

MANDAT

12.12.2018

A FIRST BEFORE THE EU COURTS: GLEISS LUTZ WINS ANNULMENT OF STATE AID RECOVERY ORDER FOR FREE STATE OF BAVARIA

In its ruling of 12 December 2018, the European General Court (EGC) has upheld the action brought by the Free State of Bavaria directed against the European Commission's decision from September 2015 to recover (alleged) state aid on the basis of the German Milk and Fat Act. Today's ruling by the European General Court annulled the Commission's decision on "milk quality tests" in its entirety.

The Court held that the Commission had violated Bavaria's participation rights. The appealed decision had been issued without giving the parties affected the opportunity to comment on all aspects of the case. In particular the Commission had failed to clearly identify the source of funding and the legal basis of the measure. The Court fully agreed with the arguments submitted by Gleiss Lutz and the Free State of Bavaria.

This marks Bavaria's first action before the EU courts. A large number of Bavarian dairies had been affected by the Commission's recovery decision.

The case was handled by Dr. Ulrich Soltész (partner, EU state aid, lead) and Dr. Harald Weiß (EU state aid, both Brussels). Gleiss Lutz has been extensively involved in EU state aid law matters, with a focus on litigation before the Luxembourg judicial authorities, for many years.

PRESSEKONTAKT

Melina Merz

Lautenschlagerstraße 21

70173 Stuttgart

T +49 711 8997-366

E melina.merz@gleisslutz.com

EXPERTISE

State Aid

LAWYERS

Dr. Ulrich Soltész

Dr. Harald Weiß