

Belgium Brings Action for Not Initiating State Aid Procedure Against Greek Tonnage Tax

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On 20 January 2023, Belgium brought an action before the General Court in [Case T-17/23](#).

Belgium claims that the Court should:

- declare that the Commission has failed to act in Case SA.33828 on the Greek tonnage tax scheme by not opening the formal procedure against Greece, and not taking a clear position under article 23 of the [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 \(TFEU\)](#) and 108 TFEU; and
- order the Commission to pay for the costs.

With four pleas in law, the applicant alleged:

- "(1) that by not opening the formal procedure against Greece the Commission failed to comply with its conclusions on Case SA.33828 – Greek tonnage tax scheme and with its 2003 guidelines on State aid to maritime transport (Maritime Guidelines).
- (2) the Commission failed to comply with the Council Regulation (EU) 2015/1589 of 13 July 2015 on rules for the application of Article 108 of the TFEU (Procedural Regulation, article 23) and Article 108 TFEU by not opening the formal investigation procedure seven years after the Article 23 decision, and that by refusing to take a clear position in this regard the Commission harmed the rights of interested parties in breach of Procedural Regulation (article 24), [Charter of Fundamental rights](#) (article 41 and 47) and EU principles (such as legitimate expectations).
- (3) the Commission failed to comply with equal treatment principle as protected by articles 20 and 21 of the EU Charter and its duty of sincere cooperation (Article 4(3) [Treaty on European Union \(TEU\)](#)), by refusing ad vitam eternam to act based on article 107 TFEU against the Greek tonnage tax scheme, while dismantling equivalent State aid schemes to port in other Member States in a limited time frame.
- (4) that the Commission failed to comply with international tax standards and EU tax law and commitments, regarding minimum taxation rules which will have to be implemented by all Member States as from 1st January 2024 on the basis of the OECD Pillar Two Agreement (December 2021) and the [Minimum Taxation Directive\(2022/2523\)](#)."

Note: In Case SA.33828 the European Commission decided, amongst other things, that the Greek tonnage tax should always cover more than 50% of the vessel's total (core and ancillary) gross revenues.

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