



Reports of Cases

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

(Case T-261/00)

(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 20-22)*
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 29, 30)*
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. 36)*
4. *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 para. 39)*
5. *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 49, 50)*
6. *State aid — Commission decision — Assessment of legality by reference to the information available at the time of adoption of the decision (see para. 53)*

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. Sacaim SpA, Alfier Costruzioni Srl, Azin Asfalti Srl, Barbato Srl, Camata Costruzioni Sas, Dal Carlo Mario & C. Srl, Impresa Costruzioni Civili e Montaggi Srl (ICCEM), Rossi Renzo Costruzioni Srl, Vettore Costruzioni Srl, ACEA – Associazione dei Costruttori Edili ed Affini di Venezia e Provincia and 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.