

Case C-188/92 TWD Textilwerke Deggendorf GmbH v Federal Republic of Germany
[1994] ECR I-833

Facts: Germany had provided aid to a producer of polyamide and polyester yarn situated in Deggendorf, which the Commission declared to amount to state aid in a way which was incompatible with the common market. The Commission therefore ordered Germany to repay the amount granted. The applicant contended that the decision of the German government to revoke the legal basis of the aid was unlawful. The crucial question was whether an indirect challenge was possible.

Held: An indirect challenge was not possible. The applicant had been previously informed that it would have standing for an action to annul the EU measure and chose instead to indirectly challenge the measure before national courts. On the facts, the definitive nature of the decision taken by the Commission in respect of the applicant in receipt of the aid was binding on the national court by virtue of the principle of legal certainty.