



## Reports of Cases

Order of the Court (Sixth Chamber) of 21 April 2016 —

**Dansk Automat Brancheforening v Commission**

(Case C-563/14 P)<sup>1</sup>

(Appeal — Article 181 of the Rules of Procedure of the Court — Actions for annulment — Article 263, fourth para., TFEU — Right to bring an action — Locus standi — Natural or legal persons — State aid — Decision declaring aid compatible with the internal market — Act concerning the applicant individually — Regulatory act not requiring implementing measures)

1. *Appeal — Grounds — Grounds which are manifestly inadmissible or manifestly unfounded — Dismissal at any point, by reasoned order, without an oral procedure (Rules of Procedure of the Court of Justice, Art. 181) (see para. 12)*
2. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Commission decision terminating an aid proceeding — Competitor of the undertaking receiving the aid — Right to bring an action — Conditions (Arts 108(2) TFEU and 263, fourth para., TFEU) (see paras 20-23)*
3. *Appeal — Grounds — Incorrect assessment of the facts and evidence — Inadmissibility — Review by the Court of the assessment of the facts and evidence — Possible only where the clear sense of the evidence has been distorted — Ground of appeal alleging distortion of the clear sense of the evidence — Necessity of indicating precisely the evidence alleged to have been distorted and showing the errors of appraisal which led to that distortion (Art. 256(1), second para., TFEU; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 168(1)(d)) (see paras 26, 32, 40, 41)*
4. *Appeal — Grounds — Mere repetition of the pleas and arguments put forward before the General Court — Error of law relied on not identified — Manifest inadmissibility (Art. 256(1) TFEU; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 168(1)(d)) (see para. 27)*
5. *Appeal — Grounds — Plea directed against a superfluous ground — Invalid plea in law — Rejection (Art. 256(1) TFEU; Statute of the Court of Justice, Art. 58, first para.) (see para. 43)*

<sup>1</sup> — OJ C 46, 9.2.2015.

6. *Appeal — Grounds — Plea submitted for the first time in the context of the appeal — Inadmissibility (Art. 256(1) TFEU) (see para. 46)*
7. *Actions for annulment — Natural or legal persons — Regulatory acts entailing implementing measures or not — Definition — Court remedies available against such measures (Arts 263, fourth para., TFEU, 267 TFEU and 277 TFEU) (see paras 51-54)*
8. *Actions for annulment — Natural or legal persons — Regulatory acts not entailing implementing measures within the meaning of Article 263, fourth para., TFEU — Definition — Commission decision declaring State aid compatible with the internal market — Implementation of commitments by national measures — Not included (Art. 263, fourth para., TFEU) (see paras 55-61)*
9. *Appeal — Grounds — Plea directed against the decision of the General Court on costs — Inadmissible where all other pleas are rejected (Statute of the Court of Justice, Art. 58, second para.) (see paras 64-67)*

### **Operative part**

1. The appeal is dismissed.
2. Dansk Automat Brancheforening is ordered to pay the costs.
3. The Kingdom of Denmark is ordered to pay the costs.