# **EUROPEAN COMMISSION**



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#### **PUBLIC VERSION**

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Subject: State aid SA.36181 (2016/FC) – The Netherlands. Alleged aid to electric vehicle fast charge stations

Sir,

#### 1 PROCEDURE

- (1) By letter of 22 January 2013 the Association for Private National Route Filling Station Concessions (Vereniging Particuliere Rijkswegvergunningen van Tankstations), hereinafter also referred to as "VPR" or "the complainant", lodged a complaint against the Dutch State, more specifically the National Real Estate and Development Office (Rijksvastgoed en Ontwikkelingsbedrijf "RVOB"), alleging an infringement of the EU State aid rules. The complaint alleged that the Dutch authorities granted illegal aid in the form of waived user fees and concession fees<sup>1</sup> (hereinafter referred to as "usage fees") for the installation of electric vehicle fast charging stations on the service areas currently used by "conventional" filling stations along the Dutch highways (rijkswegen, including motorways). Additional information was provided by the complainant by letters of 5 April 2013 and 4 October 2013.
- (2) By letter of 29 May 2013, the Commission services requested the views of the Dutch authorities on the complaint. The Dutch authorities replied by letter of 8 July 2013. Further requests for information were sent to the Dutch authorities by letter of 02 July 2015, by email of 29 October 2015 and of 25 April 2017, to which the Dutch authorities replied on 27 July 2015, 09 November 2015 and 28 April 2017, respectively.

Zijne Excellentie de Heer Bert KOENDERS Minister van Buitenlandse Zaken Bezuidenhoutseweg 67 Postbus 20061 NL - 2500 EB Den Haag

The contested form of public support will be referred to hereinafter as "usage fee" – see for its contents recitals (22) and (23) below)

Conventional filling stations hereunder means filling stations providing fossil based motor fuels.

- (3) The Commission and the complainant exchanged information by letters of 4 and 7 October 2013, 14 and 28 February 2014, 8 July 2014. The Commission services' preliminary views on the measure at stake were disclosed to the complainant by letter of 02 October 2014. The complainant submitted its comments on the preliminary views of the Commission on 10 October 2014. Following the complainant's comments to the Commission services' preliminary assessment, further contacts between the Commission services and the complainant took place between January and April 2016.
- (4) By letter dated 24 January 2017, the Dutch authorities agreed to waive their rights deriving from Article 342 of the TFEU in conjunction with Article 3 of Regulation 1/1958<sup>3</sup> and to have the present decision adopted and notified in English.

#### 2 DESCRIPTION OF THE COMPLAINT

- (5) VPR represents the interests of operators of "conventional" filling stations established alongside the Dutch national route network.
- (6) The Netherlands employs a concession system for operating: i) filling stations, ii) roadside restaurants and iii) combined service facilities in rest areas along the national route network. These three categories are considered as basic facilities<sup>4</sup>. Filling station concessionaires pay the Dutch State on average between EUR 50 000 to 100 000 per year per site for the use of the site and must make investments in the rest areas where their motor fuel outlet is located.
- (7) In 2011, the Department of Waterways and Public Works (Rijkswaterstaat "RWS"), which is part of the Ministry of Infrastructure and Environment, decided to encourage the setting up and operation of electric charging points in rest areas along the national route network. To this end, the electric charging points were considered<sup>5</sup> as the fourth basic facility along the Dutch national route network, in addition to the three categories, listed above. Furthermore, the new concessionaires, like the existing concessionaires, were to conclude a usage agreement with the RVOB for the use of the site and the usage fee <sup>6</sup> would be set at 0 EUR until the end of 2015, in order to stimulate the setting-up and operation of electric charging points along the national route network.
- (8) The complainant considers that the usage fee exemption for such new concessionaires is an aid measure which should have been notified by the Dutch authorities to the European Commission. VPR submits that the transfer of State resources results from the revenues forgone by the Dutch State through the exemption from usage fees, which allegedly exceeds by far the *de minimis* thresholds. Furthermore, an unfair economic advantage is being granted to these new concessionaires not only through this exemption, but also because they benefit from the investments made by the existing concessionaires (such as investments in

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Council Regulation No 1 determining the languages to be used by the European Economic Community, OJ 17, 6.10.1958, p. 385

Notice of 22 March 2004 on the rules governing facilities in rest areas along national routes (Notice of 2004)

Through an amendment of the Notice of 2004

<sup>6</sup> RVOB's letter dated 14 July 2011

maintaining the rest areas and making the sites user-friendly and inviting). The measure is selective in VPR's view, as only certain undertakings are able to benefit from it. The measure is liable to distort competition and affect trade between Member States, as the new concessionaires (some of which might already operate on other European markets) are put in a more favourable position compared to all other concessionaires (of conventional filling stations) who have to pay a usage fee and/or who have an electric charging point on their own concession, as well as to the other operators of electric charging points which are not situated alongside national route network.

