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In the published version of this decision, some information has been omitted, pursuant to articles 24 and 25 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty, concerning non-disclosure of information covered by professional secrecy. The omissions are shown thus […].

PUBLIC VERSION

WORKING LANGUAGE

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Subject: State aid N 907/2006 – Aid to Mátrai Erőmű Zrt. - MSF 2002 - Hungary

Sir,

1. PROCEDURE

(1) By electronic notification of 22 December 2006, registered the same day, the Hungarian authorities notified to the Commission their intention to grant a regional investment aid in favour of Mátrai Erőmű Zrt., for the construction of a new electricity production unit based on lignite, in Hungary. The case is notified under the Multisectoral Framework on regional aid for large investments projects[1] (hereinafter: MSF 2002).

(2) The Commission requested additional information by letter of 23 January 2007 (D/50519), which was provided by the Hungarian authorities by letter of 11 May 2007 (A/33932).

2. DESCRIPTION OF THE AID MEASURE

(3) The Hungarian authorities intend to promote regional development in the Heves region, by granting regional investment aid to Mátrai Erőmű Zrt (hereinafter: ME Zrt.) in order to set up a new unit for the production of electricity based on domestically mined lignite, in Heves region (Northern Hungary), an assisted area

[1] Communication from the Commission - Multisectoral framework on regional aid for large investment projects, OJ C 70 of 19.3.2002, p. 8, as amended by Commission communication, OJ C 263 of 1.11.2003, p. 3.

under Article 87(3)(a) of the EC Treaty with an aid intensity ceiling of 50% Net Grant Equivalent (NGE) for the period 2004-2006[2].

The beneficiary

(4) The beneficiary of the financial support is ME Zrt., one of electricity generators in Hungary. It is a vertically integrated company, operating not only the power station but also managing and owning the lignite mines supplying the necessary raw materials.

(5) After its privatisation in 1995, 74% of ME Zrt. shares were acquired by German investors in the RWE-EnBW consortium and 25% remained with the Hungarian state.

(6) RWE is the directing company; it owns 51% of the shares and totally consolidates the company. The RWE Group is one of Europe's leading integrated electricity and gas companies. It is active in the power generation, sales and trading markets in Germany, UK and Central and Eastern Europe. In the electricity business, the operations of the group are vertically integrated; RWE is a power producer, a trader, a grid operator and a sales company as well.

(7) The Hungarian Power Companies Ltd. (MVM) controls 25% of the ME Zrt. shares. MVM is a state-owned vertically integrated group of undertakings active in a) generation, b) wholesale, c) transmission and d) retail of electricity in Hungary. Until recently, MVM used to have a *golden share* in ME[3], under which it had a veto right on important company decisions. However, this privileged right was abolished by amendment of the Act on 24 April 2007 and thus MVM does not control the beneficiary.

(8) EnBW Energie Baden-Württemberg (EnBW) owns 21% of theME Zrt.shares. EnBW is the fourth largest energy company in Germany and is active on segments of electricity and gas markets in Germany and in Central and Eastern Europe.

The investment project

(9) The aim of the project is to create a new block of 400 MW on the existing plot of the ME Zrt., in order to produce electricity. The energy transformation process of the project will be based on lignite using a steam turbine generator machine unit fuelled by pulverised coal. The project will be based on the lignite fields in North Hungary, using the infrastructure capacity of the existing site. Currently, ME Zrt. operates the following blocks in the site:

Blocks	Capacity	Start of	planned	Fuel

2 Commission decision of 9.7.2004, Hungarian regional aid map for the period 2004-2006, SG Greffe (2004)D/203028, 12.7.2004.

