

2. According to the **second plea in law** the General Court infringed European Union law, erred in its assessment of the relevant facts and provided insufficient grounds for the order in ruling that the appellants do not belong to a closed group of existing housing corporations. The purely theoretical possibility that a certain group of beneficiaries of aid might be expanded in the future is not sufficient for it to be regarded as not being a closed group. Furthermore the existing housing corporations do form a closed group, as they are more severely affected by the decision than a hypothetical institution that may yet be approved as a housing corporation after the decision.
3. By the **third plea in law** the appellants challenge the General Court's view that the appellants have no legal interest in having the decision relating to State aid N 642/2009 annulled. The General Court misapplied European Union law, erred in its assessment of the relevant facts and provided insufficient grounds for the order.

⁽¹⁾ Commission Decision C(2009) 9963 final of 15 December 2009 relating to State aid E 2/2005 and N 642/2009 — (Netherlands) — Existing and special project aid to housing corporations

Appeal brought on 9 March 2012 by Stichting Woonlinie and Others against the order of the General Court (Seventh Chamber) delivered on 16 December 2011 in Case T-202/10 Stichting Woonlinie and Others v European Commission

(Case C-133/12 P)

(2012/C 138/13)

Language of the case: Dutch

Parties

Appellants: Stichting Woonlinie, Stichting Allee Wonen, Woningstichting Volksbelang, Stichting WoonInvest, Stichting Woonstede (represented by: P. Glazener and E. Henny, advocaten, and L. Hancher, university teacher)

Other party to the proceedings: European Commission

Form of order sought

— Set aside in whole or in part the order [of the General Court (Seventh Chamber) of 16 December 2011 in Case T-202/10] in accordance with the pleas in law put forward by this appeal;

— Refer the case back to the General Court for determination in accordance with the judgment of the Court of Justice;

— Order the Commission to pay the costs of these proceedings as well as the costs of the proceedings before the General Court.

Pleas in law and main arguments

1. According to the **first plea in law** the General Court infringed European Union law, erred in its assessment of the relevant facts and provided insufficient grounds for the order by regarding the appellants as merely potential beneficiaries of the aid scheme approved by the Commission. The General Court disregards the fact that, before the decision,⁽¹⁾ the appellants benefited from the existing aid measures that were required to be amended as a result of the decision. The appellants are not, therefore, merely potential beneficiaries of the modified aid, but also in fact beneficiaries of the existing aid. In the latter capacity the decision at issue is indeed of individual concern to them.
2. According to the **second plea in law** the General Court infringed European Union law, erred in its assessment of the relevant facts and provided insufficient grounds for the order in ruling that the appellants do not belong to a closed group of existing housing corporations. The purely theoretical possibility that a certain group of beneficiaries of aid might be expanded in the future is not sufficient for it to be regarded as not being a closed group. Furthermore the existing housing corporations do form a closed group, as they are more severely affected by the decision than a hypothetical institution that may yet be approved as a housing corporation after the decision.

⁽¹⁾ Commission Decision C(2009) 9963 final of 15 December 2009 relating to State aid E 2/2005 and N 642/2009 — (Netherlands) — Existing and special project aid to housing corporations

Reference for a preliminary ruling from the Curtea de Apel Constanța (Romania) lodged on 12 March 2012 — Corpul Național al Polițiștilor — Biroul Executiv Central (on behalf of and in the interest of its members — public officials with a special status — police serving with the IPJ Tulcea) v Ministerul Administrației și Internelor, Inspectoratul General al Poliției Române, Inspectoratul de Poliție al Județului Tulcea

(Case C-134/12)

(2012/C 138/14)

Language of the case: Romanian

Referring court

Curtea de Apel Constanța