

State Aids

CJEU

Joined Cases 62 & 72/87, *Glaverbel v. Commission*, 8 March 1988. Flat-glass industry

C-379/98, *Preussen Elektra v. Schlesweg*. 13 March 2001. Renewable electricity

C-143/99, *Adria-Wien Pipeline and Wietersdorfer & Peggauer Zementwerke GmbH v. Finanzlandesdirektion für Kärnten*, 8 November 2001. Tax on energy

C-382/99, *Netherlands v. Commission*, 13 June 2002. Principle of legal certainty; service stations; de minimis rule

C-351/98, *Spain v. Commission*, 26 September 2002. De minimis rule; effect on competition and trade between Member States; guidelines on State aid for environmental protection

C-409/00, *Commission v Spain*, 13 February 2003. Effect on competition and trade between Member States; guidelines on State aid for environmental protection

C-126/01, *Ministre de l'économie, des finances et de l'industrie v. GEMO SA*, 20 November 2003. Meat purchase tax; animal carcasses; waste discarding

C-174/02, *Streekgeweest Westelijk Noord-Brabant v. Staatssecretaris van Financiën*, 13 January 2005. Exemption from a tax on waste

C-175/02, *F. J. Pape v Minister van Landbouw, Natuurbeheer en Visserij*, 13 January 2005. Tax on waste; tax imposed before approval of the aid

C-487/06 P, *British Aggregates v. Commission*, 22 December 2008. Environmental levy on aggregates; selectivity

C-279/08 P, *Commission v. Netherlands*, 8 September 2011. Emission trading scheme for nitrogen oxides; selectivity

Case C-262/12, *Association Vent De Colère! Fédération nationale and Others v Ministre de l'Écologie et du Développement durable*. Concept of 'intervention by the State or through State resources' - Wind-generated electricity - Obligation to purchase at a price higher than the market price - Offsetting in full the additional costs arising from the obligation to purchase green electricity - Charges payable by final consumers of electricity - Funds financed through compulsory charges - Funds managed and apportioned in accordance with national law but managed by entities separate from the public authorities - Intervention through State resources - Applicability of Article 107(1) TFEU

Case C-275/13, *Elcogás SA v Administración del Estado and Iberdrola SA*. Concept of 'intervention by the State or through State resources' - Electricity produced by coal-gasification processes - Offsetting the extra costs - Charges payable by final consumers of electricity - Funds financed through compulsory charges - Funds managed and apportioned in accordance with national law but managed by entities separate from the public authorities - Intervention through State resources - Applicability of Article 107(1) TFEU

Case C-15/14, *Kernkraftwerke Lippe-Ems GmbH*. German legislation that levies a duty on the use of nuclear fuel for the commercial production of electricity - Objective of the German legislation : raising revenue intended to contribute, in the context of fiscal consolidation and in

accordance with the polluter-pays principle, to a reduction in the burden entailed for the Federal budget by the rehabilitation required at a mining site, where radioactive waste from the use of nuclear fuel is stored - Assessment of the selectivity of the tax scheme – Assessment of whether the tax scheme belongs to a regime for the taxation of energy sources used for the production of electricity which do not contribute to CO² emissions – No comparable factual and legal situation between other electricity producing sectors and the production method based on nuclear fuel, as only that method generates radioactive waste arising from the use of such fuel – Absence of selectivity.

General Court

T-150/95, *U.K. Steel Association v. Commission*, 25 September 1997. Steel industry; rules on aid

T-188/95, *Waterleiding Maatschappij “Noord-West Brabant” N.V. v. Commission*, 16 September 1998. Tax on waste; tax on groundwater

T-92/00 and T-103/00, *Diputación Foral de Álava e.a. v. Commission*, 6 March 2002. Capsules manufacturing; selectivity

T-127, 129 & 148/99, *Diputación Foral de Álava e.a. v. Commission*, 6 March 2002. Electronics manufacturing; selectivity

T-158/99, *Thermenhotel Stoiser Frans v. Commission*, 13 January 2004. Aid for regional purposes; prohibition of discrimination

T-274/01, *Valmont Nederland v. Commission*, 16 September 2004. Concept of State aid; benefit; land sale price; financing a car park

T-176/01, *Ferriere Nord v. Commission*, 18 November 2004. Guidelines on State aid for environmental protection; steel undertaking

T-92/02, *Stadtwerke Schwäbisch Hall v. Commission*, 26 January 2006. Nuclear installations; tax exemptions

T-210/02, *British Aggregates v. Commission*, 13 September 2006. Environmental tax on aggregates; selectivity

T-387/04, *EnBW Energie Baden-Württemberg AG v. Commission*, 30 April 2007. Greenhouse gas emission allowance trading.

T-375/03, *Fachvereinigung Mineralfaserindustrie v. Commission*, 20 September 2007. Insulating materials; renewable raw materials

T-233/04, *Commission v. Netherlands*, 10 April 2008. Emission trading scheme for nitrogen oxides; selectivity

T-210/02 RENV, *British Aggregates Association v. Commission*, 7 March 2012. Environmental tax on aggregates; selectivity

T-347/09, *Germany v. Commission*, 12 September 2013. Nature protection areas granted to environmental NGOs; public services obligations; Concept of undertaking; advantages granted to NGOs; fulfillment of the 4th condition of the *Altmark* case law; where the undertaking which is to discharge public service obligations is not chosen pursuant to a public procurement procedure, the level of compensation needed must be determined on the basis of an analysis of

the costs which a typical undertaking, well run and adequately provided with means of transport so as to be able to meet the necessary public service requirements, would have incurred in discharging those obligations, taking into account the relevant receipts and a reasonable profit for discharging the obligations.

T-57/11, *Castelnuovo Energia, SL v European Commission*, 3 December 2014. Electricity Production - Compensation of supplementary production costs – Public service obligation to produce electricity quotas from “indigenous” coal– Service of general economic interest– Security of supply – Article 11(4) of Directive 2003/54/CE concerning common rules for the internal market in electricity – Development of “indigenous” supply sources – Fragmentation of the internal market - Free movement of goods - Environmental protection – No obligation for the commission to assess the impact of the State Aid on Directive 2003/87/EC establishing a Scheme for GHG – In assessing a State Aid not aiming at environmental protection, the European Commission is not called on to take into consideration environmental requirements – A State Aid impairing the environment is not running counter internal market obligations

T-251/11, *Austria / Commission* Austrian legislation on green electricity – State support granted to electricity-intensive undertakings – Selectivity of the measure