



PRESS RELEASE No 2/24

Luxembourg, 11 January 2024

Judgment of the Court in Case C-440/22 P | Wizz Air Hungary v Commission

The Court dismisses Wizz Air's appeal concerning the rescue aid granted by Romania to TAROM

That aid, amounting to €36,660,000, is compatible with European Union law

In February 2020, Romania notified the European Commission of rescue aid, consisting of a loan of approximately €36,660,000, which it planned to grant to the Romanian airline TAROM. By decision of 24 February 2020, the Commission classified that subsidy as State aid compatible with the internal market. The airline Wizz Air challenged that decision before the General Court of the European Union.

By judgment of 4 May 2022, the General Court dismissed that action ¹. According to the General Court, the aid in question is compatible with the internal market because it is intended to prevent social hardship or market failure that could be caused by a disruption of TAROM's services for the connectivity of Romanian regions.

Wizz Air appealed against the judgment of the General Court to the Court of Justice, **which by today's judgment dismisses that appeal in its entirety and thus confirms the judgment of the General Court.**

The Court reaffirms that the relatively limited size of the market at issue does not prevent a service provided on that market from being classified as important so that its disruption could give rise to serious social hardship or constitute market failure. This would be the case if TAROM were to cease operations: it would be detrimental to the connectivity of the regions in Romania exclusively served by that airline and to the economic situation of those regions. Consequently, the Commission was not required to take into account the size of the market in which TAROM operates or its share in order to assess whether there is a risk of disruption to a service that is important to Romanian society.

The Court also refutes Wizz Air's arguments as to whether TAROM would be replaced by its competitors on the domestic routes operated exclusively by that airline, the repeated grant of State subsidies to TAROM and all the other legal grounds put forward by Wizz Air.

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

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The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹Judgment of the General Court of 4 May 2022, *Wizz Air Hungary v Commission*, [T-718/20](#) (see also [Press Release No 73/22](#)).