

Form of order sought

The applicant claims that the Court should:

- annul the decision of the EBA dated 21 February 2014 No EBA C 2013 002 in its entirety;
- set aside the decision of the Board of Appeal of the European Supervisory Authorities No BoA 2014-CI-02 in the part dismissing the appeal;
- remit the case to the competent body of the EBA to review the complaint by SV Capital OÜ dated 24 October 2012 (as supplemented) as to its substance;
- order the defendant to bear the costs of the proceedings before the General Court including costs incurred in enforcing a judgment or order of the General Court.

Pleas in law and main arguments

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

1. First plea in law, alleging errors of fact as the contested decision No EBA C 2013 002 stated that ‘neither Ms [RR] nor Mr [OP] were heads of the branch of Nordea Bank Finland or key function holders in the meaning of the EBA Suitability Guidelines’ even though the Board of Appeal accepted the applicant’s evidence to the contrary.
2. Second plea in law, alleging that the defendant failed to exercise discretion since it did not take into account the fact i) that Nordea is on the Financial Stability Board list of 29 global systematically important financial institution, ii) that it is a financial conglomerate, iii) that its Estonian branch is a substantial branch and iv) that the alleged violations are of gross nature.
3. Third plea in law, alleging infringement of Article 39(1) of the EBA Regulation ⁽¹⁾ and Article 16 of the EBA Code of Good Administrative Behaviour ⁽²⁾ as the applicant was not given an opportunity to express its views on the defendant’s reasoning and statements of facts before the contested decision EBA C 2013 002 was taken since the defendant did not advise the applicant of its intention not to start the requested investigation of Nordea Bank Finland and did not provide reasons therefore.
4. Fourth plea in law, alleging infringement of Articles 3(3), (4) and (5) of the EBA Internal Rules ⁽³⁾ as the EBA’s Alternate Chairperson was not informed on the basis of anonymised information about the intended decision not to initiate an investigation.
5. Fifth plea in law, alleging misuse of power and unreasonable conduct of the EBA as the defendant was biased and, taking into account the amount of time and effort spent by the defendant on the complaint and its admissibility, there was no reason to abandon the case without making a reasoned decision as to its merits.

⁽¹⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing an European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ 2010 L 331, p. 12).

⁽²⁾ Decision DC 006 of the Management Board of 12 January 2011 on EBA Code of Good Administrative Behaviour.

⁽³⁾ Decision DC 054 of the Board of Supervisors of 5 July 2012 concerning the Internal Processing Rules on Investigation regarding Breach of Union Law.

**Action brought on 19 September 2014 — Milchindustrie-Verband and Deutscher Raiffeisenverband
v Commission**

(Case T-670/14)

(2014/C 431/53)

Language of the case: German

Parties

Applicants: Milchindustrie-Verband e.V. (Berlin, Germany), Deutscher Raiffeisenverband e.V. (Berlin) (represented by: I. Zenke and T. Heymann, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- Annul the defendant's Communication 2014/C 200/01 of 28 June 2014 on the Guidelines on State aid for environmental protection and energy 2014-2020, in so far as the dairy processing industry (NACE 10.51) is not mentioned in Annex 3 although it satisfies the criteria set out in Section 3.7.2 of the guidelines;
- Order the defendant 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 a misuse of powers due to a manifest error of assessment in the choice of the reference period
 - In this connection, the applicants submit that, in establishing the Guidelines on State aid for environmental protection and energy 2014-2020 ⁽¹⁾, the defendant infringed elementary principles relating to the exercise of discretion by relying on obsolete data in calculating the trade intensity of the industries, although new data was available.
2. Second plea in law, alleging a misuse of powers due to an insufficient examination of the factual situation
 - The applicants submit that the defendant also misused its powers because it did not, in calculating the trade intensity, identify and take into account all of the products that are actually produced by the dairy industry. That results in a distorted presentation of the competitive position.
3. Third plea in law, alleging infringement of essential procedural requirements
 - The applicants further submit that, in classifying the economic sectors under Annex 3 or 5 of the guidelines on State aid, the defendant infringes Article 296 TFEU because it does not state anywhere how and on the basis of what data the criterion of trade intensity is calculated and determined. As a result the parties concerned are prevented from effectively exercising their rights.

⁽¹⁾ Communication from the Commission — Guidelines on State aid for environmental protection and energy 2014-2020 (OJ 2014 C 200, p. 1).

Action brought on 18 September 2014 — El-Qaddafi v Council

(Case T-681/14)

(2014/C 431/54)

Language of the case: English

Parties

Applicant: Aisha Muammer Mohamed El-Qaddafi (Muscat, Oman) (represented by: J. Jones, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- adopt a measure of organisation of procedure under Article 64 of its Rules of Procedure, requiring the Council to disclose all the information supporting the applicant's listing in the contested measures;
- annul in whole or in part Council Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya, as amended by Council Decision 2014/380/CFSP of 23 June 2014, insofar as it concerns the applicant;