

Commission Decision (EU) 2016/2393 of 4 July 2016 on the State aid SA.33754 (2013/C) (ex 2013/NN) implemented by Spain for Real Madrid CF (notified under document C(2016) 4080) (Only the Spanish text is authentic) (Text with EEA relevance)

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| Article 1 | The State aid amounting to EUR 18 418 054,44, unlawfully...           |
| Article 2 | (1) The Kingdom of Spain shall recover the aid referred...            |
| Article 3 | (1) Recovery of the aid referred to in Article 1...                   |
| Article 4 | (1) Within two months following notification of this Decision, the... |
| Article 5 | This Decision is addressed to the Kingdom of Spain.                   |
|           | Signature   |

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision (EU) 2016/2393. (See end of Document for details)

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- (1) [OJ C 69, 7.3.2014, p. 108.](#)
- (2) Cf. footnote 1.
- (3) *Real Decreto 1020/1993, de 25 de junio, por el que se aprueban las Normas Técnicas de Valoración y el Cuadro Marco de Valores del Suelo y de las construcciones para determinar el valor catastral de los bienes inmuebles de naturaleza urbana, BOE de 22 de Julio de 1993.*
- (4) Judgment of 6 October 2004 of the Tribunal Superior de Justicia de Madrid, Sala de lo Contencioso-Administrativo, Sección 2a.
- (5) Judgement No 77/2015, Sala de lo Contencioso-Administrativo, Sección Primera.
- (6) *‘Toda alteración de la ordenación establecida por un Plan de Ordenación Urbanística que [...], desafecte el suelo de un destino público [...], deberá contemplar las medidas compensatorias precisas para mantener la cantidad y calidad de las dotaciones previstas respecto del aprovechamiento urbanístico del suelo [...]’.*
- (7) The Aguirre Newman Report, submitted by Real Madrid, pages 122-126.
- (8) The Aguirre Newman Report, pages 113-117.
- (9) The Aguirre Newman Report, pages 106-112.
- (10) Supreme Court judgment dated 6 June 1997, appeal no. 1610/1993 (*‘que por su enajenación a terceros de buena fe la cosa vendida se hizo irreivindicable, no el de la sentencia que así lo declara habida cuenta que esta sentencia es declarativa, no constitutiva, y se limita a constatar una situación preexistente; de ahí que la obligación de restitución surja en el momento en que los vendedores enajenaron las cosas, careciendo de poder dispositivo sobre ellas’*).
- (11) [OJ C 209, 10.7.1997, p. 3.](#)
- (12) Royal Decree 1020/1993 of 25 June containing the Technical Standards for Cadastral Valuation and the Standards Table for Land and Construction Values (*‘Real Decreto 1020/1993 por el que se aprueban las Normas Técnicas de Valoración y el Cuadro Marco de Valores del Suelo y de las construcciones para determinar el valor catastral de los bienes inmuebles de naturaleza urbana’*). Article 114.1 of Act 33/2003 on the Assets of the Public Administrations (*‘Ley 33/2003, de 3 de noviembre, del Patrimonio de las Administraciones Públicas’*) provides that valuations of public land, made for the purposes of said Act, may be carried out by (i) technical staff at the public body that manages the assets or rights to be transferred or that is interested in acquiring/renting them, (ii) technical staff at the Ministry of Finance and Public Administration, (iii) valuation companies registered on the Valuation Companies Register of the Bank of Spain (*‘Registro de Sociedades de Tasación del Banco de España’*) and other valuation companies which have been duly authorised.
- (13) See Case C-399/08 P *Commission v Deutsche Post* ECLI:EU:C:2010:481, paragraph 38 and the case-law cited therein.
- (14) See Case C-399/08 P *Commission v Deutsche Post* ECLI:EU:C:2010:481, paragraph 39 and the case-law cited therein.
- (15) Joined Cases C-180/98 to C-184/98 *Pavlov and Others* ECLI:EU:C:2000:428.
- (16) Case C-415/93 *Bosman* ECLI:EU:C:1995:463, paragraph 73, Case C-519/04 P *Meca-Medina and Majcen v Commission* ECLI:EU:C:2006:492, paragraph 22 and C-325/08 *Olympique Lyonnais* ECLI:EU:C:2010:143, paragraph 23.
- (17) Case C-172/03 *Heiser* ECLI:EU:C:2005:130, paragraph 55 Joined Cases C-71/09 P, C-73/09 P and C-76/09 P *Comitato ‘Venezia vuole vivere’ and Others v Commission* ECLI:EU:C:2011:368, paragraph 136. See also Case C-156/98 *Germany v Commission* ECLI:EU:C:2000:467, paragraph 30, and the case-law cited.
- (18) Case C-342/96 *Spain v Commission* ECLI:EU:C:1999:210, paragraph 41.
- (19) Case C-39/94 *SFEI and Others* ECLI:EU:C:1996:285, paragraphs 60 and 61.
- (20) Case C-73/11 P *Frucona Košice v Commission* ECLI:EU:C:2013:32, paragraph 71 and the case-law cited.
- (21) Case C-124/10 P *Commission v EDF* ECLI:EU:C:2012:318, paragraphs 84, 85 and 105; see, by way of analogy, Commission decision of 12 March 2014 in Case SA.36249 (2014/N-3): *Spain* —

