



## PRESS RELEASE No 94/24

Luxembourg, 6 June 2024

Judgment of the Court in Case C-441/21 P | Ryanair v Commission

### COVID-19: the Court upholds the Commission's decision authorising the solvency support fund for strategic Spanish undertakings

*Ryanair had challenged that decision, relating to an aid scheme amounting to €10 billion*

In July 2020, Spain notified the European Commission of an **aid scheme** to set up a solvency support fund. The beneficiaries were (non-financial) **strategic Spanish undertakings** experiencing **temporary difficulties as a result of the COVID-19 pandemic**. That aid scheme provided for the adoption of various recapitalisation measures. It sought to remedy the **serious disturbance in the Spanish economy**, taken as a whole, in its diversity and with a view to sustainable economic development. The budget, financed by the State, was fixed at **€10 billion** until 30 June 2021.

By decision of 31 July 2020, **the Commission declared the notified aid scheme compatible with the internal market**.

The Irish airline **Ryanair** brought an **action** before the General Court of the European Union against the Commission's decision. That action was **dismissed** by judgment of 19 May 2021<sup>1</sup>. Ryanair brought an **appeal** before the Court of Justice against the judgment of the General Court.

#### **The Court of Justice dismisses Ryanair's appeal.**

The Court of Justice confirms the General Court's analysis that the aid scheme at issue **did not breach the principle of non-discrimination on grounds of nationality and that it was proportionate**. **EU law allows for differences in treatment between undertakings in the case of aid intended to remedy a serious disturbance in the economy of a Member State**.

That type of aid has restrictive effects which are also accepted. Ryanair has **failed** to demonstrate that the Spanish aid scheme produced restrictive effects which went beyond those inherent in that type of aid and that the aid scheme therefore constituted an **obstacle to the freedom to provide services and the freedom of establishment**.

According to the Court of Justice, the General Court correctly held that the **Commission was not required to weigh the beneficial effects of the aid scheme at issue against its adverse effects** on trading conditions between Member States and the maintenance of undistorted competition. The exceptional nature and the particular weight of the objectives pursued by that aid scheme permit the inference that a **fair balance** was struck between its beneficial effects and its adverse effects on the internal market, with the result that it is in the **common interest of the European Union**.

**NOTE:** An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract of the judgment](#) is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

Stay Connected!



<sup>1</sup> Judgment of 19 May 2021, [T-628/20 Ryanair DAC v Commission \(Spain – Covid-19\)](#) (see also [press release No 83/21](#)).