

Pleas in law and main arguments

The time-limit within which Italy was to have withdrawn the scheme and recovered the aid unlawfully granted expired two months after notification of the decision. More than nine years later, the Italian authorities has recovered less than 2 %.

Action brought on 30 July 2009 — Commission v Italian Republic

(Case C-303/09)

(2009/C 256/20)

*Language of the case: Italian***Parties**

Applicant: Commission of the European Communities (represented by: L. Flynn and E. Righini, agents)

Defendant: Italian Republic

Form of order sought

— Declare that, by failing to take, within the prescribed time-limits, all the measures necessary to withdraw the aid scheme considered unlawful and incompatible with the common market by Commission Decision 2005/315/EC of 20 October 2004 on the prolongation of the 'Tremonti-bis' law in favour of municipalities seriously affected by natural disasters in 2002 (notified on 22 October 2004 under document No C(2004) 3893) (OJ 2005 L 100, p. 46) and to recover from the beneficiaries the aid granted under that scheme, the Italian Republic has failed to fulfil its obligations under Articles 2, 5 and 6 of that decision and the EC Treaty.

— Order the Italian Republic to pay the costs.

Pleas in law and main arguments

The time limit by which Italian Republic was required to withdraw the aid scheme and recover the unlawfully paid aid expired two months after the date of notification of the decision in question. More than four years later, the Italian authorities have yet to recover more than 25 % of the aid granted, in respect of which an order for payment has been issued, and have yet to communicate to the Commission the amount of aid paid to beneficiaries who were not entitled in the first place to benefit from the scheme.

Action brought on 30 July 2009 — Commission v Italian Republic

(Case C-304/09)

(2009/C 256/21)

*Language of the case: Italian***Parties**

Applicant: Commission of the European Communities (represented by: L. Flynn and E. Righini, agents)

Defendant: Italian Republic

Form of order sought

— Declare that, by failing to take, within the prescribed time-limits, all the measures necessary to withdraw the aid scheme considered unlawful and incompatible with the common market by Commission Decision 2006/261/EC of 16 March 2005 on aid scheme C 8/2004 (ex NN 164/2003) implemented by Italy in favour of newly listed companies (notified on 17 March 2005 under document No C(2005) 591) (OJ 2006 L 94, p. 42) and to recover from the beneficiaries the aid granted under that scheme, the Italian Republic has failed to fulfil its obligations under Articles 2, 3 and 4 of that decision and the EC Treaty.

— Order the Italian Republic to pay the costs.

Pleas in law and main arguments

The time-limit within which Italian Republic was required to withdraw the aid scheme and recover the unlawfully paid aid expired two months after the date of notification of the decision in question. More than four years later, the Italian authorities have recovered only approximately 25 % of the aid.

Action brought on 30 July 2009 — Commission v Italian Republic

(Case C-305/09)

(2009/C 256/22)

*Language of the case: Italian***Parties**

Applicant: Commission of the European Communities (represented by: L. Flynn and E. Righini, Agents)

Defendant: Italian Republic