3 Act XXXIX of 1995 on the Sale of State-Owned Entrepreneurial Assets - 1995. évi XXXIX. *Törvény az állam tulajdonában lévő vállalkozói vagyon értékesítéséről.*

	gross	operation	closure	
I block	100 MW	1970	2012	Lignite
II block	100 MW	1970	2012	Lignite
III block	212 MW	1971	2022	Lignite
IV block	212 MW	1972	2021	Lignite
V block	232 MW	1973	2020	Lignite
IV block	30 MW	2007	2021	Gas
VII block	30 MW	2006	2020	Gas

(10) The new unit of 400 MW net (442 MW gross) capacity will replace the existing blocks I and II of total 200 MW capacity, which have a low efficiency and unfavourable CO_2 emissions, and will build a new 200 MW capacity. The new block will consist of independent production units and will be operational when blocks Nos. I and II will stop being operational in 2012, although they be stand by for some further years, for supply reserve security. The block will remain operational until 2040, whilst all other production units currently producing will shut down in 2022. With the extension, the existing power station could ensure the 16 day normative and safety energy carrier stock minimum and storage order for power stations with a capacity for 50 MW and above.

(11) Construction works started in 2007, while full production is expected in 2012. The project involves the creation of 80 new jobs and the maintenance of 200 jobs in the closing down units.

(12) In 2005, ME Zrt. received a regional investment aid in order to install two gas turbines on the same site, each having a 30 MW_{gross} output. The gas turbine investments increased the flexibility of the power station, enabled diversification in the fuel base and increased the efficiency of blocks IV and V. The gas blocks are capable of producing energy alone, independently of the rest of the power station blocks.

(13) The Hungarian authorities confirmed that no other products than those notified and assessed will be produced at the aided facility.

National legal basis and applied aid scheme

(14) The aid will be granted on the basis of Act LXXXI of 1996 on corporate and dividend tax, Government decree 275/2003 (XII.24.) on tax benefit, as modified by the Government decree 373/2004 (XII.26.), and the aid scheme N 504/2004 "Development tax benefit scheme"[4].

Total costs of the investment project

(15) The project involves a total investment costs of 175,4 billion HUF in nominal value. The total eligible costs amount to 135,5 billion HUF (or 517,2 mio EUR[5]) in present (discounted) value. The total nominal costs are broken down as follows:

Breakdown of the project costs (in '000 HUF)

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4 Commission decision of 23 December 2004 (C(2004)5652, D/59334).

5 Based on the exchange rate: 1 EUR = 261,97 HUF

	2007	2008	2009	2010	2011	20112	Nominal value
Building	[…]	[…]	[…]	[…]	[…]	[…]	37 994 520
Machinery / equipment	[…]	[…]	[…]	[…]	[…]	[…]	137 431 315
Total	[…]	[…]	[…]	[…]	[…]	[…]	**175 425 835**

Financing of the project

(16) The owners of the ME Zrt. will ensure the financing of the project through raising equity in several stages depending on the financing requirement of the investment for a given year.

(17) The Hungarian authorities confirm that the aid contract includes a clause stipulating that the recipient will make a contribution of at least 25% of the total investment and that this contribution is exempted of any aid.

Aid amount and aid intensity

(18) The proposed aid amount is 12,387 billion HUF (or 47,3 mio EUR), in present value[6]. Since the form of aid is tax benefits, the gross grant equivalent equals to net grant equivalent (NGE) and it corresponds to an aid intensity of 9,14% NGE.

(19) The aid will be granted in the form of tax benefits. The Hungarian authorities plan to pay out the aid as from 2013 until 2020, according to the following table:

Tax years for using the tax benefit	**'000 HUF reference rate: 8,12 %**	
	Current price	Present value
2013	2 338 379	1 353 856
2014	2 885 460	1 545 136
2015	2 753 303	1 363 640
2016	2 508 860	1 149 254
2017	2 828 184	1 198 233
2018	3 354 064	1 314 313
2019	6 203 279	2 248 241
2020	6 605 923	2 214 364
Total	**29 477 452**	**12 387 037**

General provisions

(20) The beneficiary applied for the financial support before works have started on the project. In addition, the aid is granted under the condition that the beneficiary will maintain the manufacturing facility at the site for a minimum period of five years after completion of the investment.

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6 In this decision, present values were calculated applying the reference rate for Hungary at the moment of notification, which was 8.12%.

