



## PRESS RELEASE No 150/23

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Judgments of the Court of Justice in Cases C-320/21 P and C-321/21 P | Ryanair v Commission

### State aid to SAS during the COVID-19 pandemic: the Court of Justice definitively dismisses Ryanair's actions concerning the loan guarantees put in place by Sweden and Denmark in April 2020

In April 2020, Denmark and Sweden gave notice to the Commission of two separate aid measures in favour of the airline SAS, each consisting of a guarantee on a revolving credit facility of up to 1.5 billion Swedish krona (SEK). Those measures were intended to compensate SAS in part for the damage resulting from the cancellation or rescheduling of its flights as a result of the travel restrictions introduced in the context of the COVID-19 pandemic. By decisions of 15 April 2020 <sup>1</sup> and 24 April 2020 <sup>2</sup>, the Commission approved that State aid.

Ryanair challenged those decisions before the General Court of the European Union. By judgments of 14 April 2021 <sup>3</sup>, the General Court dismissed those actions, finding that the aid measures at issue complied with EU law. In particular, given that SAS has a significantly higher market share than its closest competitor in Denmark and Sweden and that it was more affected by the restrictions relating to the COVID-19 pandemic, the aid did not amount to unlawful discrimination.

Ryanair then brought appeals before the Court of Justice against the judgments of the General Court. In its judgments delivered today, **the Court of Justice rejects all the arguments put forward by Ryanair and thus confirms the judgments of the General Court.**

The Court of Justice points out, in particular, that the aid measure at issue could be limited to SAS. It was not necessary for it to benefit all undertakings that suffered damage caused by the COVID -19 pandemic.

**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.

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The full text and, as the case may be, the abstract of the judgments ([C-320/21P](#) and [C-321/21P](#)) are published on the

<sup>1</sup> Commission Decision C(2020) 2416 final on State aid SA.56795 (2020/N) – Denmark – Compensation for the damage caused to SAS by the COVID-19 pandemic.

<sup>2</sup> Commission Decision C(2020) 2784 final on State aid SA. 57061 (2020/N) – Sweden – Compensation for the damage caused to SAS by the COVID-19 pandemic.

<sup>3</sup> Judgments of 14 April 2021, [T-378/20 Ryanair v Commission \(SAS, Denmark; COVID-19\)](#) and [T-379/20 Ryanair v Commission \(SAS, Sweden; COVID-19\)](#) (see also Press Release [No 52/21](#)).

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

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