.2019.

Judgment of the Court (Grand Chamber) of 6 October 2021 — Prosegur Compañía de Seguridad SA v European Commission

(Case C-55/19 P) (¹)

(Appeal — State aid — Article 107(1) TFEU — Tax system — Corporate tax provisions allowing undertakings which are tax resident in Spain to amortise the goodwill resulting from the acquisition of shareholdings in companies which are tax resident outside that Member State — Concept of ‘State aid’ — Condition relating to selectivity — Reference system — Derogation — Difference in treatment — Justification for the difference in treatment)

(2021/C 481/08)

Language of the case: Spanish

Parties

Appellant: Prosegur Compañía de Seguridad SA (represented by: J.L. Buendía Sierra, E. Abad Valdenebro, R. Calvo Salinero and A. Lamadrid de Pablo, abogados)

Other party to the proceedings: European Commission (represented by: R. Lyal, B. Stromsky, C. Urraca Caviedes and P. Němečková, Agents)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Prosegur Compañía de Seguridad SA to pay the costs.

(¹) OJ C 112, 25.3.2019.

Judgment of the Court (Full Court) of 30 September 2021 — European Court of Auditors v Karel Pinxten

(Case C-130/19) (¹)

(Article 286(6) TFEU — Breach of the obligations arising from the office of Member of the European Court of Auditors — Deprivation of the right to a pension — Right to effective judicial protection — Regularity of the investigation by the European Anti-Fraud Office (OLAF) — Internal procedure at the Court of Auditors — Activity incompatible with the duties of a Member of the Court of Auditors — Mission expenses and daily allowances — Representation and entertainment expenses — Use of an official car — Use of a driver — Conflict of interests — Proportionality of the penalty)

(2021/C 481/09)

Language of the case: French

Parties

Applicant: European Court of Auditors (represented by: initially, C. Lesauvage, J. Vermer and É. von Bardeleben, and, subsequently, C. Lesauvage, acting as Agents)

Defendant: Karel Pinxten (represented by: L. Levi, avocate)

Operative part of the judgment

The Court:

1. Dismisses Mr Karel Pinxten's application for a stay of proceedings pending the outcome of the criminal proceedings brought by the Luxembourg authorities following the transmission to those authorities of the report of the European Anti-Fraud Office (OLAF) concerning Case No OC/2016/0069/A 1;
2. Dismisses Mr Karel Pinxten's application for an order that the European Court of Auditors disclose a report drawn up following an internal audit and the measures taken as a result of that report, and also any notes from that institution relating to a possible interference with the independence of the internal auditor;
3. Orders the email sent from the President of the European Court of Auditors to the other Members of that institution and its Secretary General, dated 13 February 2019, submitted by Mr. Karel Pinxten in Annex B.10 to his defence, to be removed from the case file;
4. Finds that Mr Karel Pinxten breached the obligations arising from his office as a Member of the European Court of Auditors, within the meaning of Article 286(6) TFEU, with respect to:
 - undeclared and unlawful activity within the governing body of a political party;
 - improper use of the resources of the Court of Auditors to finance activities unrelated to the duties of a Member of that institution to the extent found in paragraphs 387 to 799 of the present judgment;
 - the use of a fuel card to purchase fuel for vehicles belonging to third parties; and
 - a conflict of interest created in the context of a relationship with the head of an audited entity;
5. Declares that Mr Karel Pinxten is deprived of two thirds of his right to a pension as from the date of delivery of the present judgment;
6. Dismisses the action as to the remainder;
7. The Court lacks jurisdiction to rule on the claim for compensation submitted by Mr Karel Pinxten;
8. Orders Mr Karel Pinxten to bear his own costs and to pay those incurred by the European Court of Auditors.

(¹) OJ C 148, 29.4.2019.

Judgment of the Court (First Chamber) of 6 October 2021 — Scandlines Danmark ApS, Scandlines Deutschland GmbH v European Commission, Kingdom of Denmark, Föreningen Svensk Sjöfart, Naturschutzbund Deutschland (NABU) eV (C-174/19 P), Stena Line Scandinavia AB v European Commission, Kingdom of Denmark, Föreningen Svensk Sjöfart (C-175/19 P)

(Joined Cases C-174/19 P and C-175/19 P) (¹)

(Appeal — Action for annulment — State aid — Public financing of the Fehmarn Belt fixed rail-road link — Individual aid — Notified aid declared compatible with the internal market — Execution of an important project of common European interest — Decision not to raise any objections — Monopoly — Distortion of competition and effect on trade)

(2021/C 481/10)

Language of the case: English

Parties

(Case C-174/19 P)

Appellants: Scandlines Danmark ApS, Scandlines Deutschland GmbH (represented by: L. Sandberg-Mørch, advokat)