

Commission Decision of 23 March 2011 on State aid C 39/07 implemented by Italy for Legler SpA (notified under document C(2011) 1758) (Only the Italian text is authentic) (Text with EEA relevance) (2012/51/EU)

- Article 1 The formal investigation procedure under Article 108(2) of the Treaty...
- Article 2 The public guarantee amounting to EUR 13 million and the debt-for-equity...
- Article 3 (1) Italy shall recover the aid referred to in Article...
- Article 4 (1) Recovery of the aid referred to in Article 2...
- Article 5 (1) Within two months following notification of this Decision, Italy...
- Article 6 This Decision is addressed to the Italian Republic.
Signature

- (1) [OJ C 289, 1.12.2007, p. 22.](#)
- (2) [OJ C 159, 12.7.2007, p. 2.](#) The rescue aid was approved for the period 5 October 2006 to 5 April 2007.
- (3) See footnote 1.
- (4) This figure represents the number of persons who worked full-time for the company during the entire period under consideration.
- (5) The extraordinary shares gave the shareholder a preferential right in the allocation of profit and repayment of capital in the event of dissolution of the company.
- (6) I.e. until 31 December 2012.
- (7) The plan envisaged a separate industrial plan for this site.
- (8) Community guidelines on State aid for rescuing and restructuring firms in difficulty ([OJ C 244, 1.10.2004, p. 2](#)) and Commission communication concerning the prolongation of the Community guidelines on State aid for rescuing and restructuring firms in difficulty ([OJ C 156, 9.7.2009, p. 3](#)).
- (9) See footnote 6 above.
- (10) [OJ L 83, 27.3.1999, p. 1.](#)
- (11) Commission Notice on application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees ([OJ C 155, 20.6.2008, p. 10](#)).
- (12) See also the Commission's decision in case C 59/07 of 28 October 2009 on rescue aid to Ixfin ([OJ L 167, 1.7.2010, p. 39](#)).
- (13) SFIRS SpA (a financial intermediary under Articles 106 and 107 of Legislative Decree No 385 of 1 September 1993) prepares plans and programmes, and drafts guidelines of the autonomous region of Sardinia targeting the region's economic and social development. SFIRS is an operational instrument of the Autonomous Region of Sardinia which holds 93 % of its shares. SFIRS is administered by a board of directors appointed by the autonomous region of Sardinia. Moreover, SFIRS is subject to the same power of direction and control as the administration of the autonomous region of Sardinia.
- (14) Case C-482/99 *France v Commission*, paragraph 70. Case C-42/93 *Spain v Commission*, paragraph 13.
- (15) Submitted by Italy as an annex to its letter of 29 May 2009.
- (16) Case C 32/05 (ex N 250/05) of 4 April 2007 ([OJ L 277, 20.10.2007, p. 25](#)).
- (17) Case C 32/06 (ex N 179/06) of 25 September 2007 ([OJ L 44, 20.2.2008, p. 36](#)).
- (18) C 38/07 (ex NN 45/07) *Arbel Fauvet Rail SA* of 7 October 2010 ([OJ L 238, 24.10.2007, p. 17](#)).
- (19) T-102/07 *Freistaat Sachsen v Commission* and T-120/07 *MB Immobilien Verwaltungs and MB System & Co. (T-120/07) v Commission*.
- (20) Case C-70/72 *Commission v Germany*, paragraph 13.
- (21) Joined cases C-278/92, C-279/92 and C-280/92 *Spain v Commission*, paragraph 75.
- (22) Case C-75/97 *Belgium v Commission*, paragraphs 64-65.
- (23) [OJ L 83, 27.3.1999, p. 1.](#)