

# GENERAL COURT

## Judgment of the General Court of 12 July 2018 — Austria v Commission

(Case T-356/15) <sup>(1)</sup>

*(State aid — Aid planned by the United Kingdom in favour of Hinkley Point C nuclear power station — Contract for Difference, Secretary of State Agreement and Credit Guarantee — Decision declaring the aid compatible with the internal market — Article 107(3)(c) TFEU — Public interest objective — Promotion of nuclear energy — Need for State intervention — Guarantee Notice — Determination of the aid element — Proportionality — Investment aid — Operating aid — Right to submit observations — Public procurement procedure — Obligation to state reasons)*

(2018/C 311/12)

Language of the case: German

### Parties

*Applicant:* Republic of Austria (represented initially by: C. Pesendorfer and M. Klamert, and subsequently by G. Hesse and M. Fruhmann, acting as Agents, and by H. Kristoferitsch, lawyer)

*Defendant:* European Commission (represented by: É. Gippini Fournier, R. Sauer, T. Maxian Rusche and P. Němečková, acting as Agents)

*Intervener in support of the applicant:* Grand Duchy of Luxembourg (represented by D. Holderer, acting as Agent, and by P. Kinsch, lawyer)

*Interveners in support of the defendant:* Czech Republic (represented by: M. Smolek, T. Müller and J. Vlácil, acting as Agents), French Republic (represented initially by: G. de Bergues, D. Colas and J. Bousin, and subsequently by D. Colas and J. Bousin, acting as Agents), Hungary (represented initially by: M. Fehér and M. Bóra, subsequently by B. Sonkodi, then by A. Steiner, acting as Agents, and by P. Nagy, lawyer, and finally by A. Steiner), Republic of Poland (represented by: B. Majczyna, acting as Agent), Romania (represented initially by: R. Radu and M. Bejenar, and subsequently by M. Bejenar and C. R. Canțâr, acting as Agents), Slovak Republic (represented by: B. Ricziová, acting as Agent) and United Kingdom of Great Britain and Northern Ireland (represented initially by: C. Brodie and S. Brandon, subsequently by C. Brodie, S. Simmons and M. Holt, then by C. Brodie, S. Simmons and D. Robertson, then by C. Brodie and D. Robertson, then by C. Brodie, and finally by C. Brodie and Z. Lavery, acting as Agents, and by T. Johnston, Barrister, and A. Robertson QC)

### Re:

Application under Article 263 TFEU for annulment of Commission Decision (EU) 2015/658 of 8 October 2014 on the aid measure SA.34947 (2013/C) (ex 2013/N) which the United Kingdom is planning to implement for support to the Hinkley Point C nuclear power station (OJ 2015 L 109, p. 44), in which the Commission found that that State aid measure was compatible with the internal market within the meaning of Article 107(3)(c) TFEU and authorised its implementation.

### Operative part of the judgment

*The Court:*

1. Dismisses the action;
2. Orders the Republic of Austria to bear its own costs and to pay those incurred by the European Commission;
3. Orders the Czech Republic, the French Republic, the Grand Duchy of Luxembourg, Hungary, the Republic of Poland, Romania, the Slovak Republic and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.

<sup>(1)</sup> OJ C 337, 12.10.2015.