

**Form of order sought**

The applicant claims that the General Court should:

- Declare that the Single Resolution Board has incurred non-contractual liability and order it to repair the harm suffered by the applicant as a result of both its actions and its omissions which deprived the applicant of the BANCO POPULAR ESPAÑOL, S.A. bonds and securities it owned;
- Principally, order the Board to reimburse the applicant EUR 543 242,11 for investments made in Banco Popular shares and EUR 304 950 for investments in Banco Popular securities;
- In the alternative, order the Board to pay EUR 451 459 for the applicant's Banco Popular shares and EUR 304 950 for its Banco Popular securities ('the amount due');
- Increase the amount due with compensatory interest as of 7 June 2017 until delivery of the judgment disposing of the present case;
- Increase the amount due with corresponding default interest as of the date of delivery of judgment until its payment in full, at the rate set by the European Central Bank (ECB) for main refinancing operations, increased by two percentage points.
- Order the SRB to pay the costs.

**Pleas in law and main arguments**

The pleas in law and main arguments are similar to those relied on in Case T-659/17, *Vallina Fonseca v SRB*.

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**Action brought on 5 October 2017 — Top Cable v SRB**

(Case T-689/17)

(2017/C 412/52)

*Language of the case: Spanish*

**Parties**

*Applicant:* Top Cable, SA (Rubí, Spain) (represented by: R. Vallina Hoset and A. Sellés Marco, lawyers)

*Defendant:* Single Resolution Board

**Form of order sought**

The applicant claims that the General Court should:

- Declare that the Single Resolution Board has incurred non-contractual liability and order it to repair the harm suffered by the applicant as a result of both its actions and its omissions which deprived the applicant of the BANCO POPULAR ESPAÑOL, S.A. bonds and securities it owned;
- Order the Board to pay the applicant EUR 52 000 000 as damages for the harm suffered ('the amount due');
- Increase the amount due with compensatory interest as of 7 June 2017 until delivery of the judgment disposing of the present case;
- Increase the amount due with corresponding default interest as of the date of delivery of judgment up to its payment in full, at the rate set by the European Central Bank (ECB) for main refinancing operations, increased by two percentage points.
- Order the SRB to pay the costs.

**Pleas in law and main arguments**

The pleas in law and main arguments are similar to those relied on in Case T-659/17, *Vallina Fonseca v SRB*.

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**Action brought on 9 October 2017 — Havenbedrijf Antwerpen and Maatschappij van de Brugse Zeehaven v Commission****(Case T-696/17)**

(2017/C 412/53)

*Language of the case: Dutch***Parties**

*Applicants:* Havenbedrijf Antwerpen NV (Antwerp, Belgium) and Maatschappij van de Brugse Zeehaven NV (Zeebrugge, Belgium) (represented by: P. Wytinck, W. Panis and I. Letten, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the General Court should:

- declare the application for annulment admissible;
- annul Decision C(2017) 5174 final of the European Commission of 27 July 2017 concerning state aid scheme No SA.38393 (2016/C, ex 2015/E) — Ports taxation in Belgium, implemented by Belgium;
- in the alternative, grant a transitional period until such time that the Commission has completed its investigation into the tax regime of the various ports in the EU, amounting, in any event, to one full year;
- order the Commission to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicants rely on four pleas in law.

1. First plea in law, alleging infringement of Article 107 TFEU and Article 296 TFEU.
  - The Commission infringes Article 107 TFEU in so far as it incorrectly considers there to be a ‘market’ on which the port authorities provide their services.
  - The port authorities’ main activities, namely providing access to ports and making lands available by means of domain concessions, involve activities that are non-economic in nature. At the very least, the Commission did not justify the opposite conclusion in an adequate manner, thereby infringing Article 296 TFEU.
2. Second plea in law, alleging infringement of Article 107 TFEU in so far as the Commission wrongly qualifies the measure as selective.

Making the port authorities subject to the regime of tax on legal persons is not a derogation from the ‘reference system’ since the tax on legal persons is a reference system in itself. The liability of the port authorities to the tax on legal persons is explained by the fact that the management of the ports as a public domain is a public task which is not subject to corporation tax. The port authorities still perform, in essence, a public service, on a non-profit basis, in accordance with the conditions of the legislature and under administrative supervision.

3. Third plea in law, alleging infringement of Article 107 TFEU in so far as the derogation from the reference system is, in any event, justified.