(21) The Hungarian authorities assured that the financial support for the project will not be cumulated with any other financial support that would be disbursed for the same eligible costs from any other local, regional, national or Community source.

(22) The Hungarian authorities committed to submit to the Commission a final detailed report including information on the aid amounts being paid, on the execution of the aid contract and on any other investment projects at the same location, within 6 months after payment of the last *tranche* of the aid.

3. ASSESSMENT OF THE AID MEASURE AND COMPATIBILITY

Existence of aid

(23) The financial support given to ME Zrt. will be granted by the Hungarian authorities on the basis of the approved aid scheme N 504/2004 "Development tax benefit scheme" in the form of tax benefits. The support can thus be considered as given by the Member State through State resources in the meaning of Article 87(1) of the EC Treaty.

(24) As the aid is granted to a single company, ME Zrt., the measure is selective.

(25) The financial support granted to ME Zrt. will relieve the company from costs which it normally would have to bear itself and therefore the company benefits from an economic advantage over its competitors.

(26) The financial support will be given for an investment resulting in the production of electricity. Since the product concerned is subject to trade between Member States, the aid is likely to affect intra-community trade.

(27) The favouring of ME Zrt. and its production by the Hungarian authorities means that competition is distorted or threatened to be distorted.

(28) Consequently, the Commission considers that the notified measure constitutes State aid to ME Zrt. within the meaning of Article 87(1) of the EC Treaty.

Notification requirement

(29) By notifying the measure in 2006, the Hungarian authorities complied with the individual notification requirement laid down in point 24 of the MSF 2002.

(30) In line with point 63 and footnote 58 of the Guidelines on national regional aid for 2007-2013[7], the Commission assessed the aid measure under the provisions of the Guidelines on national regional aid 1998[8] (hereafter: RAG 1998) and the MSF 2002.

Compatibility with general provisions of the RAG 1998

[7] OJ C 54, 04.03.2006, p.13.
[8] OJ C 74, 10.03.1998, p. 9.

(31) The Commission verified whether the aid is granted in conformity with the approval decision of the aid scheme concerned. The approval decision confirmed its compatibility with the RAG 1998.

(a) The project comprises an initial investment within the meaning of the RAG.

(b) The Heves region, where the investment takes place, was entirely eligible for regional aid under Article 87(3)(a) of the EC Treaty with a regional aid ceiling of 50% NGE at the date of the notification.

(c) The notified aid is aid for initial investment (cf. point 4.4 and 4.11 of the RAG).

(d) The beneficiary's own contribution to the eligible costs is above the required 25% threshold (cf. point 4.2 of the RAG).

(e) The aid application was submitted before the work started on the project (cf. point 4.2 of the RAG).

(f) The eligible costs involve the costs of buildings and plant/machinery (cf. point 4.5 of the RAG).

(g) The investment will be maintained for at least 5 years after completion of the investment (cf. point 4.10 of the RAG).

(h) The rules on cumulation of aid are respected (cf. point 4.18 of the RAG).

Compatibility with the MSF 2002 provisions

Single investment project

(32) According to point 49 of the MSF 2002, an investment project should not be artificially subdivided into sub-projects in order to escape the provisions of the MSF 2002. For this purpose, an investment project includes all fixed investments on a production site within a period of three years. A production site is an economically indivisible series of fixed capital items fulfilling a precise technical function, linked by a physical or functional link, and which have clearly identified aims, such as the production of a defined product.

(33) As mentioned above, ME Zrt. already received regional aid for a previous investment on the same location. An aid of some 6,7 billion HUF in present value (or some 27 million EUR) was granted for the establishment of two gas turbines, in order to increase the flexibility of the power station and enable diversification in the fuel base. The project started on 2004 and was completed in June 2007.

