

Case T-369/00

Département du Loiret (France)

v

Commission of the European Communities

(State aid — Land sale price — Decision ordering the recovery of aid incompatible with the common market — Present-day value of the aid — Compound interest — Statement of reasons)

Judgment of the Court of First Instance (First Chamber), 29 March 2007 . . . II - 853

Summary of the Judgment

State aid — Commission decision finding aid incompatible with the common market and ordering repayment — Duty to state reasons with regard to the method of calculating the amount to be repaid

(Art. 253 EC)

A Commission decision on the repayment of State aid, granted in the form of the sale at a preferential price of a developed plot of land, which the decision declares to be unlawful, does not satisfy the requirement to state reasons laid down by Article 253 EC if it renders review by the addressee of the decision and by the court impossible by failing to include sufficient information as to the manner in which the Commission calculated the amount to be repaid, such failure consisting in: (1) not stating that the Commission used a compound rate of interest for which no provision was made in legislation and which did not correspond to the Commission's previous practice, even though in the case in point the choice of compound interest had important conse-

quences for the amount to be repaid; (2) not giving any explanation as to the choice of the rate applied; (3) not giving any explanation as to the link between the advantage retained by the beneficiary and the amount it was required to repay; and (4) an apparent inconsistency between the choice of compound interest in respect of the calculation as at the decision date of the amount to be repaid and simple interest in respect of the interest to be charged for the period between the decision and actual repayment.

(see paras 35-53)