Form of order sought

The applicant claims that the Court should:

— find that the Commission has failed to fulfil its obligations under the TFEU and the Charter of Fundamental Rights by failing to take a position on the complaint brought before it by the applicant on 12 July 2012 concerning abuse of a dominant position by the VELUX group, notwithstanding the fact that it was formally called on to do so;

— order the Commission to pay the costs, even in the event that the case does not proceed to judgment in view of the adoption by the Commission of a decision during the judicial proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, alleging infringement of Article 288 TFEU, read in conjunction with Articles 102 TFEU and 105 TFEU and with Article 41 of the Charter of Fundamental Rights.

The adoption, after three and a half years, of an initial, allegedly factual position in the procedure regarding the complaint lodged by the applicant does not constitute dealing with the case within a reasonable time. The Commission has not produced any evidence making it possible to determine that any action whatsoever was undertaken during the investigation procedure. Before adopting a decision, the Commission is required to carry out a thorough analysis of the matters of fact and of law put forward by the complainant. The proceedings initiated by the applicant constitute the only way in which it can safeguard its rights.

Action brought on 15 May 2017 — Optile v Commission

(Case T-309/17)

(2017/C 249/46)

Language of the case: French

Parties

Applicant: Organisation professionnelle des transports de l'Île de France (Optile) (Paris, France) (represented by: F. Thiriez and M. Dangibeaud, lawyers)

Defendant: European Commission

Form of order sought

— Principally, annul in part Article 1 of European Commission Decision SA.26763 of 2 February 2017 concerning presumed aid granted to public transport undertakings by the Île-de-France region, but only insofar as it deems the aid scheme implemented by the Île-de-France region from 1979 until 2008 constituted a new aid scheme 'unlawfully implemented';

— In the alternative, annul in part Article 1 of European Commission Decision SA.26763 of 2 February 2017 concerning presumed aid granted to public transport undertakings by the Île-de-France region in that it holds that the aid scheme was 'unlawfully implemented' between May 1994 and 25 December 2008.

Pleas in law and main arguments

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

1. First plea in law, alleging that Commission Decision SA.26763 (ex 2012/NN) of 2 February 2017 concerning presumed aid granted to public transport undertakings by the Île-de-France region (C(2017) 439 final; 'the contested decision') held that the scheme examined constituted a new aid scheme. In that regard, the applicant puts forward the following complaints:

   — disregard of Article 1(b)(i) of Council Regulation (EU) No 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; 'Regulation No 2015/1589'), insofar as the legal basis of the scheme examined predates the Treaty of Rome;

   — insufficient reasoning in the light of Article 1(b)(v) of Regulation No 2015/1589;

— error in fact and in law as regards the date of liberalisation of the market.

2. Second plea in law, alleging that the contested decision classifies the scheme as a new aid scheme for the period of 1994 to 1998. In that context, the applicant alleges:

— infringement of the procedural rights of the parties and of the principles of legal certainty and legitimate expectations in that the Commission extended the scope of its investigation beyond the framework laid down by the opening decision;

— infringement of Article 17 of Regulation No 2015/1589, in that the Commission took the view that an application for repeal made by a private individual interrupted the limitation period.

Action brought on 1 June 2017 — Campbell v Commission

(Case T-312/17)

(2017/C 249/47)

Language of the case: English

Parties

Applicant: Liam Campbell (Dundalk, Ireland) (represented by: J. MacGuill, Solicitor)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the Commission's decision of 7 April 2017 refusing the applicant access to documents concerning infringement proceedings initiated against Lithuania for alleged non-implementation of Directive 2010/64/EU. ([1])

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 the failure by the defendant to conduct a concrete assessment of the request for access to documents under Regulation 1049/2001, in breach of relevant case-law.

2. Second plea in law, alleging the defendant's unlawful reliance on certain general presumptions relating to the disclosure of documents, in breach of the principles identified in the relevant case-law.

3. Third plea in law, alleging the defendant's failure to process a specific and effective examination of the risk for each document, likewise in breach of relevant case-law.

4. Fourth plea in law, alleging the defendant's failure to carry out a specific and effective examination of potential partial access in breach of the case-law.

5. Fifth plea in law alleging a manifest error of assessment by the defendant regarding the existence of an overriding public interest, in breach of the principles in the case-law.

([1]) Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ 2010, L 280, p. 1).

Action brought on 15 May 2017 — Hebberecht v EEAS

(Case T-315/17)

(2017/C 249/48)

Language of the case: French

Parties

Applicant: Chantal Hebberecht (Addis Ababa, Ethiopia) (represented by: B. Maréchal, lawyer)