



EUROPEAN COMMISSION

Brussels, 31.05.2013

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PUBLIC VERSION

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**Subject: State aid No SA.36554 – Germany – Increase in the budget in relation to the exemption from air transport tax as regards flights of people domiciled on islands and other cases**

Sir,

**1. PROCEDURE AND DESCRIPTION OF THE MEASURE**

- (1) On 24 April 2013 Germany notified, pursuant to the Notice on simplified procedure<sup>1</sup>, and in particular point 5(c) thereof, an increase in the annual budget from EUR 120 000 to EUR 200 000 (exceeding 20%) of the existing aid scheme SA.32888 Exemption from air transport tax as regards flights of people domiciled on islands and other cases<sup>2</sup>. Other features of the measure remained unchanged.
- (2) A description of relevant features of the notified measure can be found in the summary of the notification published on the website of the Commission [http://ec.europa.eu/competition/state\\_aid/cases/248462/248462\\_1422647\\_6\\_1.pdf](http://ec.europa.eu/competition/state_aid/cases/248462/248462_1422647_6_1.pdf) and is annexed to the present decision.

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<sup>1</sup> OJ C136, 16.6.2009, p. 3.

<sup>2</sup> OJ C70, 08.03.2012, p. 3.

Seiner Exzellenz Herrn Guido Westerwelle  
Bundesminister des Auswärtigen  
Werderscher Markt 1  
D – 10117 Berlin

## **2. ASSESSMENT OF THE MEASURE**

### **2.1. Existence of aid within the meaning of Article 107(1) of the TFEU<sup>3</sup>**

- (3) An increase in the budget of the notified measure does nothing to alter the conclusion of the Commission in case SA.32888, that the measure constitutes State aid within the meaning of Article 107(1) TFEU, as moreover confirmed by the notifying Member State during the notification.

### **2.2. Compatibility of the aid**

- (4) According to Germany, the annual budget of the scheme needs to be increased, because when the measure was established, the number of persons benefiting from the exception could only be estimated. The estimated amount of EUR 120 000 per annum was too low and the German authorities have decided to increase the budget to EUR 200 000 per annum. The Commission has no difficulty in concluding that there is no reason to depart from its previous positive compatibility assessment in State aid case SA.32888.
- (5) The increase in the budget to EUR 200 000 does not modify the original compatibility assessment regarding the approved aid measure SA.32888, which continues to be in line with point 24 of the Communication on the application of Articles 92 and 93 of the EC Treaty and Article 61 of the EEA Agreement to State aids in the aviation sector ("1994 Aviation Guidelines")<sup>4</sup>.
- (6) The Commission did not receive any substantiated comments from third parties upon publication of a summary of the notification on its website.

## **3. CONCLUSION**

- (7) The Commission therefore finds that the existing measure SA.32888 as amended by means of the measure notified in case SA.36554 is compatible with the internal market in accordance with Article 107(2)(a) TFEU and has accordingly decided not to raise objections to the notified measure.
- (8) The Commission confirms that the Member State has submitted annual reports in accordance with Article 4(3) of Commission Regulation (EC) N° 794/2004.

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<sup>3</sup> With effect from 1 December 2009, Articles 87 and 88 of the EC Treaty have become Articles 107 and 108, respectively, of the TFEU. The two sets of provisions are, in substance, identical. For the purposes of this Decision, references to Articles 107 and 108 of the TFEU should be understood as references to Articles 87 and 88, respectively, of the EC Treaty where appropriate.

<sup>4</sup> OJ C 350 of 10.12.1994, p. 5.

- (9) The Member State has indicated in the context of the notification process that the summary nature of this decision implies that it does not contain any confidential information.

Yours faithfully,  
For the Commission

*Joaquín ALMUNIA*  
Vice-president

**Annex:**

Summary of the notification based on the information provided by the Member State according to the standard form provided in Annex to the Notice on simplified procedure.

### Summary of notifications

On 24/04/2013, the Commission received a notification of an aid measure pursuant to Article 108 of the Treaty on the Functioning of the European Union. On preliminary examination, the Commission finds that the notified measure could fall within the scope of the Commission Notice on a simplified procedure for treatment of certain types of State aid (JO C136, 16.06.2009, p. 3-12).

The Commission invites interested third parties to submit their possible observations on the proposed measure to the Commission. The main features of the aid measure are the following:

Reference number of the aid	SA.36554
Member State	Germany
Member State reference number	
Region	-
Granting authority	Hauptzollamt Jeweils örtlich zuständiges Hauptzollamt <a href="http://www.zoll.de/DE/Service/Auskuenfte/Zolldienststellen/dienststellenverzeichnis_node.html">http://www.zoll.de/DE/Service/Auskuenfte/Zolldienststellen/dienststellenverzeichnis_node.html</a>
Title of the aid measure	Befreiung von der Luftverkehrsteuer hinsichtlich Abflügen von Inselbewohnern und in anderen Fällen
National legal basis	§ 5 Nummer 4 des Artikels 1 des Haushaltsbegleitgesetzes 2011
Proposed Community basis for assessment	
Type of measure	Scheme
Amendment of an existing aid measure	
Duration	01.01.2011 to 31.12.2015
Economic sector(s) concerned	All economic sectors eligible to receive aid
Type of beneficiary	-
Budget	Overall amount: EUR 1,00 (in millions) Annual amount: EUR 0,20 (in millions)
Aid instrument (grant, interest rate subsidy, ...)	Other

Observations raising competition issues relating to the notified measure must reach the Commission no later than 10 working days following the date of this publication and include a non confidential version of these observations to be provided to the Member State concerned and/or other interested parties. Observations can be sent to the Commission by fax, by post or email under reference number SA.36554 to the following address:

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European Commission  
Directorate-General for Competition  
State aid Registry  
B-1049 Brussels  
Fax (32-2) 296 12 42.  
[Stateaidgreffe@ec.europa.eu](mailto:Stateaidgreffe@ec.europa.eu)