### 3 DESCRIPTION OF THE MEASURE

- (9) In the course of 2011 the Dutch government developed an Action Plan for the promotion of electric transport in the period 2011-2015 entitled 'Electric driving brought up to speed' ("Plan van Aanpak elektrisch vervoer: Elektrisch Rijden in de versnelling'")<sup>7</sup>. The Action Plan was part of the Green Deal initiative initiated by the Dutch government to promote electric driving and was presented to the Dutch Parliament on 3 October 2011. According to this Action Plan, the Dutch authorities envisaged to stimulate electric driving *inter alia* by promoting the installation of charging points for electric vehicles throughout the country.
- (10) In the Netherlands, the management of public and water infrastructure owned by the Dutch State ("rijkswaterstaatwerken") is attributed to the Directorate-General for Public Infrastructure and Water Management ("Rijkswaterstaat" or "RWS"), part of the Ministry of Infrastructure and the Environment. In that capacity, RWS manages inter alia the Dutch "main road network", i.e. the network of national roads. This network consists mainly of motorways and freeways, and excludes provincial roads (managed by the Provinces) and local or urban roads (managed by the municipalities).
- (11) The management of public and water infrastructure is governed by the Act on the Management of public and water works<sup>9</sup>. According to Article 2(1) of that Act, it is prohibited to construct any type of infrastructure on property managed by RWS without prior permit. According to Article 3 of the aforementioned Act, RWS cannot refuse permit applications except "for reasons of protection of public works and water management works or to guarantee the efficient and safe use of these works". It follows that, in granting permits for the use of public and water works, RWS must take into consideration the objective of efficient and safe use of these works.
- (12) On 22 March 2004 RWS published the policy guidelines "Notification regarding Facilities at service areas along national roads (charging points)" (the "Notification")<sup>10</sup>. According to this Notification, three types of basic infrastructure

See: https://zoek.officielebekendmakingen.nl/blg-133623

<sup>8</sup> See: http://www.rijkswaterstaat.nl/en/highways/index.aspx

Act of 14 November 1996 on the Management of Waterstaatswerken (Wet van 14 november 1996, houdende vaststelling van bepalingen betreffende waterstaatswerken in beheer bij het Rijk (Wet Beheer Waterstaatswerken); Stb. 1996, 645).

Notification regarding facilities at service areas along national roads ("Kenningseving Voorzieningen op verzorgingsplaatsen langs rijkswegen" dated 22 March 2004.

are allowed along national roads, namely filling stations, restaurants and service stations. Additionally, licensees of such basic infrastructure were allowed to install additional infrastructure, which has a functional relation with road use, such as a car wash, a facility for small reparations, communications facilities, etc.

- (13) On 20 December 2011 an amendment<sup>11</sup> to this Notification was adopted and published in the Dutch Official Gazette ("the new Notification"), opening up the possibility to install fast charging points for electric vehicles as a fourth type of "basic infrastructure" along national roads from 10 January 2012 onwards. In that same amendment, a permit allocation process for the installation of such fast charging points was determined. In the explanatory statement to the amendment, RWS explained that it was desirable to give independent operators the possibility to install electric charging points on existing service areas as otherwise their rollout would be dependent entirely on the operators of the existing basic infrastructure.
- (14) Additionally, on that same date, RWS published a news feed on its website to inform the public of this new possibility to develop electric vehicle fast charging points at services areas. In that news feed, RWS invited all interested parties to submit permit applications, informing them that up to and including 2015, no usage fees would be charged. This waiver would however be re-evaluated in 2016, based on the actual development and sale of electricity at charging points along national roads.
- (15) On 20 November 2013, a second amendment to the Notification was adopted 12. This amendment made it impossible for licensees of electric charging infrastructure to install "additional infrastructure" (such as the one mentioned in recital (12) above).
- (16) The procedure for authorisation of the installation of electric charging points along national roads is organised in the following way. On the basis of Article 2 of the Public Works Act (Management of Engineering Structures) (hereinafter: Wbr), a permit (Wbr permit) is required for the activities listed in this Act that are carried out on, in, above or below public works. In addition, a separate procedure must be followed under private law. With regard to the private-law procedure, operators are required to pay a usage fee (rent or ground rent) to the Central Government Real Estate Agency (RVB, previously State Property and Development Agency), part of the Ministry of the Interior and Kingdom Relations, for the use of the land.
- (17) The Dutch Government has granted operators of electric charging points at service areas permission under private law in the form of tenancy agreements. It is stipulated in these tenancy agreements that the rent (the usage fee) will be 0 EUR until 1 January 2016. The Dutch authorities confirmed that as of 01 January 2016 market rates will be applied.

