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**Changes to legislation:** *There are currently no known outstanding effects for the Commission Decision of 11 June 2014 on State aid SA.26818 (C 20/10) (ex N 536/08 & NN 32/10) granted by Italy to the Stretto airport anagement company SO.G.A.S. (notified under document C(2014) 3571) (Only the Italian text is authentic) (Text with EEA relevance) (2014/944/EU). (See end of Document for details)*

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Commission Decision of 11 June 2014 on State aid SA.26818 (C 20/10)  
(ex N 536/08 & NN 32/10) granted by Italy to the Stretto airport anagement  
company SO.G.A.S. (notified under document C(2014) 3571) (Only  
the Italian text is authentic) (Text with EEA relevance) (2014/944/EU)

Article 1     The State aid which Italy has granted to the Stretto...  
Article 2     This Decision is addressed to the Italian Republic.  
                 Signature

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- (1) [OJ C 292, 28.10.2010, p. 30.](#)
- (2) See footnote 1.
- (3) According to publicly available information.
- (4) [OJ C 312, 9.12.2005, p. 1](#), paragraphs 53–63.
- (5) [OJ C 244, 1.10.2004, p. 2.](#)
- (6) [OJ C 54, 4.3.2006, p. 13.](#)
- (7) Ente Nazionale per l'Aviazione Civile.
- (8) Commission Decision 2005/842/EC of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, [OJ L 312, 29.11.2005, p. 67.](#)
- (9) Judgment of the Court of Justice in Case C-280/00 *Altmark* [2003] ECR I-7747.
- (10) Judgment of the General Court in Joined Cases T-443 and T-455/08 *Freistaat Sachsen and others v Commission* [2011] ECR II-1311.
- (11) Judgment of the Court of Justice in Case 248/84 *Germany v Commission* [1987] ECR 4013; judgment of the General Court in Joined Cases T-267/08 and T-279/08 *Région Nord-Pas-de-Calais and Communauté d'agglomération du Douaisis v Commission* [2011] ECR II-0000, paragraph 108.
- (12) Judgment of the Court of Justice in Case C-301/87 *France v Commission* [1990] ECR I-307, paragraph 41.
- (13) The observations submitted by the Italian authorities in the course of the formal investigation into the measures under scrutiny differ from the arguments they put forward before the Commission decided to open the formal investigation. In particular, the Commission said in the opening decision that Italy had confirmed that SO.G.A.S. had not been formally entrusted with the provision of an SGEI, and for this reason the compatibility of the disputed measures could not be assessed under the SGEI rules. In the course of the investigation, Italy stated that SO.G.A.S. had in fact been entrusted with the provision of an SGEI, and argued that the measures being analysed by the Commission constituted lawful compensation for the provision of a public service.
- (14) Case C-280/00 [2003] ECR I-7747.
- (15) Communication from the Commission: European Union framework for State aid in the form of public service compensation, paragraph 47 ([OJ C 8, 11.1.2012, p. 15](#)).
- (16) Case 127/73 *Belgische Radio en Televisie v SABAM and Fonior* [1974] ECR 313, paragraphs 19 and 20; Case 66/86 *Ahmed Saeed Flugreisen and Silver Line Reisebüro v Zentrale zur Bekämpfung unlauteren Wettbewerbs* [1989] ECR 803, paragraphs 55–57; Case 7/82 *GVL v Commission* [1983] ECR 483; Case 172/80 *Züchner v Bayerische Vereinsbank* [1981] ECR 2021.
- (17) Point 5.1 of the Commission staff working document of 20 November 2007 ‘Frequently asked questions in relation with Commission Decision of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, and of the Community Framework for State aid in the form of public service compensation — Accompanying document to the Communication on “Services of general interest, including social services of general interest: a new European commitment”’, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007SC1516:EN:HTML>
- (18) Commission communication on services of general interest in Europe (‘the 2001 SGEIs Communication’) ([OJ C 17, 19.1.2001, p. 4](#)).
- (19) Case C-280/00 *Altmark* [2003] ECR I-7747, paragraph 87; Case T-137/10 *CBI v Commission*, 7 November 2012, not yet reported, paragraphs 97 and 98.
- (20) [OJ C 297, 29.11.2005, p. 4.](#)
- (21) [OJ C 8, 11.1.2012, p. 4.](#)
- (22) Case 301/87 *France v Commission* [1990] ECR 307, paragraph 11; Joined Cases T-298/97, T-312/97, T-313/97, T-315/97, T-600/97 to 607/97, T-1/98, T-3/98 to 6/98 and T-2323/98 *Alzetta Mauro and others v Commission* [2000] ECR II-2319, paragraph 79, with further references; Joined

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- Cases T-394/08, T-408/08, T-453/08 and T-454/08 *Regione autonoma della Sardegna and others v Commission*, 20 September 2011, not yet reported, paragraph 91.
- (23) See in particular Joined Cases C-278/92, C-279/92 and C-280/92 *Spain v Commission* [1994] ECR I-4103, paragraphs 20–22.
- (24) Judgment in *Stardust Marine*, paragraph 71.
- (25) See Case C-124/10 P *Commission v EDF*, paragraphs 82 and 83, and Joined Cases T-268/08 and T-281/08 *Land Burgenland (Austria) and Austria v Commission*, paragraph 155.
- (26) Public figures.
- (27) [OJ C 297, 29.11.2005](#).
- (28) [OJ C 8, 11.1.2012](#).
- (29) Commission Decision 2012/21/EU of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest ([OJ L 7, 11.1.2012, p. 3](#)).
- (30) Article 2(1)(a).
- (31) See Article 10 of the Decision for dates of entry into force, and in particular the application of Article 4(c), (d) and (e) and Article 6.
- (32) [OJ C 99, 4.4.2014, p. 3](#).
- (33) Paragraphs 137 and 113 of the new aviation guidelines.
- (34) Paragraphs 137 and 116 of the new aviation guidelines.
- (35) Paragraphs 137 and 124 of the new aviation guidelines.
- (36) Paragraphs 137 and 125 of the new aviation guidelines.
- (37) Paragraphs 137 and 131 of the new aviation guidelines.
- (38) The ‘catchment area of an airport’ is defined by the new aviation guidelines as a geographic market boundary that is normally set at around 100 km or around 60 minutes' travelling time by car, bus, train or high-speed train.

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