

C/2025/1411

10.3.2025

Appeal brought on 19 December 2024 by European Food SA, Starmill SRL, Multipack SRL, Scandic Distilleries SA and Ioan Micula against the judgment of the General Court (Second Chamber, Extended Composition) delivered on 2 October 2024 in Joined Cases T-624/15 RENV, T-694/15 RENV and T-704/15 RENV, European Food and Others v Commission

(Case C-890/24 P)

(C/2025/1411)

*Language of the case: English***Parties**

Appellants: European Food SA, Starmill SRL, Multipack SRL, Scandic Distilleries SA and Ioan Micula (represented by: N. Forwood, BL, W. De Catelle, G. Forwood and P. Paschalidis, avocats)

Other parties to the proceedings: European Commission, Federal Republic of Germany, Kingdom of Spain, Republic of Latvia, Hungary and Republic of Poland

Form of order sought

The appellants claim that the Court should:

- Set aside the judgment of the General Court (Second Chamber, Extended Composition) of 2 October 2024 in Cases T-624/15 RENV, T-694/15 RENV and T-704/15 RENV, European Food and Others v Commission;
- Annul the contested decision ⁽¹⁾;
- In the alternative, refer Cases T-624/15 and T-694/15 back to the General Court for reconsideration; and
- Order the Commission and the interveners to pay its costs of these proceedings in Cases T-624/15, T-694/15, T-624/15 RENV, T-694/15 RENV, and C-638/19 P.

Pleas in law and main arguments

In support of the action, the Appellants rely on eight grounds of appeal:

First ground of appeal, alleging an improper ‘substitution de motifs’ and error in holding that EU law precluded Romania from executing the award issued by the arbitral tribunal in Case ARB/05/20 on 11 December 2013 (the Award);

Second ground of appeal, alleging an error in upholding the contested decision’s finding that the alleged aid measure – payment of the Award – constituted an economic advantage for the purposes of Article 107(1) TFEU;

Third ground of appeal, alleging an error in upholding the contested decision’s finding that the aid measure at issue was imputable to Romania;

Fourth ground of appeal, alleging an error in upholding the contested decision’s finding as regards the compatibility of the aid measure with the internal market;

Fifth ground of appeal, alleging an error in relation to the determination of the beneficiaries;

Sixth ground of appeal, alleging an error in relation to the order to recover from all the alleged beneficiaries, regardless of any actual benefit;

⁽¹⁾ Commission Decision (EU) 2015/1470 of 30 March 2015 on State aid SA.38517 (2014/C) (ex 2014/NN) implemented by Romania – Arbitral award Micula v Romania of 11 December 2013 (OJ 2015 L 232, p. 43).

Seventh ground of appeal, alleging errors in concluding that the contested decision did not infringe Article 351 TFEU;

Eighth ground of appeal, alleging that the retroactive application of EU law to the Award constitutes an unlawful and disproportionate interference with the Arbitral Claimants' right to property, contrary to Article 17 of the Charter and Article 1 of Protocol No 1 of the European Convention of Human Rights.
