

**Appeal brought on 6 July 2022 by the Republic of Slovenia against the judgment of the General Court (Fourth Chamber) of 27 April 2022 in Case T-392/20, Petra Flašker v European Commission**

**(Case C-447/22 P)**

(2022/C 359/55)

*Language of the case: Slovenian*

### **Parties**

*Appellant:* Republic of Slovenia (represented by: B. Jovin Hrastnik)

*Other parties to the proceedings:* Petra Flašker, European Commission

### **Form of order sought**

The appellant claims that the Court should:

- set aside in its entirety the judgment of the General Court;
- dismiss the action brought at first instance; and
- order the applicant at first instance to pay all the costs of the proceedings.

In the event that the Court should find that the state of proceedings does not permit final judgment to be given, the appellant claims that the Court should:

- set aside in its entirety the judgment of the General Court; and
- refer the case back to the General Court for judgment.

### **Pleas in law and main arguments**

1. The General Court misapplied the law, by misinterpreting Article 108(2) and (3) TFEU and Article 4(2) and (3) of Regulation 2015/1589, <sup>(1)</sup> by misconstruing the scope of the obligations on the Commission at the stage of the preliminary examination of a notified measure, and ruling incorrectly as regards the existence of serious difficulties which the Commission faced in examining the measures in question, that is to say the assets under management received by the public pharmacies Lekarna Ljubljana p.o. and Lekarna Ljubljana after 1979
2. The General Court misapplied the law, by making an incorrect legal classification of the facts and wrongly finding that the Commission, by reference to the assets granted under management to Lekarna Ljubljana p.o. in 1979 and transferred to Lekarna Ljubljana in 1997, had faced serious difficulties, as a result of which it had to begin in this case the investigation procedure provided for under Article 108(2) TFEU.
3. The General Court misapplied the law in so far as its judgment is vitiated by failure to provide adequate reasons.
4. The General Court infringed the procedural rules by, on the one hand, taking into consideration general assertions put forward in the application by the applicant and, on the other hand, failing to take into consideration certain allegations put forward by the Commission in its defence. As such, it infringed the Commission's right to an effective remedy and a fair hearing, which also adversely affected the interests of the appellant in the current case.

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<sup>(1)</sup> 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)