

Judgment of the General Court of 16 July 2014 — Zweckverband Tierkörperbeseitigung v Commission

(Case T-309/12) ⁽¹⁾

(State aid — Animal carcass and slaughter waste disposal services — Maintaining epidemic reserve capacity — Decision declaring aid to be incompatible with the internal market — ‘Undertaking’ — Advantage — Service of general economic interest — Compensation relating to a public service obligation — Effect on trade between Member States and distortion of competition — Existing aid or new aid — Need for aid — Subsidiarity — Legitimate expectations — Legal certainty — Proportionality)

(2014/C 292/43)

Language of the case: German

Parties

Applicant: Zweckverband Tierkörperbeseitigung in Rhineland-Palatinate, Saarland, Rheingau-Taunus-Kreis and Landkreis Limburg-Weilburg (Rivenich, Germany) (represented by: A. Kerkmann, lawyer)

Defendant: European Commission (represented initially by V. Kreuzschatz and T. Maxian Rusche and subsequently by T. Maxian Rusche and C. Egerer, Agents)

Interveners in support of the defendant: Saria Bio-Industries AG & Co. KG (Selm, Germany); SecAnim GmbH (Lünen, Germany); and Knochen- und Fett-Union GmbH (KFU) (Selm) (represented by: U. Karpenstein and C. Johann, lawyers)

Re:

Action for annulment of Commission Decision 2012/485/EU of 25 April 2012 on State aid SA.25051 (C 19/10) (ex NN 23/10) granted by Germany to the Zweckverband Tierkörperbeseitigung in Rhineland-Palatinate, Saarland, Rheingau-Taunus-Kreis and Landkreis Limburg-Weilburg (OJ 2012 L 236, p. 1).

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Zweckverband Tierkörperbeseitigung in Rhineland-Palatinate, Saarland, Rheingau-Taunus-Kreis and Landkreis Limburg-Weilburg to bear its own costs relating to the main proceedings and to pay the costs incurred by the European Commission;*
3. *Orders Saria Bio-Industries AG & Co. KG, SecAnim GmbH and Knochen- und Fett-Union GmbH (KFU) to bear their own costs relating to the main proceedings;*
4. *Orders the Zweckverband Tierkörperbeseitigung in Rhineland-Palatinate, Saarland, Rheingau-Taunus-Kreis and Landkreis Limburg-Weilburg to bear the costs relating to the application for interim measures.*

⁽¹⁾ OJ C 273, 8.9.2012.