

GENERAL COURT

Judgment of the General Court of 22 April 2016 — Ireland and Aughinish Alumina v Commission

(Joined Cases T-50/06 RENV II and T-69/06 RENV II) ⁽¹⁾

(State aid — Directive 92/81/EEC — Excise duties on mineral oils — Mineral oils used as fuel for alumina production — Exemption from excise — Existing or new aid — Article 1(b)(i), (iii) and (iv) of Regulation (EC) No 659/1999 — Legal certainty — Legitimate expectations — Reasonable time — Principle of sound administration — Misuse of powers — Obligation to state reasons — Concept of State aid — Advantage — Effect on trade between Member States — Distortion of competition)

(2016/C 200/24)

Language of the case: English

Parties

Applicants: Ireland (represented by: E. Creedon, A. Joyce and E. McPhillips, acting as Agents, and P. McGarry, Senior Counsel); Aughinish Alumina Ltd (Askeaton, Ireland) (represented by: C. Waterson, C. Little and J. Handoll, Solicitors)

Defendant: European Commission (represented by: V. Di Bucci, N. Khan, G. Conte, D. Grespan and K. Walkerová, acting as Agents)

Re:

Application for the annulment of Commission Decision 2006/323/EC of 7 December 2005 concerning the exemption from excise duty on mineral oils used as fuel for alumina production in Gardanne, in the Shannon region and in Sardinia respectively implemented by France, Ireland and Italy (OJ 2006 L 119, p. 12), to the extent that that decision concerns the exemption from excise duty on mineral oils used as fuel for alumina production in the Shannon region (Ireland).

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. Orders Ireland to bear its own costs and to pay three quarters of the costs incurred by the Commission in Cases T-50/06, T-50/06 RENV I and T-50/06 RENV II and three twentieths of the costs incurred by the Commission in Cases C-89/08 P and C-272/12 P;
3. Orders Aughinish Alumina Ltd to bear its own costs and to pay three quarters of the costs incurred by the Commission in Cases OT-69/06, T-69/06 RENV I and T-69/06 RENV II, three twentieths of the costs incurred by the Commission in Cases C-89/08 P and C-272/12 P and all the costs in Case T-69/06 R;
4. Orders the Commission to bear one quarter of its own costs in Joined Cases T-50/06 and T-69/06, Joined Cases T-50/06 RENV I and T-69/06 RENV I and Joined Cases T-50/06 RENV II and T-69/06 RENV II and one fifth of its own costs in Cases C-89/08 P and C-272/12 P.

⁽¹⁾ OJ C 86, 8.4.2006.