

Appeal brought on 24 August 2020 by LÍPIDOS SANTIAGA, SA against the order of the General Court (Fourth Chamber) delivered on 11 June 2020 in Case T-561/19, LÍPIDOS SANTIAGA v Commission

(Case C-402/20 P)

(2020/C 348/17)

Language of the case: English

Parties

Appellant: LÍPIDOS SANTIAGA, SA (represented by: P. Muñoz Fernández, abogado)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

- set aside the order of the General Court (Fourth Chamber) of 11 June 2020, LÍPIDOS SANTIAGA v Commission (case T-561/19) notified to the appellant on 12 June 2020, insofar as it dismissed the action as inadmissible;
- declare the action brought by the Appellant admissible and refer the case back to the General Court to rule on the merits of the case; and
- order the European Commission to pay the costs of these proceedings and of the proceedings before the General Court.

Pleas in law and main arguments

First ground of appeal: The General Court erred in law in finding that the Appellant's situation is not affected by the European Union's exclusion of palm oil biofuel from the EU market.

- A. In omitting to examine whether there is a market for palm oil biofuel outside the REDII ⁽¹⁾ mandatory targets, the General Court failed to state sufficient grounds.
- B. The General Court erred in law in concluding that the contested provisions do not trigger the express prohibition contained in Article 26(2) of RED II concerning the use palm oil biofuel.
- C. The General Court erred in law in finding that, as a consequence of the low ILUC-risk exception, the Appellant is not directly affected by the contested provisions.

Second ground of appeal: The General Court erred in law in finding that Member States have discretion to implement the prohibition in Article 26(2) of RED II triggered by the contested provisions.

Third ground of appeal: The General Court's legal characterisation of the effects on the Appellant's situation arising from the contested provisions, as well as its interpretation and application of the direct concern test, are manifestly erroneous.

⁽¹⁾ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ 2018, L 328, p. 82).