

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the European Commission of 29 July 2016 <sup>(1)</sup> in Case SA.33983 (ex 2012/NN) (ex 2011/NN) — Compensation to Sardinian airports for public service obligations (services of a general economic interest — SGEI) and, specifically:
  - Article 1(2), in so far as it refers to Germanwings GmbH; and
  - Article 2(1), in so far as the repayment claimed therein relates to Germanwings GmbH; and
- order the defendant to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicant relies on two pleas in law:

1. First plea in law, alleging that there is no aid element

The defendant has neither shown nor proved that the payment made to the applicant contained aid. Consequently, the defendant departs significantly from the case-law and from its own decision-making practice.

2. Second plea in law, alleging that, if it is established that aid is involved, that aid would neither interfere with trade between Member States nor distort competition.

The defendant has provided an inadequate statement of reasons for its claim that the alleged aid affects trade between Member States and competition. In the alternative, the applicant argues that it would be *de minimis* aid within the meaning of Article 2(1) of Regulation (EC) No 1998/2006. <sup>(2)</sup>

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<sup>(1)</sup> Commission Decision (EU) 2017/1861 of 29 July 2016 on State aid SA33983 (2013/C) (ex 2012/NN) (ex 2011/N) — Italy — Compensation to Sardinian airports for public service obligations (SGEI) (notified under document C(2016) 4862) (OJ 2017 L 268, p. 1).

<sup>(2)</sup> Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to *de minimis* aid (OJ 2006 L 379, p. 5).

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**Order of the General Court of 16 October 2017 — Falmouth University v Commission**

(Case T-227/17) <sup>(1)</sup>

(2017/C 412/57)

*Language of the case: English*

The President of the Eighth Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 221, 10.7.2017.

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