



Reports of Cases

Judgment of the Court (Seventh Chamber) of 3 March 2016 —

Spain v Commission

(Case C-26/15 P)¹

(Appeal — Regulation (EC) No 1234/2007 — Common organisation of agricultural markets — Implementing Regulation (EU) No 543/2011 — Fifth indent of Part D of Section VI of Part B 2 of Annex I — Fruit and vegetables and processed fruit and vegetables sectors — Citrus fruits — Conditions for marketing — Provisions concerning marking — Indications of preserving agents or other chemical substances used in post-harvest processing)

1. *Appeal — Grounds — Inadequate statement of reasons — Separate ground from the one concerning substantive legality (Arts 256 TFEU and 296 TFEU) (see para. 21)*
2. *Agriculture — Common organisation of the markets — Fruit and vegetables — Marketing conditions — Commission's margin of discretion — Account to be taken of recommendations concerning standards adopted within the United Nations Economic Commission for Europe — Scope (Council Regulation No 1234/2007, Art. 113(2); Commission Regulation No 543/2011, Recital 6) (see paras 23-25)*
3. *Acts of the institutions — Statement of reasons — Obligation — Scope — Measures of general application (Art. 296 TFEU; Commission Regulation No 543/2011) (see paras 29-31)*
4. *Appeal — Grounds — Mistaken assessment of the facts — Inadmissibility — Review by the Court of Justice of the findings made by the General Court as to whether the facts relied on without having been proven are well known — Possible only where the clear sense of the evidence has been distorted (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.) (see para. 46)*
5. *Appeal — Grounds — Mistaken assessment of the facts — Inadmissibility (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.) (see paras 57, 94)*
6. *Appeal — Grounds — Plea directed against a superfluous ground — Invalid plea in law (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.) (see paras 59, 96)*

¹ — OJ C 89, 16.3.2015.

7. *EU law — Principles — Equal treatment — Limits — Economic operators not in a comparable situation — Competitive disadvantage incurred by one of them as a result of unequal treatment — No discrimination (see paras 63, 64)*
8. *Appeal — Grounds — Lack of specific criticism of a point of the General Court's reasoning — Inadmissibility (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 169(2)) (see para. 71)*
9. *Appeal — Grounds — Plea submitted for the first time in the context of the appeal — Inadmissibility (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.) (see para. 84)*
10. *Appeal — Grounds — Mere repetition of the pleas and arguments put forward before the General Court — Inadmissibility (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 169(2)) (see para. 86)*

Operative part

The Court:

1. Dismisses the appeal;
2. Orders the Kingdom of Spain to pay the costs.