

# GENERAL COURT

## Judgment of the General Court of 18 September 2015 — Deutsche Post AG v Commission

(Case T-421/07 RENV) <sup>(1)</sup>

*(State Aid — Postal delivery — Measures taken by the German authorities in favour of Deutsche Post AG — Decision to initiate the procedure laid down in Article 88(2) EC — Interest in bringing proceedings — Reopening of a closed procedure — Effects of a judgment annulling a measure)*

(2015/C 371/21)

Language of the case: German

### Parties

*Applicant:* Deutsche Post AG (Bonn, Germany) (represented by: J. Seddemund and T. Lübbig, lawyers)

*Defendant:* European Commission (represented by: B. Martenczuk, T Maxian Rusche and R Sauer, acting as Agents)

*Intervener in support of the defendant:* UPS Europe NV/SA (Brussels, Belgium); and UPS Deutschland Inc. & Co. OHG (Neuss, Germany) (represented by: T. Ottervanger, lawyer)

### Re:

Application for annulment of the Commission decision of 12 September 2007 to initiate the procedure laid down in Article 88(2) [EC] concerning State aid granted by the Federal Republic of Germany in favour of Deutsche post AG (State aid C 36/07(ex NN 25/07)).

### Operative part of the judgment

*The Court:*

1. *Annuls the Commission decision of 12 September 2007 to initiate the procedure laid down in Article 88(2) EC concerning State aid granted by the Federal Republic Of Germany in favour of Deutsche Post AG (State aid C 36/07(ex NN 25/07)) in so far as it initiated the formal investigation procedure in respect of the public measures concerned, with the exception of the State guarantees granted in favour of Deutsche Bundespost Postdienst and Deutsche Post;*
2. *Orders the European Commission, in addition to bearing its own costs, to pay those incurred by Deutsche Post in respect of the action for annulment, including those incurred in the appeal proceedings before the Court of Justice;*
3. *Orders UPS Europe NV/SA and UPS Deutschland Inc. & Co. OHG to pay their own costs.*

<sup>(1)</sup> OJ C 22, 26.1.2008