

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law based on the three cumulative conditions laid down in the case-law arising from the judgment of 8 November 2011, *Idromacchine and Others v Commission*, T-88/09, EU:T:2011:641, for the European Union to incur liability on the basis of the second paragraph of Article 340 TFEU. That plea in law is divided into three parts.

1. In the first part, the applicant claims that it complained, in its complaints to the European Commission, of non-notified interventions by the French State in the form of capital invested in a fund managed by a company governed by private law enjoying exclusive and special rights for the purposes of Article 106(1) TFEU. It considers that the Commission failed to comply with the operative parts and principles set out in the judgments of 21 July 2016, *Dilly's Wellnesshotel*, C-493/14, EU:C:2016:577, and of 5 March 2019, *Eesti Pagar*, C-349/17, EU:C:2019:172. According to the applicant, the Commission infringes, first, the principle of 'lex posterior derogat legi priori', second, the hierarchy of norms in Article 288 TFEU and, third, the principle of 'lex specialis derogat legi generali'. Finally, the Commission infringed the applicant's procedural rights by not opening the formal procedure laid down in Article 108(2) TFEU after a reasonable period of time.
2. In the second part, the applicant asserts that it was denied the decisive and necessary legal effects which the opening of the formal procedure provide and which would have enabled it to show to the national courts the existence of an obligation to recover the illegal aid at issue. According to the applicant, this would have enabled it to obtain temporary measures designed in particular to deal with the urgency it faced due to the absence of sufficient income.
3. In the third part, the applicant considers that the direct and certain nature of the harm suffered is established, on the ground that the Commission's unlawful conduct prevented it from obtaining from the French authorities the payment of the compensation to guarantee the payment of its banking commitments, which results in material harm, loss of opportunity and non-material harm, for which compensation may be recovered from the Union.

(¹) Confidential data omitted.

Action brought on 17 September 2020 — Ighoga Region 10 and Others v Commission

(Case T-582/20)

(2020/C 414/60)

Language of the case: German

Parties

Applicants: Interessengemeinschaft der Hoteliers und Gastronomen Region 10 e.V. (Ighoga Region 10) (Ingolstadt, Germany), MJ and MK (represented by: A. Bartosch, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul the defendant's decision of 28 April 2020 on State aid SA.48582 (2017/FC) — Germany — Alleged State aid in favour of Maritim Group and KHI Immobilien GmbH (Ingolstadt);
- order the defendant to pay the applicants' costs.

Pleas in law and main arguments

In support of the action, the applicants rely on a single plea in law, alleging infringement of their procedural rights under Article 1(h) of Regulation No 2015/1589 (¹) because the defendant refused to open the formal investigation procedure provided for in Article 108(2) TFEU.

This single plea is divided into four parts as follows:

1. First, the applicants allege unsurmountable serious difficulties concerning the direct advantages in favour of Maritim Group in connection with the operation of the Ingolstadt Congress Centre and Hotel because
 - despite specific evidence calling into question the regularity of the tender for the operation of the Ingolstadt Congress Centre, the defendant failed to carry out an independent assessment of this tender;
 - the defendant relied on an unlawful legal standard in the assessment of whether the leasing conditions were appropriate in market terms;
 - in addition, the defendant submitted an inappropriate criterion for the assessment of whether the leasing conditions were appropriate in market terms; and
 - finally, the defendant refused to use a suitable standard for the assessment of appropriateness in market terms.
2. Second, the applicants allege unsurmountable serious difficulties concerning the direct advantages in favour of Maritim Group, because the defendant completely ignored the complaint and consequently committed numerous factual errors of assessment.
3. Third, the applicants allege unsurmountable serious difficulties on account of the complete lack of any assessment of the subject matter of the complaint concerning alleged overcompensation of the Ingolstadt Congress Centre's financing.
4. Fourth, the applicants allege unsurmountable serious difficulties following an incorrect assessment of the criterion of internationality for the purposes of the law on aid, because
 - the defendant assessed the application of the criteria in relation to the incorrect economic activity;
 - in so doing, it relied on an incorrect legal premiss;
 - it completely ignored the evidence in the complaint in support of its submissions that the criterion of internationality had been fulfilled; and
 - finally, it applied inappropriate and factually incorrect criteria.

(¹) Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015 L 248, p. 9).

Action brought on 25 September 2020 — MP v Commission

(Case T-588/20)

(2020/C 414/61)

Language of the case: French

Parties

Applicant: MP (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the decision of 9 February 2020 impliedly rejecting her request that her pension rights be fixed under the rules in force prior to 1 January 2014, confirmed by the decision of 12 February 2020;
- order the Commission to pay the costs.