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*Amendment of the Restructuring of CEISS through integration with Unicaja Banco*, recitals 59, 60; [OJ C 141, 9.5.2014, p. 1](#).

- (22) Case C-124/10 P *Commission v EDF* ECLI:EU:C:2012:318, paragraph 85.
- (23) Spain confirmed the absence of such external advice at a telephone conference on 6 November 2015 and in written information of 9 March 2016.
- (24) Cf. footnote 4.
- (25) In the best and worst case scenario regarding the expected return on investment through revenues, the value would be EUR 6 350 000 and EUR 2 350 000, respectively.
- (26) Comments of Spain of 15 June 2015 on the CEIAM study transmitted by the Commission on 22 April 2015.
- (27) Submission by Real Madrid of 10 July 2015.
- (28) Cf. Article 24(2) of *Orden ECO/805/2003, de 27 de marzo, sobre normas de valoración de bienes inmuebles y de determinados derechos para ciertas finalidades financieras*, BOE núm. 85, de 9 de abril de 2003, p. 13678.
- (29) The exceptions provided for in Article 107(2) of the Treaty concern: (a) aid of a social character granted to individual consumers; (b) aid to make good the damage caused by natural disasters or exceptional occurrences; and (c) aid granted to certain areas of the Federal Republic of Germany.
- (30) The exceptions provided for in Article 107(3) of the Treaty concern: (a) aid to promote the development of certain areas; (b) aid for certain important projects of common European interest or to remedy a serious disturbance in the economy of the Member State; (c) aid to develop certain economic activities or areas; (d) aid to promote culture and heritage conservation; and (e) aid specified by a Council decision.
- (31) Case T-68/03 *Olympiaki Aeroporia Ypiresies v Commission* ECLI:EU:T:2007:253, paragraph 34.
- (32) Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union ([OJ L 248, 24.9.2015, p. 9](#)).
- (33) See Case C-70/72 *Commission v Germany* ECLI:EU:C:1973:87, paragraph 13.
- (34) See Joined Cases C-278/92, C-279/92 and C-280/92 *Spain v Commission* ECLI:EU:C:1994:325, paragraph 75.
- (35) See Case C-75/97 *Belgium v Commission* ECLI:EU:C:1999:311, paragraphs 64-65.
- (36) Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union ([OJ L 140, 30.4.2004, p. 1](#)).
- (37) See Case C-441/06 *Commission v France* ECLI:EU:C:2007:616, paragraph 29 and the case-law cited.

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