

2. Second plea in law, alleging compatibility of the aid with the derogation provided for by Article 106(2) TFEU — Infringement of law — Infringement of the obligation to state reasons
 - The applicant claims in that regard that the decision of 17 June 2021 is, in any event, vitiated by a manifest error of interpretation and application of EU legislation and by the infringement of the defendant's obligation to state reasons, in so far as the Commission — without carrying out any examination in that regard — ruled out the compatibility of the aid in favour of Società Navigazione Siciliana SCpA with the derogation provided for by Article 106(2) TFEU for services of general economic interest (SGEIs).

Action brought on 15 October 2021 — Siremar v Commission

(Case T-668/21)

(2022/C 2/58)

Language of the case: Italian

Parties

Applicant: Sicilia Regionale Marittima SpA — Siremar (Rome, Italy) (represented by: B. Nascimbene, F. Rossi Dal Pozzo and A. Moriconi, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the decision of 17 June 2021 with respect to Articles 2 and 3;
- in the alternative, annul Articles 5 and 6 of the decision which order the immediate and effective recovery of the alleged State aid;
- order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 107(1) and Article 108(2) TFEU and infringement of the 2004 Guidelines for rescuing and restructuring.
 - The applicant claims in this regard that the contested decision is vitiated by an error of law in the application of Article 107(3)(b) TFEU, including with regard to the 2004 Guidelines, in so far as it concluded that the rescue aid to Siremar was illegally prolonged for a year and is incompatible with EU State aid rules.
 2. Second plea in law, alleging infringement of Article 107(1) and Article 108(2) TFEU, with reference to the exemptions from payment of some taxes.
 - The applicant claims in this regard that the right to the contested tax exemption is subject to the conditions defined generally for insolvency proceedings.
 3. Third plea in law, alleging infringement of the principles of legal certainty and of good administration as regards the duration of the proceedings, and that the recovery order is unlawful as a result.
 - The applicant claims in this regard that the investigation procedure that is being criticised here was excessively long, contrary to the principles of legal certainty and of good administration, as well as to the general principles which are corollary of these.
-