

Pleas in law and main arguments

The present action is brought against the notice of 6 February 2019 issued by the Commission's Directorate-General for Agriculture and Rural Development, which decided to close the file on the complaint submitted by the applicants on 5 February 2018 by which they claimed that Decreto del Ministero delle Politiche Agricole, Alimentari e Forestali, del 15 dicembre 2016, n. 6762 (Decree No 6762 of the Ministry of Agriculture, Food and Forestry of 15 December 2016), approving the plan for the regulation of the supply of 'Parmigiano-Reggiano' cheese for the three-year period from 2017 to 2019 inclusive, was unlawful, as was Decreto del Ministero delle Politiche Agricole, Alimentari e Forestali, del 19 settembre 2017, n. 5320 (Decree No 5320 of the Ministry of Agriculture, Food and Forestry of 19 September 2017), which approved amendments to the plan for the regulation of the supply of 'Parmigiano-Reggiano' cheese for the three-year period from 2017 to 2019 inclusive.

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

1. First plea in law, alleging misinterpretation of Article 150 of Regulation (EU) No 1308/2013 as regards establishing the qualified majority of producers concerned by the proposed regulation of supply.
2. Second plea in law, alleging misinterpretation of Article 150 of Regulation (EU) No 1308/2013 as regards the need to establish the substantive criteria for market imbalance for the purpose of adopting temporary supply regulation measures, and as regards the need for an adequate accompanying statement of reasons.
3. Third plea in law, alleging misinterpretation of Article 150 of Regulation (EU) No 1308/2013 as regards the prohibition of discriminatory plans for regulation of supply.

(¹) OJ 2013 L 347, p. 608.

Action brought on 8 April 2019 — Klöckner Pentaplast v Commission

(Case T-231/19)

(2019/C 213/49)

Language of the case: German

Parties

Applicant: Klöckner Pentaplast GmbH (Heiligenroth, Germany) (represented by: N. Voß and D. Fouquet, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 (OJ 2019 L 14, p. 1) in respect of the years 2012 and 2013;
- in the alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in respect of the years 2012 and 2013; and

— order the defendant to pay the costs, including lawyers' fees and travel expenses.

Pleas in law and main arguments

The application is based on the following grounds.

1. Wrongful presumption of the existence of State aid for the purposes of Article 107(1) TFEU

In the first plea in law, it is claimed that the defendant erred in law in its examination of the contested exemption from network charges by presuming the use of State resources.

In addition, in the examination of the 'selectivity' criterion, the reference system was incorrectly and incompletely identified.

It is further claimed that, because of the incomplete identification of the reference system, the defendant failed to comply with its obligation to state reasons under the second paragraph of Article 296 TFEU.

2. Infringement of the principle of the protection of legitimate expectations

In the second plea in law, it is claimed that, in view of the particular circumstances, the applicant could expect to be allowed to retain the special network charges granted.

Action brought on 8 April 2019 — H&R Ölwerke Schindler v Commission

(Case T-232/19)

(2019/C 213/50)

Language of the case: German

Parties

Applicant: H&R Ölwerke Schindler GmbH (Hamburg, Germany) (represented by: F. Wagner and N. Voß, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 (OJ 2019 L 14, p. 1) in respect of the years 2012 and 2013;

— in the alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in respect of the years 2012 and 2013;