Amendment to Facilities at service areas along national roads (charging points) (Kennisgeving Wijziging Voorzieningen op verzorgingsplaatsen langs rijkswegen (energielaadpunten); Stcrt. 2011, 23149).

Amendment to facilities at service areas along national roads (no additional infrastructure at electric charging points) (Wijziging Voorzieningen op verzorgingsplaatsen langs rijkswegen (geen aanvullende voorzieningen bij energielaadpunten); Stcrt. 2013, 32624).

- (18) Following the publication of the new Notification, 467 applications were submitted to operate basic electric charging points. Almost all of these were submitted by parties who were not existing Wbr permit holders/tenants. Of the 245 sites, 201 were allocated to Fastned, after the drawing of lots. Besides Fastned, five other parties applied for one or more Wbr permits to operate a basic fast-charging point: ANWB, The New Motion, MisterGreen, GreenFlux, Liandon and Allegro. The other 44 sites were divided between these five parties. All these cases concern the operation of charging stations at service areas where existing Wbr permit holders/tenants are already operating a basic facility (such as a filling station or roadside restaurant).
- (19) The Dutch authorities confirmed that by the end of 2015 64 fast electric charging points along the national roads affected by the measure were in operation. Out of these, 55 were Fastned's, one was Allegro's and 8 belonged to MisterGreen.
- (20) The same procedure applies to the construction of a conventional filling station ("motor fuel retail outlet") at service areas along national roads: (a) the permission under public law is granted by means of the Wbr permit, and (b) the permission under private law is granted on the basis of the Civil Code. One difference compared with electric charging points is that the Act of 16 June 2005 laying down rules on allowing land to be used for the sale of motor fuels along roads managed by central government (Motor Fuel Retail Outlets (Auction) Act), hereinafter the 'Fuel Act', applies to filling stations<sup>13</sup>. The party to whom the Dutch Government will grant the permission under private law (in the form of a tenancy agreement) is first determined via an auction.
- (21) Operators of "filling station", "roadside restaurant" and "service station" basic facilities are also permitted to install an electric charging point. A permit application must be submitted for this "additional facility" on the basis of the existing Wbr permit. The Wbr permits for charging points as additional facilities were assessed without the prior drawing of lots, because only the permit holder for a basic facility may install additional facilities. An additional usage fee should be paid in principle for an additional facility of this kind that is installed within a plot for which permission has already been granted under private law. However, the usage fee for an electric charging point that is regarded as an additional facility has also been set at 0 EUR until 1 January 2016.
- (22) The Dutch authorities clarify that the term "concession fees" is not applicable either to the electric charging points or to motor fuel retail outlets. Once the permit (Wbr permit) has become irrevocable, a tenancy agreement is concluded with RVB. Rent is charged on the basis of this tenancy agreement; if a ground lease applies, ground rent is charged at the same rate and on the basis of the same conditions<sup>14</sup>. The tenancy agreements for motor fuel retail outlets have a term of 15 years. At the end of this 15-year period the rental rights are put up for auction. The agreement for charging points is also concluded for a term of 15 years. It has not yet been decided whether the tenant will have to hand over the charging-point

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By judgement of 25 July 2013, the Court of The Hague on summary proceedings found that electricity used as fuel for electric vehicles was not caught by this Motor Fuel Act, as electricity was not used as a motor fuel when the Motor Fuel Act was drawn up.

The rent or ground rent are referred to as "usage fee" in this decision.

sites in a vacant state at the end of this 15-year period or whether the sites will be put up for auction in the same way as fuel retail outlets.

- (23) The usage fee (i.e. rent or ground rent)<sup>15</sup> for both a motor fuel retail outlet and an electric charging point is composed of a fixed and a variable component. The fixed component of the rent for a motor fuel retail outlet and an electric charging point is based on the objective site value, taking into account factors including the traffic flow, the facilities and the plot size. The variable component for a motor fuel retail outlet and an electric charging point is based on the actual fuel throughput (in the case of the sale of fuel) or kWh throughput (in the case of the sale of electricity). Up to 2.5 million litres of fuel per year no fixed fee is charged, while a variable fee of EUR 4.76 EUR per 1000 litres or 0.47 EUR per 450 kW/h (based on the conversion and correction factors as explained in footnote 16 below) was set in 2012.
- (24) The Dutch authorities provided a calculation regarding the monetary value of the usage fee which would have been due to the State for the electric charging points between 2013 and 2015. They assured that they applied the same principles as for setting the usage fees for motor fuels outlets, with certain adjustments. Thus, on the basis of their calculations for the number of deployed electric charging points, numbers of electric cars and average MWh sold per location for the period 2013-2015, they calculated that the total usage fee (fixed + variable component) for the electric charging points would have amounted to 1 470.30 EUR for 2013, 4 942.16 EUR for 2014 and 6 093.52 EUR for 2015 i.e. a total of EUR 12 506 of foregone public revenues for the three years of the duration of the measure and for all the charging points (as basic facilities) that benefited from the measure.
- (25) According to the Dutch authorities, for the period 2013-2015 there were not enough electric vehicles in the Netherlands to substantiate a sound business case for a provider of electric charging stations<sup>19</sup>. In mid-2013 there were a total of 10

There are also certain fees that an applicant is charged for procession the Wbr permit application and taking part into the bid (auction).