(34) The Hungarian authorities present several arguments to demonstrate that the current project is a separate investment project: The two investments are implemented with two totally different technologies, they form independent production units and they don't share any equipment. The turbines will be fuelled by gas, achieving the efficiency increase for blocks IV and V. The fuel for the new 400 MW_{net} capacity unit is lignite and will be operational in 2012 independently from the other production units, when blocks I and II will be closed. Furthermore, the gas turbine blocks produce electricity during the peak period (i.e. between 6 a.m. and 10 p.m.), whilst the lignite will block operate

under basic load. Moreover, the sale of electricity from the two investments differs in respect of customer structure and financing.

(35) The Commission notes that the two investments will be implemented with two different technologies and they are not linked physically or functionally. Furthermore, neither production unit is dependent on the implementation of the other. The Commission is satisfied that, when considered objectively, the two projects can be considered to be economically distinct.

(36) For the reasons stated above, the Commission considers that the project was not artificially subdivided in order to escape the provisions of the MSF 2002.

Aid intensity

(37) The planned total aid amount in present value is 12,387 billion HUF NGE and the present value of the planned eligible expenditure is 135,5 billion HUF (or EUR 517,2 million). Therefore, the aid intensity in net grant equivalent (NGE) is 9,14%.

(38) Given that the planned eligible expenditure is HUF 135,5 billion and the applicable standard regional aid ceiling is 50% (NGE), the adjusted maximum aid intensity in NGE resulting from the scaling down mechanism of points 21 and 22 of the MSF 2002 is 20,96%.

(39) Since the aid intensity for the project (9.14% NGE) is below the maximum aid intensity allowed under the scaling down mechanism (20,96% NGE), the proposed aid intensity for the project complies with the adjusted regional aid ceiling.

(40) The Hungarian authorities confirmed that neither the notified aid amount (HUF 12,387 billion in present value), nor the notified aid intensity (9,14% NGE) will be exceeded.

Compatibility with point 24(a) and (b) of the MSF 2002

(41) Since the proposed aid amount of HUF 12,387 billion (or 47,3 mio EUR) exceeds the notification threshold of EUR 37,5 million, the compliance of the proposed aid with point 24(a) and (b) of the MSF 2002 has to be assessed.

(42) The Commission's decision to allow regional aid to large investment projects falling under point 24 of the MSF 2002 depends on the market power of the beneficiary before and after the investment and on the capacity created by the investment. To carry out the relevant tests under point 24(a) and (b) of the MSF 2002, the Commission has first to identify the product concerned by the investment, and afterwards to define the relevant product and geographic market.

Product concerned

(43) ME Zrt. will produce electricity[9] from the new power station block, based on lignite. 400 kV voltage electricity at 50 Hz frequency will be produced, which will reach the consumers at the desired voltage level via distribution networks. The machinery unit having the above characteristics is exclusively suitable for the generation of electricity.

(44) Therefore, the product concerned by the current investment project is electricity.

Relevant product market(s)

(45) For the purpose of identifying the relevant product market it is important to distinguish between two segments on the electricity market[10]:

(a) The generation/wholesale supply of electricity to the traders, and

(b) The retail supply of the electricity to final consumers (or consumer groups: households, industrial etc.)

(46) The supply side of market (a) is constituted by power generators and electricity imports and the demand side is constituted by the electricity wholesalers[11] purchasing for the purpose of sales to the domestic market and for exports. The supply side of market (b) is constituted by wholesale traders/retail suppliers and the demand side is constituted by the electricity consumers.

(47) In the retail supply segment of the market in Hungary as from July 2004, all non-household users are eligible to purchase electricity on a competitive market. Under the new Hungarian Electricity Act, which is to be adopted later this year, the electricity retail supply segment shall be fully liberalised and all consumers shall be able to choose freely their electricity supplier.

(48) Furthermore, on the electricity generation/wholesale market in Hungary, the Commission distinguished in its previous merger decisions[12], two segments: a regulated market and a competitive/free market, which is illustrated in the graph below.

