

Operative part of the order

1. *There is no need to adjudicate on the action;*
2. *The European Commission is ordered to pay its own costs as well as those incurred by Biogas Nord AG;*
3. *The Federal Republic of Germany is ordered to bear its own costs.*

⁽¹⁾ OJ C 49, 18.2.2012.

Order of the General Court of 25 October 2018 — Biogas Nord Anlagenbau v Commission

(Case T-629/11) ⁽¹⁾

(State aid — German tax legislation concerning the possibility of carrying losses forward to future tax years (Sanierungsklausel) — Decision declaring aid incompatible with the internal market — Annulment of the contested measure by the Court — Action which has become devoid of purpose — No need to adjudicate)

(2019/C 44/70)

Language of the case: German

Parties

Applicant: Biogas Nord Anlagenbau GmbH (Bielefeld, Germany) (represented by: C. Birkenmeyer, lawyer)

Defendant: European Commission (represented by: initially, R. Lyal, T. Maxian Rusche and M. Adam, then, R. Lyal, T. Maxian Rusche and K. Blanck, acting as Agents)

Intervener in support of the applicant: Federal Republic of Germany (represented by: initially T. Henze, K. Petersen and R. Kanitz, then, T. Henze, R. Kanitz and K. Stranz and finally, T. Henze, R. Kanitz and S. Eisenberg, acting as Agents)

Re:

Action based on Article 263 TFEU and seeking annulment of Commission Decision 2011/527/EU of 26 January 2011 on State aid C 7/10 (ex CP 250/09 and NN 5/10) implemented by Germany — Scheme for the carry-forward of tax losses in the case of restructuring of companies in difficulty (Sanierungsklausel) (OJ 2011 L 235, p. 26).

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