



C/2024/3761

24.6.2024

Judgment of the General Court of 8 May 2024 – Ryanair v Commission (Condor; restructuring aid)

(Case T-28/22) ⁽¹⁾

(State aid – German air transport market – Restructuring aid granted by Germany to an airline – Changes to the terms of loans granted by Germany and the partial write-off of debts – Decision not to raise any objections – Action for annulment – Locus standi – Admissibility – Safeguarding of procedural rights – Serious difficulties – Article 107(3)(c) TFEU – Point 67 of the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty – Burden sharing)

(C/2024/3761)

Language of the case: English

Parties

Applicant: Ryanair DAC (Swords, Ireland) (represented by: E. Vahida, S. Rating and I.-G. Metaxas-Maranghidis, lawyers)

Defendant: European Commission (represented by: I. Barcew, V. Bottka and J. Ringborg, acting as Agents)

Interveners in support of the defendant: Federal Republic of Germany (represented by: J. Möller, P.-L. Krüger and J. Buhl, acting as Agents), Condor Flugdienst GmbH (Neu Isenburg, Germany) (represented by: A. Rosenfeld, S. Lünenbürger, A. Birnstiel and S. Blazek, lawyers)

Re:

By its action under Article 263 TFEU, the applicant seeks annulment of Commission Decision C(2021) 5729 final of 26 July 2021 on State aid SA.63203 (2021/N) – Germany – Restructuring aid for Condor.

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2021) 5729 final of 26 July 2021 on State aid SA.63203 (2021/N) – Germany – Restructuring aid for Condor;
2. Orders the European Commission to bear its own costs and to pay those incurred by Ryanair DAC;
3. Orders the Federal Republic of Germany and Condor Flugdienst GmbH to bear their own costs.

⁽¹⁾ OJ C 109, 7.3.2022.