



C/2023/1295

11.12.2023

Action brought on 19 October 2023 — European Commission v Republic of Bulgaria

(Case C-632/23)

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Language of the case: Bulgarian

Parties

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

Defendant: Republic of Bulgaria

Form of order sought

The Commission claims that the Court should:

- declare that, by having failed to adopt, within the period prescribed, all the measures necessary to recover from the beneficiaries of the State aid declared unlawful and incompatible with the internal market by the decision in Cases SA.26212 (2011/C) (ex 2011/NN — ex CP 176/A/08) and SA.26217 (2011/C) (ex 2011/NN — ex CP 176/B/08), implemented by the Republic of Bulgaria, C (2014) 6207 final,⁽¹⁾ and by having failed to provide the necessary information, the Republic of Bulgaria has failed to fulfil its obligations under the fourth paragraph of Article 288 TFEU and Articles 4, 5 and 6 of the Commission decision;
- order the Republic of Bulgaria to pay the costs.

Pleas in law and main arguments

The case concerns an application lodged on the basis of Article 108(2) and the fourth paragraph of Article 288 of the Treaty on the Functioning of the European Union.

The Commission submits that the Republic of Bulgaria failed to adopt, within the period prescribed, all the measures necessary to recover from the beneficiaries of the State aid declared unlawful and incompatible with the internal market by the Commission decision in Cases SA.26212 (2011/C) (ex 2011/NN — ex CP 176/A/08) and SA.26217 (2011/C) (ex 2011/NN — ex CP 176/B/08), C (2014) 6207 final.

The failure to implement, effectively and within the period prescribed, the decision is a result of difficulties in appointing an independent expert to calculate the amount of the aid, as well as of the methods for evaluating the market price of the properties applied by the Republic of Bulgaria, which lead to a valuation of the properties that does not correspond to the actual market price. There are no circumstances demonstrating an absolute impossibility to implement the decision. Nor has the Republic of Bulgaria provided the necessary information, as set out in Article 6 of the decision. On those grounds, the Commission claims that the Republic of Bulgaria has failed to fulfil its obligations under the fourth paragraph of Article 288 TFEU and Articles 4, 5 and 6 of the Commission decision.

⁽¹⁾ OJ 2015 L 80, p. 100.