



## PRESS RELEASE No 176/23

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Judgments of the Court of Justice in Cases C-209/21 P and C-210/21 P | Ryanair v Commission

### **State aid during the Covid-19 pandemic: the Court definitively dismisses the appeals brought by Ryanair concerning the support measures put in place by France and Sweden in the spring of 2020**

In March 2020, France notified the European Commission of an aid measure in the form of a deferral of the payment of civil aviation tax and solidarity tax on airline tickets. That deferral, which benefited airlines holding a French licence, involved postponing the payment of those taxes to 1 January 2021 and then spreading payments over a period of 24 months, that is to say, until 31 December 2022.

In April 2020, Sweden, for its part, notified the Commission of an aid measure in the form of a loan guarantee scheme of up to five billion Swedish kronor (SEK) to support airlines holding a Swedish operating licence in the context of the Covid-19 pandemic.

The Commission approved the aid measures <sup>1</sup>. Ryanair challenged those approval decisions before the General Court of the European Union; that court dismissed <sup>2</sup> the actions after finding that the contested aid measures were compliant with EU law. It took the view that the Swedish aid scheme was presumed to have been adopted in the interest of the European Union. Furthermore, the deferral put in place by France was appropriate to make good the economic damage caused by the Covid-19 pandemic and did not amount to discrimination.

Ryanair appealed to the Court of Justice. The Court of Justice **today rejects all the arguments put forward by Ryanair and thus confirms the judgments of the General Court.**

The Court reaffirms, in particular, that aid cannot be considered incompatible with the internal market for reasons that are linked solely to whether the aid is selective or distorts or threatens to distort competition <sup>3</sup>.

**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 texts and, as the case may be, the abstracts of the judgments ([C-209/21 P](#) and [C-210/21 P](#)) are published on the CURIA website on the day of delivery.

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



<sup>1</sup> Respectively, Commission Decision C(2020) 2097 final of 31 March 2020 on State aid SA.56765 (2020/N) – France – Covid-19 – Deferral of the payment of airline taxes in favour of public air transport undertakings, and Commission Decision C(2020) 2366 final of 11 April 2020 on State Aid SA.56812 (2020/N) – Sweden – Covid-19: Loan guarantee scheme to airlines.

<sup>2</sup> Judgments of 17 February 2021, [T-238/20](#) Ryanair v Commission and [T-259/20](#) Ryanair v Commission (see also press releases Nos [16/21](#) and [17/21](#)).

<sup>3</sup> Judgment of 28 September 2023, [C-320/21 P](#) Ryanair v Commission (see also press release [No 150/23](#)).