

2. Orders Banco Santander, SA and Santusa Holding, SL to bear their own costs and to pay those incurred by the European Commission;
3. Orders the Federal Republic of Germany, Ireland and the Kingdom of Spain to bear their own respective costs.

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<sup>(1)</sup> OJ C 282, 24.9.2011.

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**Judgment of the General Court of 15 November 2018 — Axa Mediterranean v Commission**

(Case T-405/11) <sup>(1)</sup>

*(State aid — Provisions concerning corporate tax allowing undertakings which are tax resident in Spain to amortise the goodwill resulting from the acquisition of shareholdings in undertakings which are tax resident abroad — Decision declaring the aid to be incompatible with the internal market and ordering its recovery — Concept of State aid — Selectivity — Reference system — Derogation — Difference in treatment — Justification of the difference in treatment — Undertakings benefiting from the measure — Legitimate expectations)*

(2019/C 25/45)

Language of the case: Spanish

**Parties**

*Applicant:* Axa Mediterranean Holding, SA (Palma de Mallorca, Spain) (represented by: initially, J. Buendía Sierra, E. Abad Valdenebro, M. Muñoz de Juan and R. Calvo Salinero, and, subsequently, J. Buendía Sierra, E. Abad Valdenebro and R. Calvo Salinero, and, finally, J. Buendía Sierra, E. Abad Valdenebro, R. Calvo Salinero and A. Lamadrid de Pablo, lawyers)

*Defendant:* European Commission (represented by: R. Lyal, C. Urraca Caviedes and P. Němečková, acting as Agents)

**Re:**

Application based on Article 263 TFEU and seeking annulment of Article 1(1) and Article 4 of Commission Decision 2011/282/EU of 12 January 2011 on the tax amortisation of financial goodwill for foreign shareholding acquisitions No C 45/07 (ex NN 51/07, ex CP 9/07) implemented by Spain (OJ 2011 L 135, p. 1).

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Axa Mediterranean Holding, SA to bear its own costs and to pay those incurred by the European Commission.

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<sup>(1)</sup> OJ C 282, 24.9.2011.