

Judgment of the Court (Sixth Chamber) of 9 November 2017 — European Commission v Hellenic Republic

(Case C-481/16) ⁽¹⁾

(Failure of a Member State to fulfil obligations — State aid — Aid declared unlawful and incompatible with the internal market — Obligation to recover — Obligation to provide information — Non-implementation — Pleas in defence — Absolute impossibility of implementation)

(2018/C 005/15)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: A. Bouchagiar and B. Stromsky, acting as Agents)

Defendant: Hellenic Republic (represented by: K. Boskovits and V. Karra, acting as Agents)

Operative part of the judgment

The Court:

1. Declares that, by failing to take within the prescribed period all the measures necessary to ensure implementation of Commission Decision 2014/539/EU of 27 March 2014 on State aid SA.34572 (13/C ex 13/NN) implemented by Greece for Larco General Mining & Metallurgical Company SA, and by failing to inform the European Commission of the measures taken pursuant to that decision, the Hellenic Republic has failed to fulfil its obligations under Articles 3 to 5 of that decision and the FEU Treaty;
2. Orders the Hellenic Republic to pay the costs.

⁽¹⁾ OJ C 383, 17.10.2016

Judgment of the Court (Sixth Chamber) of 9 November 2017 (reference for a preliminary ruling from the Naczelny Sąd Administracyjny — Poland) — AZ v Minister Finansów

(Case C-499/16) ⁽¹⁾

(Reference for a preliminary ruling — Taxation — Value added tax (VAT) — Directive 2006/112/EC — Article 98 — Discretion of the Member States to apply a reduced rate to certain supplies of goods and services — Annexe III, point 1 — Foodstuffs — Pastry goods and cakes — Best-before date or use-by date — Principle of fiscal neutrality)

(2018/C 005/16)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Applicant: AZ

Defendant: Minister Finansów