



Reports of Cases

Order of the General Court (Fourth Chamber) of 12 December 2012 — **Bauer v Commission**

(Case T-253/00)

(Action for annulment — State aid — Reductions in social security contributions for undertakings in Venice and Chioggia — Decision declaring the aid scheme incompatible with the common market and requiring recovery of the aid paid — Action in part manifestly inadmissible and in part manifestly lacking any foundation in law)

1. *Judicial proceedings — Objection of inadmissibility — Decision to join the application for a separate ruling on the objection of inadmissibility to the substance — Dismissal of an action on the substance without ruling on that objection — Discretion of the General Court (Rules of Procedure of the General Court, Arts 111 and 114(4)) (see paras 19-21)*
2. *State aid — Concept — Granting of an advantage to beneficiaries — Measures designed to compensate for possible competitive disadvantages affecting undertakings established in a given region of a Member State — Included (Art. 87(1) and (3) EC) (see paras 28, 29)*
3. *State aid — Examination by the Commission — Examination of an aid scheme as a whole — Lawfulness (Arts 87 EC and 88 EC) (see para. 34)*
4. *State aid — Prohibition — Exceptions — Aid which may be considered compatible with the common market — Aid for the development of particular areas — Exclusion of operating aid save in exceptional circumstances (Art. 87(3)(c) EC) (see paras 46, 47)*
5. *State aid — Commission decision — Duty of diligence of the Member State granting the aid and of its recipient as regards notification of all relevant matters (Art. 88(2) EC) (see para. 56)*
6. *State aid — Planned aid — Implementation before a final decision by the Commission — Commission decision ordering repayment of the aid — Obligation to state reasons — Scope (Art. 88(3) EC) (see para. 61)*
7. *State aid — Recovery of unlawful aid — Obligation resulting from the unlawfulness — Purpose — Restoration of the prior situation — No breach of the principles of proportionality and equal treatment (Art. 88(2) EC) (see paras 62, 63)*

Re:

APPLICATION for annulment of Commission Decision 2000/394/EC of 25 November 1999 on aid to firms in Venice and Chioggia by way of relief from social security contributions under Laws Nos 30/1997 and 206/1995 (OJ 2000 L 150, p. 50).

Operative part

1. The objection of inadmissibility raised by the European Commission is joined to the substance of the case.
2. The action is dismissed as being in part manifestly inadmissible and in part manifestly lacking any foundation in law.
3. Bauer SpA is ordered to bear its own costs and to pay those incurred by the Commission.
4. The Italian Republic is ordered to bear its own costs.