

**Appeal brought on 30 November 2018 by Motex Ipari és Szolgáltató Rehabilitációs Kft. (Motex Kft.)  
against the order of the General Court (Seventh Chamber) delivered on 28 September 2018 in Case  
T-713/17 Motex v Commission**

**(Case C-748/18 P)**

(2019/C 112/20)

*Language of the case: Hungarian*

**Parties**

*Appellant:* Motex Ipari és Szolgáltató Rehabilitációs Kft. (Motex Kft.) (represented by: L. Szabó, ügyvéd)

*Other party to the proceedings:* European Commission

**Form of order sought**

In its appeal, Motex Kft. submits that the Court of Justice should:

- Declare the appeal admissible and well-founded and, accordingly, set aside the order of the General Court (Seventh Chamber) delivered on 28 September 2018 in Case T-713/17 *Motex v Commission*, and notified to the appellant on 1 October 2018;
- Furthermore, refer the case back to the General Court so that it may rule on the second and fourth grounds of inadmissibility raised;
- Moreover, order the European Commission to pay the costs of the proceedings at first instance and on appeal, unless the case is referred back to the General Court, in which case the appellant requests that no ruling be given on the abovementioned costs, but rather that they be reserved for the final judgment.

**Grounds of appeal and main arguments**

1. First ground of appeal

The appellant submits that the fact that its application seeks the annulment of a decision not to raise objections, taken under Article 4(3) of Regulation No 659/1999,<sup>(1)</sup> forms the basis of its plea relating to the defence of its procedural rights, so that it should be considered to be a party concerned, and that its application tacitly alludes, by way of reference, to judicial protection.

2. Second ground of appeal

Bearing in mind the fact that the General Court interpreted the annexes to the application and also ruled on the merits of that application on the basis of that interpretation, it could not validly hold that it was not under a duty to find and identify the grounds argued by the applicant in those annexes.

The General Court's requirement, whereby the applicant must state the 'concrete and tangible' effects caused by the distortion of competition in its situation and, therefore, establish that the contested legal act is of direct concern to it, impacts the Court's assessment of the facts. The requirement of direct concern is thereby distorted.

3. Third ground of appeal

Inasmuch as the Commission argued in the proceedings at first instance that the contested decisions could not be subject to appeal as they were not final, since the investigation was ongoing, a judicial decision in that regard must come before any decision on the other questions concerning admissibility.

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<sup>(1)</sup> Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 1999 L 83, p. 1).