

**Action brought on 3 March 2010 — European Commission
v Council of the European Union**

(Case C-118/10)

(2010/C 113/54)

Language of the case: English

Parties

Applicant: European Commission (represented by: V. Di Bucci, L. Flynn, K. Walkerová, A. Stobiecka-Kuik, Agents)

Defendant: Council of the European Union

The applicant claims that the Court should:

— Annul Council Decision 2009/991/EU ⁽¹⁾ of 16 December 2009 on the granting of State aid by the authorities of the Republic of Latvia for the purchase of agricultural land between 1 January 2010 and 31 December 2013;

— order the Council of the European Union to pay the costs of the present proceedings.

Pleas in law and main arguments

The Council, by adopting the contested decision, has overturned the Commission's decision resulting from the proposal for appropriate measures in Point 196 of the 2007 Agricultural Guidelines and from its unconditional acceptance by Latvia, obliging the latter to bring to an end an existing aid scheme for the purchase of agricultural land by 31 December 2009 at the latest. Under the guise of exceptional circumstances, the Council has in fact allowed Latvia to maintain that scheme until the expiry of the 2007 Agricultural Guidelines on 31 December 2013. The circumstances put forward by the Council as the grounds for its decision are self evidently not exceptional circumstances of such a nature as to justify the decision taken and make no allowance for the Commission's decision on that scheme. In support of its action for annulment, the Commission will put forward four pleas in law:

a) In the first place, it considers that the Council was not competent to act under the third subparagraph of Article 108(2) TFEU because the aid which it approved was existing aid which Latvia had committed to eliminating by the end

of 2009 when it accepted the appropriate measures proposed to it by the Commission.

b) Secondly, the Council has misused its powers, seeking to neutralise the determination that aid measures which Latvia was free to retain until the end of 2009 but not after that date could be kept in place until 2013.

c) Next, in its third plea, the contested decision was adopted in breach of the principle of sincere cooperation which applies to Member States and also between institutions. By its decision, the Council has released Latvia from its obligation of cooperation with the Commission in relation to the appropriate measures accepted by that Member State regarding existing aid for purchase of agricultural land in the context of the cooperation established by Article 108(1) TFEU.

d) By its final plea, the Commission will argue that the Council committed a manifest error of assessment insofar it found that exceptional circumstances existed which justify the adoption of the approved measure.

⁽¹⁾ OJ L 339, 22.12.2009, p. 34

**Reference for a preliminary ruling from the
Marknadsdomstolen (Sweden) lodged on 8 March 2010
— Konsumentombudsmannen (KO) v Ving Sverige AB**

(Case C-122/10)

(2010/C 113/55)

Language of the case: Swedish

Referring court

Marknadsdomstolen

Parties to the main proceedings

Applicant: Konsumentombudsmannen (KO)

Defendant: Ving Sverige AB