



## Reports of Cases

**Order of the Court (Tenth Chamber) of 25 June 2019 — Fred Olsen v Naviera Armas**

**(Case C-319/18 P)<sup>1</sup>**

(Appeal — State aid — Article 181 of the Rules of Procedure of the Court of Justice — Exclusive right of use of the port infrastructure at Puerto de Las Nieves (Spain) granted to a shipping company — Decision finding no State aid at the end of the preliminary investigation procedure — Advantage granted by means of State resources — Test of a private investor acting in a market economy)

*State aid — Concept — Assessment according to the private investor test — Grant of exclusive access to port infrastructure managed by a public authority — Criteria for assessment*

*(Art. 107(1) TFEU)*

*(see paras 39-44)*

### **Operative part**

1. The appeal is dismissed as being manifestly unfounded.
2. Fred Olsen SA is ordered to bear its own costs incurred in the appeal proceedings and to pay those incurred by Naviera Armas SA.
3. The European Commission shall bear its own costs.

<sup>1</sup> OJ C 12, 13.1.1997.