

Commission Decision (EU) 2015/1073 of 9 January 2015 on the State aid SA.35888 (2013/C) (ex 2013/NN) SA.37220 (2014/C) (ex 2013/NN) SA.38225 (2014/C) (ex 2013/NN) implemented by Cyprus for Cyprus Airways (Public) Ltd (notified under document C(2014) 9362) (Only the English text is authentic) (Text with EEA relevance)

Article 1

The formal investigation procedure under Article 108(2) of the Treaty initiated on 6 March 2013 in respect to potential *ex gratia* compensation by Cyprus to Cyprus Airways has become devoid of purpose, because Cyprus has abandoned the measure. That procedure is hereby closed.

Article 2

The State aid amounting to at least EUR 66 099 317.94, which results from the sum of EUR 31,33 million in the form of the State's participation to the capital increase, EUR 34,5 million in the form of the rescue aid loan and EUR 269 317.94 in the form of the training aid, unlawfully granted to Cyprus Airways by Cyprus in breach of Article 108(3) of the Treaty, is incompatible with the internal market.

Article 3

Any State aid in addition to the amounts referred to in Article 2 which Cyprus has granted or might want to grant to Cyprus Airways in the context of measure 4 is incompatible with the internal market.

Article 4

1 Cyprus shall recover the incompatible aid referred to in Article 2 from the beneficiary. It shall also recover any additional aid as referred to in Article 3 from the beneficiary.

2 The sums to be recovered shall bear interest from the date on which they were put at the disposal of the beneficiary until their actual recovery.

3 The interest shall be calculated on a compound basis in accordance with Chapter V of Commission Regulation (EC) No 794/2004⁽¹⁾, and to Commission Regulation (EC) No 271/2008⁽²⁾ amending Regulation (EC) No 794/2004.

4 As regards measure 4, Cyprus shall inform the Commission whether it has granted any additional amounts above those referred to in Article 2 in the context of this measure and shall also inform the Commission about the exact amounts granted and granting dates.

5 As regards measure 5, Cyprus shall inform the Commission about the dates when the individual amounts were granted.

6 Cyprus shall abolish measure 4 and cancel all outstanding payments of the aid referred to in Article 2 and 3 with effect from the date of adoption of this Decision.

Article 5

1 Recovery of the aid referred to in Article 2 and Article 3 shall be immediate and effective.

2 Cyprus shall ensure that this Decision is implemented within four months following the date of notification of this Decision.

Article 6

1 Within two months following notification of this Decision, Cyprus shall submit the following information:

- a Information requested under Article 4 paragraphs 4 and 5;
- b the total amount (principal and recovery interests) to be recovered from the beneficiary⁽³⁾;
- c a detailed description of the measures already taken and planned to comply with this Decision;
- d documents demonstrating that the beneficiary has been ordered to repay the aid.

2 Cyprus shall keep the Commission informed of the progress of the national measures taken to implement this Decision until recovery of the aid referred to in Article 2 and Article 3 has been completed. It shall immediately submit, on simple request by the Commission, information on the measures already taken and planned to comply with this Decision. It shall also provide detailed information concerning the amounts of aid and recovery interest already recovered from the beneficiary.

Article 7

This Decision is addressed to the Republic of Cyprus.

Done at Brussels, 9 January 2015.

For the Commission

Margrethe VESTAGER

Member of the Commission

Status: This is the original version (as it was originally adopted).

- (1) Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down rules for the application of Article 93 of the EC Treaty ([OJ L 140, 30.4.2004, p. 1](#)).
- (2) Commission Regulation (EC) No 271/2008 of 30 January 2008 amending Regulation (EC) No 794/2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty ([OJ L 82, 25.3.2008, p. 1](#)).
- (3) This information is to be provided in the form of the table attached to this Decision as an annex.