

Grounds of appeal and main arguments

I. In support of the appeal against the order by which the General Court declared the action inadmissible.

I.1.- Regarding the finding that SACBO lacks legal standing. Error of law: infringement and/or misapplication of the following provisions: fourth paragraph of Article 263 TFEU; Articles 6 and 13 ECHR; Article 47 of the Charter of Fundamental Rights of the European Union; Article III.8.2 of Decision C (2010) 4456; second paragraph of Article 296 TFEU owing to an inadequate and/or contradictory statement of reasons and decision; Article 107 TFEU and Article 108(3) TFEU.

- the order is flawed in so far as it did not find that, as a co-financer, SACBO is responsible for the entire investment and the implementation thereof and is accordingly affected by all aspects of the contested decision, that is to say, by the non-recovery of the investments made, by the sums to be repaid, and by the complaints set out in that decision, all of which relate to SACBO's conduct;
- infringement of Article 107 TFEU and Article 108 TFEU, since the General Court failed to find that the recovery by ENAC (l'Ente Nazionale per l'Aviazione Civile) (Italian Civil Aviation Authority) of the joint funding is obligatory under EU law, with non-repayment constituting unlawful State aid;
- the order is flawed in so far as it did not consider SACBO's role in the process which led to the adoption of the contested decision;
- the order is flawed in so far as it did not consider SACBO's legal standing, arising from the harm done to its image as a result of the contested decision.

I.2.- Regarding the finding that the contested decision is not an actionable measure. Error of law: infringement and/or misapplication of the fourth paragraph of Article 263 TFEU and infringement of Article III.3.6 and Article III.3.9 of the financing decision; infringement and/or misapplication of the second paragraph of Article 296 TFEU owing to a contradictory statement of reasons.

- the order is flawed in so far as it did not find that the financing decision also constitutes the repayment obligation as it clearly and definitively establishes the level of funding and the sums to be repaid;
- the order is flawed in so far as it did not find that the contested decision constitutes the final closing act in the funding reduction process, independent of and separate from the subsequent stage of actual recovery.

II. Reproduction of the pleas in law relied upon at first instance ⁽¹⁾ for the purposes of the first paragraph of Article 61 of the Statute of the Court of Justice.

⁽¹⁾ OJ C 207, p. 46.

**Request for a preliminary ruling from the Tribunale di Firenze (Italy) lodged on 12 June 2014 —
Criminal proceedings against Skerdjan Celaj**

(Case C-290/14)

(2014/C 292/22)

Language of the case: Italian

Referring court

Tribunale di Firenze

Party to the main proceedings

Skerdjan Celaj

Question referred

Do the provisions of Directive 2008/115⁽¹⁾ preclude a Member State's legislation which provides for the imposition of a sentence of imprisonment of up to four years on an illegally staying third-country national [**Or.10**] who, having been returned to his country of origin *neither as a criminal law sanction nor as a consequence of a criminal law sanction*, has re-entered the territory of the State in breach of a lawful re-entry ban *but has not been the subject of the coercive measures provided for by Article 8 of Directive 2008/115 with a view to his swift and effective removal?*

⁽¹⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ 2008 L 348, p. 98).

Action brought on 24 June 2014 — European Commission v Kingdom of Belgium

(Case C-302/14)

(2014/C 292/23)

Language of the case: French

Parties

Applicant: European Commission (represented by: P. Hetsch, O. Beynet, K. Herrmann, acting as Agents)

Defendant: Kingdom of Belgium

Form of order sought

- declare that, as regards Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings⁽¹⁾, by failing to adopt, for some parts of its territory, the transposition provisions of the definitions in Article 2(2), (7) and (9) and the requirements laid down in Article 8(1), Article 9(1), Article 11(2) to (5), and Article 18 and Annex II or, in any event, by failing to notify those provisions to the Commission, the Kingdom of Belgium has failed to fulfill its obligations under Article 28(1) of the Directive;
- impose upon the Kingdom of Belgium, under Article 260(3) of the TFEU, a daily penalty of EUR 42 178,50 with effect from delivery of the judgment of the Court and payable to the European Union's own resources account, for failure to fulfil its obligation to notify measures transposing a directive adopted under a legislative procedure;
- order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The period for transposition of Directive 2010/31/EU expired on 9 July 2012.

⁽¹⁾ OJ 2010 L 153, p. 13.

Request for a preliminary ruling from the Helsingin hovioikeus (Finland) lodged on 30 June 2014 — Nike European Operations Netherlands BV v Sportland Oy, in liquidation

(Case C-310/14)

(2014/C 292/24)

Language of the case: Finnish

Referring court

Helsingin hovioikeus