



## Reports of Cases

### Order of the General Court (Fourth Chamber) of 12 December 2012 — *Cooperativa San Marco fra Lavoratori della Piccola Pesca and Others v Commission*

(Case T-260/00)

(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 21-23)*
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 31, 32)*
3. *State aid — Examination by the Commission — Examination of an aid scheme as a whole — Lawfulness (Arts 87(1) EC and 88 EC) (see para. 39)*
4. *State aid — Commission decision — Assessment of the legality by reference to the information available at the time of adoption of the decision (see para. 40)*
5. *State aid — Adverse effect on competition — Effect on trade between Member States — Scope of the burden of proof on the Commission (Art. 88 EC) (see paras 44, 45)*
6. *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 50, 51)*
7. *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. 55)*

**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. Cooperativa San Marco fra Lavoratori della Piccola Pesca — Burano Soc. coop. rl, Cooperativa Coopesca — Organizzazione tra Produttori e Lavoratori della Pesca — Chioggia Soc. coop. rl, Cooperativa tra i Lavoratori della Piccola Pesca di Pellestrina Soc. coop. rl, Cooperativa Pescatori di San Pietro in Volta Soc. coop. rl, Murazzo — Piccola Società Cooperativa rl, RAM — Società Cooperativa fra Lavoratori della Pesca, Raccoglitori ed Allevatori di Molluschi, Confcooperative — Unione Provinciale di Venezia et Comitato 'Venezia Vuole Vivere' are ordered to bear their own costs and to pay those incurred by the Commission.
4. The Italian Republic is ordered to bear its own costs.