Graph - Current Hungarian electricity market

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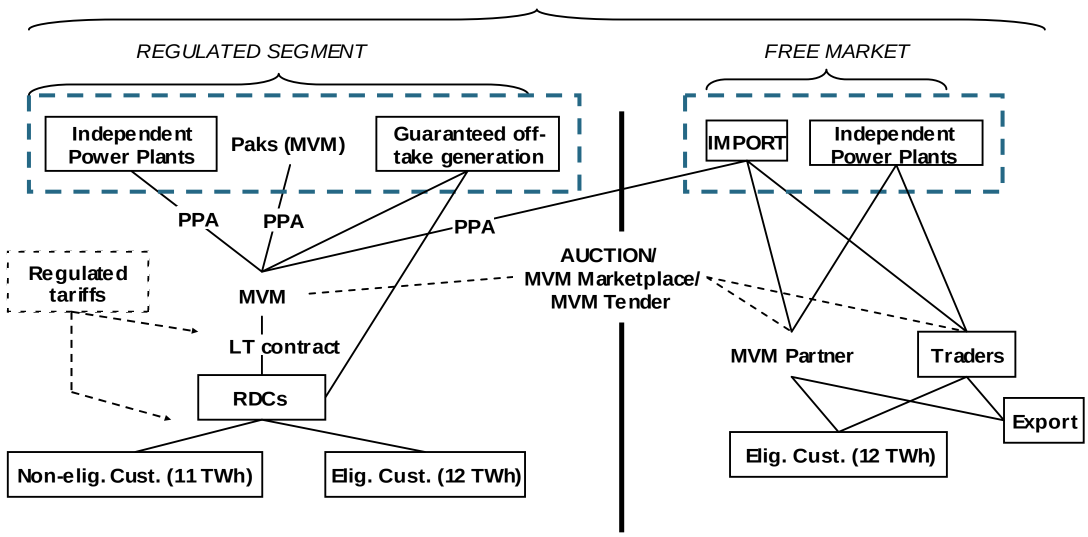
[9] CPA code 40.11.10 (CN code 2716 00 00).

[10] Due to the lack of relevance, other aspects of this electricity market (such as trading, transmission and distribution and balancing services) are not included in the market analysis.

[11] More precisely, in Hungary to traders, MVM and RDCs.

[12] Case COMP/ M.3696/E.ON/MOL 21/12/2005, Case COMP/M. 2947 Verbund/Energie Allianz, COMP/M. 3268 Sydkraft/Graninge, COMP/M.3440 ENI/ EDP/GDP.



(49) The regulated market, according to the Electricity Law still in force, encompasses a single-buyer model, where MVM is the only company to purchase electricity from the generators and re-sell it to the regional retail distributors.

(50) The electricity generators are obliged by law to offer their production capacity contracted for public utility purposes to the public utility wholesaler (MVM). As result, the generators and MVM have entered into long term Power Purchase Agreements ("PPAs"), typically for a period of 20 years. Under a PPA, the generator is obliged to reserve a pre-fixed production capacity and to supply the corresponding amount of electricity when requested. MVM in turn, is obliged to remunerate the entire booked capacity, even if it is not used. The purchase prices for electricity are pre-fixed in the PPAs and are based on each generator's cost structure (fixed and variable costs), including a guaranteed profit. The PPAs are scheduled to terminate between 2010 and 2024.

(51) Currently, PPAs cover ¾ of the Hungarian electricity demand, leaving only ¼ for the liberalised part of the generation market. ME Zrt. is operating on both markets[13]. The new investment is planned to supply electricity only to the free market and the new capacity is not bound by any PPA.

(52) The Commission, considering that the PPAs constituted unlawful state aid in favour of the power generators, opened, on 9 November 2005, an in-depth investigation[14], expressing doubts about their compatibility with the common market. It was also considered that the PPAs created a severe barrier for new investors to enter the market and that they were an obstacle to the liberalisation of the Hungarian electricity market. A final decision is expected to be adopted by the Commission later this year, proposing the amendment of the PPAs.

[13] Electricity generated from blocks III – VII is sold to the regulated segment while electricity generated from Blocks I – II is sold to the free market.

[14] State aid case C 41/2005 (ex NN49/2005) – Hungarian stranded costs, SG(2005) D/206119.

