INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Order of the General Court (Seventh Chamber) of 11 January 2012 – Phoenix-Reisen and DRV v Commission

(Case T-58/10)

(Action for annulment — State aid — German system of allowances paid to employees of insolvent undertakings and the financing thereof — Decision finding no State aid — Inadmissibility)

1. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Commission decision finding no State aid in respect of a national measure without opening the formal investigation procedure — Action brought by the parties concerned within the meaning of Article 88(2) EC — Admissibility — Conditions (Arts 108(2) and (3) TFEU and 263, fourth para., TFEU) (see paras 30-34)*

2. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Commission decision finding a national measure not to constitute State aid — Action by a competitor challenging the decision — Market position of the undertaking not substantially affected — Inadmissibility (Arts 108(2) and (3) TFEU and 263, fourth para., TFEU) (see paras 35, 44, 46, 48)*

Re:

ACTION for annulment of Commission Decision C(2009) 8707 final of 19 November 2009 declaring that the system of allowances paid to employees of insolvent undertakings and the financing thereof under German legislation does not constitute State aid (State aid NN 55/2009) (OJ 2009 C 323, p. 5).

Operative part

1. The action is dismissed as inadmissible.

2. Phoenix-Reisen GmbH and Deutscher Reiseverband eV (DRV) are ordered to bear their own costs and pay those incurred by the European Commission.

3. The Federal Republic of Germany is ordered to bear its own costs.