

Condor Secures Victory in Lufthansas COVID-19 State Bailout

May 11, 2023

Brussels – May 11, 2023 – Cooley advised Condor, a German leisure airline, in its victory against the approval of Lufthansa's 2020 state bailout. Partner Alexander Israel led the Cooley team, which also included Elizabeth Anne Wright, Jan Lang and Georgina Dietrich.

Condor, along with Ryanair, challenged the European Commission's decision to allow Germany to provide Lufthansa with 6 billion euros in state aid following the decline of travel due to the COVID-19 pandemic. The General Court annulled the aid cleared by the European Commission, noting several errors committed by the commission – in particular, by considering that Lufthansa was unable to obtain financing on the markets for the entirety of its needs, by failing to require a mechanism incentivising Lufthansa to buy back Germany's shareholding as quickly as possible, by denying that Lufthansa held significant market power at certain airports and by accepting various commitments that do not ensure that effective competition on the market is preserved.

"We are pleased that the General Court concurs with our legal analysis. It is particularly notable that the General Court found that, as consequence of its limited review, the European Commission failed to assess the scope of Lufthansa Group's market power," said Israel. "The German Federal Cartel Office had previously held, after detailed investigation, that due to its market position in Germany, Lufthansa Group was required to provide Condor with unrestricted access to Lufthansa Group's feeder flights."

The case is T-87/21 – *Condor Flugdienst v. Commission* (Lufthansa; COVID-19).

About Cooley LLP

Clients partner with Cooley on transformative deals, complex IP and regulatory matters, and high-stakes litigation, where innovation meets the law.

Cooley has nearly 1,400 lawyers across 18 offices in the United States, Asia and Europe, and a total workforce of more than 3,000.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction, and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. This content may have been generated with the assistance of artificial intelligence (AI) in accordance with our [AI Principles](#), may be considered Attorney Advertising and is subject to our [legal notices](#).

Key Contacts

Georgina Dietrich Brussels	gdietrich@cooley.com +32 2 486 7532
David Burns Washington, DC	dburns@cooley.com +1 202 728 7147

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.