(53) Furthermore, the relevant product market has to be seen against the background of the evolution of electricity regulatory framework in Hungary. For this purpose, a distinction has to be drawn between the current electricity sector structure and the structure after the full liberalisation and the probable amendment of the PPAs, which should take place before 2012.

(54) For these reasons and because the new investment is intended to operate only on the free market, the Commission, for the purposes of this decision, defined the relevant market for 2006 as the free market of electricity generation/wholesale.

(55) In 2012, in view of the full liberalisation of the electricity market in Hungary and the probable amendment of the PPAs, one single electricity market should exist in Hungary. However, the Commission also examined the worst case scenario, *i.e.* the possibility of PPAs not being amended by 2012. In such a scenario, in all likelihood, the wholesale traders would not be able to purchase electricity from the electricity plants producing under the PPAs. Thus, a distinction should be made between the free and the market covered by the PPAs.

(56) As regards geographic markets for electricity, despite efforts by the Community to integrate further the different territorial markets in the EU, the Commission has found that the geographic market is most of the time national. The Commission, in the above mentioned *E.on/Mol* decision, carefully assessed the relevance of a geographic market wider than Hungary for electricity wholesale but came to the conclusion that, under the current regulatory framework, the most appropriate geographic scope was national.

(57) This was confirmed by the 2007 Final Report of the Energy Sector Inquiry[15], where all electricity markets (with only very few exceptions) were considered to be national in scope. Furthermore, the sector inquiry found that, currently, there is lack of electricity market integration, which mainly results from insufficient interconnecting infrastructure between national electricity systems, insufficient incentives to improve cross border infrastructure, inefficient allocation of existing capacities, and incompatible market design (*e.g.* differences between balancing regimes, nomination procedures, differences in opening hours of power exchanges) between TSOs (transmission system operators) and/or spot market operators.

(58) As far as the market in 2012 is concerned, it is not possible at this stage to foresee the exact evolution of the electricity market in Hungary and/or in the EEA in 2012. This is in particular true in view of the intensive Merger and Acquisition activity, the consolidation in the energy sector and the Community efforts to integrate the different territorial markets in the EU.

(59) In view of the above considerations and the complexity of the electricity market, it is not necessary for the Commission to define the relevant market for the purposes of this decision. The Commission leaves open the definition of the relevant market and will calculate the beneficiary's market shares in all possible relevant markets before and after the investment.

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[15] SEC(2006)1724, 10 January 2007.

Market share

(60) To examine whether the project is compatible with point 24(a) of the MSF, the Commission has to analyse the market share of the aid beneficiary before and after the investment. The beneficiary's market share is assessed at group level in the relevant product and geographic market. As RWE group fully controls ME Zrt., the market shares will be assessed at the RWE group level. As the investment started in 2007 and full production is foreseen to be reached in 2012, the Commission will examine the market share of the RWE group on any possible relevant market in 2006 and 2012.

(61) The Commission considered all the possible market segmentations, going from the broader to the narrower. For 2006:

- In the EEA electricity generation market:

In volume

	Market share of RWE
	Total EEA electricity generation
2005 [n/a for 2006]	7%

Source: RWE 2005 annual report

- In different segments of the Hungarian electricity market:

(62) ME Zrt. and RWE have the same market share on the Hungarian market, since ME Zrt. is the only electricity generator company owned by RWE in Hungary. The Hungarian authorities have provided data on the market share of ME Zrt. stemming from a multiplicity of sources (*Hungarian Energy Office, GKI Economic Research Co*). Whatever the sources used, the market shares of the beneficiary in electricity generation both in volume and value terms before completion of the project are below the 25% market share threshold established in point 24(a) of the MSF.

	Market share of ME Zrt.		
Year	Total HU generation market	Regulated segment	Free segment
2006 (GWh)	12%	13%	9%
2006 (HUF)	12%	13%	9%

(63) For 2012 the Commission examined the two possible scenarios for calculating the market shares of ME Zrt., depending on the evolution of the Hungarian electricity market.

