INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Order of the Court (Seventh Chamber) of 22 March 2012 — Italy v Commission

(Case C-200/11 P)

(Appeal — Article 119 of the Rules of Procedure — State aid — Incompatibility with the common market — Commission decision — Action for annulment — Regulation (EC) No 659/1999 — Article 1(c) — Alteration of existing aid — Regulation (EC) No 794/2004 — Article 4(1) — Temporary defensive mechanism for shipbuilding)

1. *State aid — Commission decision finding a national measure compatible with Article 87(1) EC — Determining the scope of the decision — Account taken not only of the wording of the decision, but also of the content notified (Art. 87(1) EC) (see para. 27)*

2. *State aid — Existing aid and new aid — Measure amending an existing aid scheme — Treated as new aid (Council Regulation No 659/1999, Art. 1(c)); Commission Regulation No 794/2004, Art. 4(1)) (see paras 30, 31)*

3. *State aid — Planned aid — Examination by the Commission — Application of the rules of substantive law in force when the Commission took its decision (Art. 88(3) EC; Council Regulation No 1177/2002, Art. 5) (see paras 37-39, 43)*

4. *State aid — Planned aid — Notifying the Commission — Scope of the obligation — Necessary for notification to include estimates of the total amounts of the aid planned on account of their impact on that aid (Art. 88(3), EC; Council Regulation No 1177/2002) (see paras 47-49)*

5. *Appeals — Setting out in the application of the pleas in law and legal arguments — Plea in law not clear enough — Whether inadmissible (Art. 256 TFEU; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 112(1)(c)) (see paras 52-54)*

6. *State aid — Commission decision finding a national measure compatible with Article 87(1) EC — No legitimate expectations in the case of alteration to the aid scheme going beyond the bounds of the authorisation decision (Art. 87(1) EC) (see paras 65-68)*

7. *Union law — Principles — Equal treatment — Meaning — Unequal treatment as a result of the temporal limitation of authorisation to grant State aid in a given sector of the market — Whether objectively justified (Council Regulation No 1177/2002, Art. 5) (see paras 74-76)*

Re:

Appeal against the judgment of the General Court (Eighth Chamber) of 3 February 2011 in Case T-3/09 *Italy* v *Commission*, by which the General Court dismissed an application for annulment of Commission Decision 2010/38/EC of 21 October 2008 on State aid C 20/08 (ex N 62/08) which Italy is planning to implement through a modification of scheme N 59/04 concerning a temporary defensive mechanism for shipbuilding (OJ 2010 L 17, p. 50).

Operative part

1. The appeal is dismissed.

2. The Italian Republic is ordered to pay the costs.