INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Order of the Court (Seventh Chamber) of 22 March 2012 — Cantiere navale De Poli v Commission

(Case C-167/11 P)

(Appeal — Article 119 of the Rules of Procedure — State aid — Incompatibility with the common market — Commission decision — Alteration to existing aid — Regulation (EC) No 794/2004 — Regulation (EC) No 1177/2002 — Temporary defensive mechanism for shipbuilding)

1. *State aid — Planned aid — Notifying the Commission — Member States' discretion concerning the date of notification — In the case of a temporary defensive mechanism, notification necessary before the regulation authorising the grant of aid expires (Art. 88(3) EC; Council Regulation No 1177/2002, Art. 5) (see paras 31, 32)*

2. *Appeals — Pleas in law — Plea raised against a ground of the judgment not necessary to support the operative part — Plea ineffective (see para. 43)*

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 51-53)*

4. *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)*

5. *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 85-87)*

6. *Appeals — Setting out in the application of the pleas in law and legal arguments — Plea plainly not intended to challenge the judgment — Inadmissibility (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 99, 100, 115)*

Re:

Appeal brought against the judgment of the General Court (Eighth Chamber) of 3 February 2011 in Case T-584/08 *Cantieri Navale De Poli* v *Commission*, by which the Court dismissed the action 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. Cantiere navale De Poli SpA is ordered to pay the costs.

3. The Italian Republic is ordered to bear its own costs.