

Operative part of the judgment

1. Article 17(1) and (2) of Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, must be interpreted as precluding a national rule being interpreted in such a way that it permits the executing State to grant to the sentenced person a reduction in sentence by reason of work he carried out during the period of his detention in the issuing State, although no such reduction in sentence was granted by the competent authorities of the issuing State, in accordance with the law of the issuing State;
2. EU law must be interpreted as meaning that a national court is bound to take into consideration the whole body of rules of national law and to interpret them, so far as possible, in accordance with Framework Decision 2008/909, as amended by Framework Decision 2009/299, in order to achieve the result sought by that framework decision, and if necessary to disapply, on its own authority, the interpretation adopted by the national court of last resort, if that interpretation is not compatible with EU law.

⁽¹⁾ OJ C 73, 2.3.2015.

Judgment of the Court (Tenth Chamber) of 26 October 2016 — Dimosia Epicheirisi Ilektrismou AE (DEI) v Alouminion tis Ellados VEAE, previously Alouminion AE, European Commission

(Case C-590/14 P) ⁽¹⁾

(Appeal — State aid — Production of aluminium — Preferential electricity tariff granted by a contract — Decision declaring the aid compatible with the internal market — Termination of the contract — Judicial suspension of the effects of termination of the contract — Decision declaring the aid unlawful — Article 108(3) TFEU — Concepts of ‘existing aid’ and ‘new aid’ — Distinction)

(2017/C 006/08)

Language of the case: Greek

Parties

Appellant: Dimosia Epicheirisi Ilektrismou AE (DEI) (represented by: E. Bourtzalas, avocat, and by E. Salaka, C. Synodinos, C. Tagaras and A. Oikonomou, dikigoroï)

Other parties to the proceedings: Alouminion tis Ellados VEAE, previously Alouminion AE (represented by: G. Dellis, N. Korogiannakis, E. Chrysafis, D. Diakopoulos and N. Keramidis, dikigoroï)

European Commission (represented by: É. Gippini Fournier and A. Bouchagiar, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 8 October 2014 in *Alouminion v Commission* (T-542/11, EU:T:2014:859);
2. Refers Case T-542/11 back to the General Court of the European Union;
3. Reserves the costs.

⁽¹⁾ OJ C 65, 23.2.2015.