

analysis and other methods; erred in finding that the Commission was entitled to depart from the comparative analysis and reject the comparative evidence submitted by the appellants; and erred in concluding that, when applying the incremental profitability test, it is not necessary for the Commission to satisfy itself that the expected incremental costs and expected incremental non-aeronautical revenues reflect how an MEO would have operated the airport.

⁽¹⁾ Commission Decision (EU) 2016/287 of 15 October 2014 on State aid SA.26500 — 2012/C (ex 2011/NN, ex CP 227/2008) implemented by Germany for Flugplatz Altenburg-Nobitz GmbH and Ryanair Ltd (notified under document C(2014) 7369) (JO 2016, L 59, p. 22).

Request for a preliminary ruling from the Conseil d'État (France) lodged on 6 March 2019 — Ministre de l'Agriculture et de l'Alimentation v Compagnie des pêches de Saint-Malo

(Case C-212/19)

(2019/C 164/39)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Appellant: Ministre de l'Agriculture et de l'Alimentation

Respondent: Compagnie des pêches de Saint-Malo

Questions referred

1. Must the Commission's decision of 14 July 2004 ⁽¹⁾ be interpreted as declaring that only the reductions in employers' contributions are incompatible with the common market, on the ground that the reduction in employees' contributions do not benefit the undertakings and therefore cannot fall within the scope of Article 107 of the Treaty on the Functioning of the European Union, or as also declaring the reductions in employees' contributions to be incompatible?
2. In the event that the Court finds that the Commission's decision is to be interpreted as also declaring the reductions in employees' contributions to be incompatible, must the undertaking be regarded as having received the full amount of those reductions or only a part thereof? In the latter case, how is that part to be assessed? Is the Member State required to order recovery from the employees concerned of the part of the aid from which they benefited?

⁽¹⁾ Commission Decision of 14 July 2004 concerning certain aid measures applied by France to assist fish farmers and fishermen (2005/239/EC) (OJ 2005 L 74, p. 49).