

GLS State Aid Webinar

CASE REFERENCE

Philip Morris Holland BV v Commission of the European Communities (730/79)

European Court of Justice

17 September 1980

Westlaw Case Analysis 8 pages

Status:  Positive or Neutral Judicial Treatment

Philip Morris Holland BV v Commission of the European Communities (730/79)

European Court of Justice

17 September 1980

Case Analysis

Where Reported

[1980] E.C.R. 2671; [\[1981\] 2 C.M.L.R. 321](#)

Case Digest

Subject: European Union **Other related subjects:** Administrative law

Keywords: Discretion; European Commission; State aid

Summary: State aids; discretion of Commission

Abstract: The ECJ considered an application by a Dutch company for a declaration under the Treaty of Rome 1957 Art.173 that [Commission Decision 79/743](#) was void. The decision concerned the proposed ban on Dutch Government's assistance to a cigarette manufacturer.

Held, the application was rejected. The government in receipt of such a decision can apply under Art.173(2) to annul the decision of the Commission. The latter has discretion under Art.92(3) to give or withhold state-aids compatible with the EEC. The Commission must consider the whole community not just the country where the aid may go. The refusal to let the Dutch Government grant the aid in question was justified on these criteria.

Judge: Mertens de Wilmars (President); Lord MacKenzie Stuart, L.C.J.

Related Cases

Philip Morris Holland BV v Commission of the European Communities (730/79)

[1980] E.C.R. 2671; AGO

All Cases Cited

Italy v Commission of the European Communities (173/73)

[\[1974\] E.C.R. 709](#); [\[1974\] 2 C.M.L.R. 593](#); ECJ; 1974-07-02

Beguelin Import Co v Import Export SA GL (C22/71)

[\[1971\] E.C.R. 949](#); [\[1972\] C.M.L.R. 81](#); ECJ; 1971-11-25

Volk v Etablissements J Vervaecke SPRL (5/69)

[\[1969\] E.C.R. 295](#); [\[1969\] C.M.L.R. 273](#); ECJ; 1969-07-09

Sociaal Fonds voor de Diamantarbeiders, Antwerp v SA Ch Brachfeld & Sons, Antwerp (2/69)

[\[1969\] E.C.R. 211](#); [\[1969\] C.M.L.R. 335](#); ECJ; 1969-07-01

Commission of the European Communities v Italy (24/68)

[\[1969\] E.C.R. 193](#); [\[1971\] C.M.L.R. 611](#); ECJ; 1969-07-01

Key Cases Citing

Applied

Kronoply GmbH & Co KG v Commission of the European Communities (T-162/06)

[\[2009\] 2 C.M.L.R. 25](#); CFI (5th Chamber); 2009-01-14

Commission of the European Communities v France (C-232/05)

[\[2006\] E.C.R. I-10071](#); [\[2007\] 3 C.M.L.R. 3](#); ECJ (1st Chamber); 2006-10-05

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Applied

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Hotel Cipriani SpA v Commission of the European Communities (T-254/00)

[\[2008\] E.C.R. II-3269](#); [\[2009\] 1 C.M.L.R. 39](#); CFI (6th Chamber); 2008-11-28

Applied

Commission of the European Communities v France (C-232/05)

[\[2006\] E.C.R. I-10071](#); [\[2007\] 3 C.M.L.R. 3](#); ECJ (1st Chamber); 2006-10-05

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Significant Legislation Cited [Commission Decision 79/743](#)

Legislation Cited [Commission Decision 79/743](#)

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Chapter: Chapter VI - Application of the State Aid Rules

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