Operative part

1. The appeal is dismissed.

2. Noko Ngele is ordered to bear his own costs.

Judgment of the Court (Fifth Chamber) of 6 October 2011 — Commission v Italy

(Case C-302/09)

(Failure of a Member State to fulfil obligations — State Aid — Aid to firms in Venice and Chioggia — Reductions of social security contributions — Recovery)

1. *State aid — Recovery of unlawful aid — Application of national law — Conditions — Setting in motion a procedure ensuring that effect is immediately and effectively given to the Commission's decision (Arts 88(2) EC and 249 EC; Council Regulation No 659/1999, Art. 14(3)) (see paras 35-36, 38)*

2. *Actions for failure to fulfil obligations — Failure to perform the duty of recovering unlawful aid — Defences — Absolute impossibility of implementation — Criteria for assessment — Difficulties in implementing — Duty of the Commission and of the Member State to collaborate in seeking a solution compatible with the Treaty (Arts 10 EC and 88(2) EC) (see paras 40-42)*

3. *State aid — Recovery of unlawful aid — Application of national law — Interim suspension measures adopted by the national court — Lawfulness — Conditions (Council Regulation No 659/1999, Art. 14(3)) (see paras 45-47)*

4. *State aid — Recovery of unlawful aid — Obligation — Duty to implement immediately and effectively the Commission's decision — Legislative steps, intended to ensure the implementation of the Commission's decision, taken belatedly — Breach of that obligation (Arts 88(2) EC and 249 EC) (see paras 53-55)*

Re:

Failure of a Member State to fulfil obligations — Failure to take, within the period prescribed, the measures necessary to comply with Articles 2, 5 and 6 of Commission Decision 2000/394/EC of 25 November 1999 on aid to firms in Venice and Chioggia by way of relief from social security contributions under Laws Nos 30/1997 and 206/1995 (notified under document number C(1999) 4268) (OJ 2000 L 150, p. 50).

Operative part

The Court:

1. Declares that, by failing to take, within the prescribed periods, all the measures necessary to recover from the beneficiaries the aid granted under the aid scheme declared unlawful and incompatible with the common market by Commission Decision 2000/394/EC of 25 November 1999 on aid to firms in Venice and Chioggia by way of relief from social security contributions under Laws Nos 30/1997 and 206/1995, the Italian Republic has failed to fulfil its obligations under Article 5 of that decision;

2. Orders the Italian Republic to pay the costs.

Order of the Court (Sixth Chamber) of 6 October 2011 — ThyssenKrupp Acciai Speciali Terni and Others v Commission

(Joined Cases C-448/10 P to C-450/10 P)

(Appeal — Compensation for expropriation on grounds of public interest — Temporal extension of a preferential tariff for the supply of electricity — Decision declaring the aid incompatible with the common market and ordering its recovery — Notion of advantage — Principle of the protection of legitimate expectations — Interpretation of national law — Distortion — Definition — Appeal manifestly inadmissible and manifestly unfounded)