

GENERAL COURT

Judgment of the General Court of 9 June 2016 — Magic Mountain Kletterhallen and Others v Commission

(Case T-162/13) ⁽¹⁾

(State aid — Aid for the construction and operation of climbing centres of Deutscher Alpenverein eV — Decision declaring the aid compatible with the internal market — Aid scheme — More detailed economic analysis — Market failure — Legitimate objective in the public interest — Article 108(2) and (3) TFEU — Serious difficulties)

(2016/C 270/40)

Language of the case: German

Parties

Applicants: Magic Mountain Kletterhallen GmbH (Berlin, Germany), Kletterhallenverband Klever eV (Leipzig, Germany), Neoliet Beheer BV (Son, Netherlands), and Pedriza BV (Haarlem, Netherlands) (represented by: initially M. von Oppen, A. Gerdung and R. Dreblow, then M. von Oppen, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents)

Interveners in support of the defendants: Deutscher Alpenverein eV (Munich, Germany), and Deutscher Alpenverein, Sektion Berlin eV (Berlin, Germany) (represented by: R. Geulen, lawyer)

Re:

Application on the basis of Article 263 TFEU and seeking the annulment of Commission Decision C(2012) 8761 of 5 December 2012 on State aid SA.33952 (2012/NN) — Germany — Climbing centres of Deutscher Alpenverein.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Magic Mountain Kletterhallen GmbH, Kletterhallenverband Klever eV, Neoliet Beheer BV and Pedriza BV jointly and severally to bear the costs incurred by the European Commission and their own costs;*
3. *Orders Deutscher Alpenverein eV and Deutscher Alpenverein, Sektion Berlin eV to bear their own costs.*

⁽¹⁾ OJ C 147, 25.5.2013.