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Judgments of the General Court in Cases T-268/21 RENV and T-538/24 | Ryanair v Commission (Italy; amended aid scheme; COVID-19)

State aid: aid scheme consisting of subsidies paid by Italy to airlines affected by the COVID-19 crisis is compliant with EU law

In October 2020, Italy notified the European Commission of an aid scheme consisting of subsidies paid through a compensation fund of €130 million to certain airlines holding an Italian licence. The aid scheme aimed at compensating the airlines concerned for damaged suffered between 1 March and 15 June 2020 owing to the travel restrictions and other containment measures taken to limit the spread of the COVID-19 pandemic.

The Commission approved that measure on the ground that it was compatible with the internal market.¹

However, after Ryanair brought proceedings, the General Court of the European Union annulled that decision on 24 May 2023,² finding that the Commission had not provided sufficient reasoning for its approval decision as regards the eligibility condition of the aid scheme related to minimum remuneration. However, by judgment of 23 January 2025, the Court of Justice set aside the judgment of the General Court and referred the case back to that court for it to rule again (Case T-268/21 RENV).³

In the meantime, the aid scheme was amended and extended for the period running from 16 June to 31 December 2020.⁴ On 13 October 2023, Italy notified the extension and amendment of the compensation measure for 2021, while also providing for an increase of €100 million in the budget. The Commission approved that measure too, with its approval decision also being the subject of an action brought by Ryanair before the General Court (Case T-538/24).⁵

The General Court dismisses the two actions brought by Ryanair.

In Case T-268/21 RENV, the General Court finds that **the eligibility condition of requiring the holding of an Italian licence is not an infringement of the principle of non-discrimination** since the difference in treatment in relation to airlines established outside Italy brought about by the scheme at issue is permitted under Article 107(2)(b) TFEU. That condition in fact concerns undertakings that were the most severely affected by measures prohibiting or restricting connections to or from Italy in the context of the COVID-19 pandemic. The General Court also finds that **the minimum remuneration condition does not result in any discrimination** since it does not by itself entail a difference in treatment according to the nationality of the airlines but is applied according to the home base of employees.⁶

As regards **the principles of the freedom to provide services and the freedom of establishment**,⁷ **Ryanair has not demonstrated that the requirement to hold an Italian licence** would produce restrictive effects going beyond those that are inherent in State aid granted under EU law or that that requirement was such as to discourage Ryanair from carrying out its activities in Italy. Similarly, **no infringement of those principles can be deduced from the minimum remuneration requirement.**

Next, the General Court observes that the Commission, when examining an aid scheme, may assess its general characteristics in order to determine if it is liable to favour its beneficiaries unlawfully and it is not required to carry out an

individual analysis of each award of aid. In that context, the Commission **was not required to determine if the aid granted to the beneficiaries of the scheme at issue could benefit the groups to which they belonged** or if aid granted to those groups under other measures could benefit those beneficiaries.

Lastly, the General Court rejects Ryanair's arguments alleging infringement of its procedural rights and of the obligation to provide reasoning.

In Case T-538/24, the General Court dismisses the action by applying substantially the same reasoning.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months and ten days of notification of the decision.

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The full text and, as the case may be, an extract of the judgments ([T-268/21](#), [T-538/24](#)) are published on the CURIA website on the day of delivery.

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¹ Decision C(2020) 9625 final.

² Judgment of the General Court of 24 May 2023, *Ryanair v Commission*, [T-268/21](#) (also see press release [No 85/23](#)).

³ Judgment of the Court of Justice of 23 January 2025, *Neos v Ryanair and Commission*, [C-490/23 P](#).

⁴ The Commission, by Decision C(2021) 6040 final, did not raise any objections to that extension.

⁵ Decision C(2024) 2339 final.

⁶ Observance of the principle of non-discrimination is reviewed under Article 107(2)(b) TFEU, which derogates from the principle set out in Article 18 TFEU.

⁷ Articles 49 and 56 TFEU and Article 15 of [Regulation \(EC\) No 1008/2008](#) of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community.