



Reports of Cases

Order of the Court (Sixth Chamber) of 9 March 2017 — Simet v Commission

(Case C-232/16 P)¹

(Appeal — Article 181 of the Rules of Procedure of the Court of Justice — State aid — Transport sector — Inter-regional bus transport services — Regulation (EEC) No 1191/69 — Right to compensation for expenses arising from the performance of public service obligations — National judicial decision — Aid incompatible with the internal market)

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. 33)

2. *Judicial proceedings — Written procedure — Authorisation of a reply restricted to questions of admissibility — No possibility for the parties to submit certain arguments as to the substance*

(Rules of Procedure of the Court of Justice, Art. 175(2))

(see paras 39-41)

3. *Appeal — Grounds — Incorrect assessment of the facts and evidence — Review by the Court of the findings of fact — 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 paras 56-60, 74, 84, 111, 116)

4. *Appeal — Grounds — Specific criticism of a point of the General Court's reasoning necessary*

(Art. 256(1), second para., TFEU; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Arts 168(1)(d) and 169(2))

(see paras 63-65, 98, 102-103, 110, 117)

¹ OJ C 232, 27.6.2016.

5. *State aid — Examination by the Commission — No observations by the persons concerned — Not relevant to the validity of the Commission decision — Obligation to examine matters not expressly invoked by the Commission's own motion — No such obligation*

(Art. 108(2) TFEU)

(see para.68)

6. *Actions for annulment — Grounds — Lack of or inadequate statement of reasons — Separate ground from the one concerning substantive legality*

(Arts 263 TFEU and 296 TFEU)

(see paras 80-81)

7. *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 paras 94-97)

8. *Judicial proceedings — Introduction of new pleas during the proceedings — Conditions — New plea — Concept — Arguments closely linked to a plea set out in the application initiating proceedings — Not included*

(Rules of Procedure of the General Court (1991), Art. 48(2))

(see paras 121-124)

Operative part

1. The appeal is dismissed.
2. Simet SpA shall pay the costs.