(64) First, the whole electricity market in 2012 in Hungary will be a free market, given the full liberalisation. Under this assumption, ME Zrt. has market shares below the 25% threshold.

	Market share of ME Zrt.		
Year	Total HU generation market	Regulated segment	Free segment
2012 (GWh)	14%	-	14%
2012 (HUF)	14%	-	14%

(65) If however in 2012 the electricity in Hungary will be continue to be sold under the PPAs as they currently stand, the market share of ME Zrt. has also to be calculated in accordance with the market definition established for 2006 (*i.e.* free market of electricity generation/wholesale supply). The market shares in table below are based on the total apparent consumption data for 2012 as projected by the Hungarian authorities minus the approximated volume of all PPAs (including the PPA of Matrai) still valid in the year 2012[16]. Under this assumption, ME Zrt. has market shares below the 25% threshold.

In volume

	Market share of ME Zrt.		
Year	Total HU generation market	Regulated segment	Free segment
2012 (GWh)	12%	20%	16%

(66) The Commission is not able to calculate the market share of the aid beneficiary at group level in the EEA electricity generation market for 2012, due, in particular, to the uncertainties and unpredictable future developments on the European electricity market. However, the Commission notes that the beneficiary's market share in the narrowest possible market segment (*i.e.* in 2012, the free segment of the Hungarian national electricity market with the PPAs as they currently stand) is well below the 25% threshold.

(67) The above figures indicate clearly that the beneficiary’s market shares for the product concerned do not account for more than 25% of the total market before and after the investment.

(68) Consequently, the Commission concludes that the aid under scrutiny is in conformity with point 24(a) of the MSF 2002.

Capacity increase

(69) The Commission has also to examine whether the investment project complies with point 24(b) of the MSF 2002. In this context the Commission will verify that the capacity created by the project is less than 5% of the size of the relevant product market at EEA-level using apparent consumption data.

(70) The maximum net capacity increase of electricity created by the project measured in apparent consumption in volume terms in the EEA represents 0,06% (Source: Gas and electricity market statistics, European Communities, 2006).

(71) Consequently, the Commission concludes that the aid under scrutiny is in conformity with point 24(b) of the MSF 2002.

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16 For the approximated volume of the PPAs valid in year 2012 see the report of the Hungarian Competition Authority (GVH) http://www.gvh.hu/domain2/files/modules/module25/pdf/print_4332_h.pdf

Conclusion

(72) The notified regional aid favours regional development in a region eligible for regional aid pursuant to Article 87(3)(a) at the date of notification. It is in line with the RAG 1998 and respects the conditions of the MSF 2002. Consequently, the aid measure is compatible with Article 87(3)(a) of the EC Treaty.

4. DECISION

(73) The Commission has decided on the basis of the foregoing assessment that the regional aid for a nominal amount of HUF 12,387 billion representing an aid intensity of 9,14 % NGE in favour of Mátrai Erőmű Zrt. is compatible with the EC Treaty.

(74) The Hungarian authorities committed themselves to submit to the Commission:

– within two months of granting the aid, a copy of the signed aid/investment contract(s) between the granting authority and the beneficiary;

– on a five-yearly basis, starting from the approval of the aid by the Commission, an intermediary report (including information on the aid amounts being paid, on the execution of the aid contract and on any other investment projects started at the same establishment/plant);

– within six months after payment of the last *tranche* of the aid, based on the notified payment schedule, a detailed final report.

If this letter contains confidential information, which should not be disclosed to third parties, please inform the Commission within fifteen working days of the date of receipt. If the Commission does not receive a reasoned request by that deadline, you will be deemed to agree to the disclosure to third parties and to the publication of the full text of the letter in the authentic language on the Internet site:
http://ec.europa.eu/community_law/state_aids/index.htm

Your request should be sent by registered letter or fax to:

European Commission
Directorate-General for Competition
State Aid Greffe
B-1049 Brussels
Fax No: 32 2 296 12 42

Yours faithfully,
For the Commission

Neelie KROES
Member of the Commission