Namely considerations about the expected number of electric vehicles that would be charging, the maximum sales of electricity (MWh) that could be expected from a charging point, converting 1000 litres of fuel to 450 KWh electricity (based on average consumption of fuel or electricity for covering the same distance) and applying and earning capacity of an electric charging point equal to 10% of the earning capacity of a regular motor fuel charging station (taking consideration of the extremely limited number of electric vehicles, which in 2013 in the Netherlands represented 0.002% of the number of non-electric vehicles).

Only for the ones deployed by the operators, who applied for installation of electric charging points as basic facilities under the measure subject to this decision.

Which would result in an average support of 195.40 EUR per charging point in the 3 years covered by the measure, resulting in a public support of EUR 11 714.84 EUR for Fastned's 55 operational electric charging points, EUR 172.83 EUR for Allegro's one operational charging point and EUR 618.33 EUR for MisterGreen's 8 operational electric charging points for the duration of the measure.

The Dutch authorities ascertained that only fully electric vehicles actually could have used fast charging. PHEVs used conventional fuel for longer journeys. It was unlikely that PHEVs would have been charged en route, as fast charging also takes time: depending on the battery capacity and the fast-charging capability, it can take anything from 15 to more than 30 minutes. This gives the vehicle a range of several tens of kilometres if it runs on electricity, while refuelling takes less time and gives the vehicle a much greater range.

049 electric vehicles on Dutch roads, of which 2 194 were fully electric private vehicles that were reliant on en-route charging infrastructures and 6 494 were plug-in hybrid vehicles that in many cases were not capable of fast charging and mainly reliant on fuel and filling stations en-route. At the end of May 2015, there were 26 631 plug-in hybrid electric vehicles (PHEVs) that were not capable of fast charging, 18 302 PHEVs with fast-charging capability and 8 071 fully electric private vehicles (FEVs) that were also capable of fast charging. Therefore, by the expiry of the measure there were approximately 26 373 cars in total in the Netherlands with fast-charging capability.

- (26) At the same time, the Dutch authorities stated that certain estimations exist amongst the providers of electric charging infrastructure that at least 100 000 fully electric cars (capable of fast charging) are needed in the Netherlands in order to develop a sound business model.
- (27) By the end of 2015 in the Netherlands there were a total of 17 786 standard electric charging points which were fully or semi-publicly accessible and a total of 465 fast electric charging points (fully or semi-publicly accessible), thus the public or semi-public points being in total 18 251<sup>20</sup>.

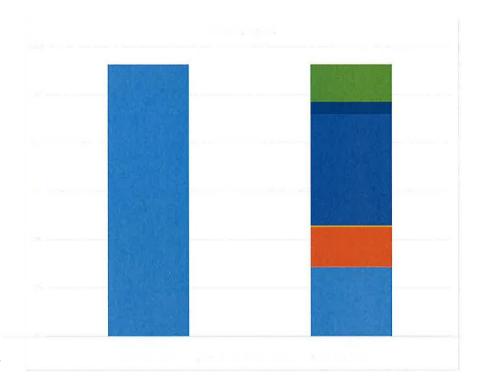


Figure 1

(28) The Dutch authorities also provided the public information of Fastned's breakeven analysis in graphic form only, as illustrated above in Figure 1. They stated that the company's expectations are to break even at an operational level of more than 15 charging sessions per day. The left side of the figure represents the turnover at 15 charging sessions per day. The right side represents the daily costs, including all costs associated with the site (bottom up: 1.electricity, 2. grid management, 3. rent of the land, 4. maintenance, 5. payment systems and 6. others (e.g. security), and excludes the costs of staff, offices, etc. The largest cost

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See <a href="http://www.rvo.nl/onderwerpen/duurzaam-ondernemen/energie-en-milieu-innovaties/elektrisch-rijden/stand-van-zaken/cijfers">http://www.rvo.nl/onderwerpen/duurzaam-ondernemen/energie-en-milieu-innovaties/elektrisch-rijden/stand-van-zaken/cijfers</a>

- item according to Fastned's estimates is maintenance. They also state that in May 2015 there were on average 1.3 charging sessions per day at a station and 3 charging sessions at the busiest sites.
- (29) The Dutch authorities also provided some rough estimations of construction costs for Fastned's fast-charging stations of around 200 000 EUR: 50 000 100 000 EUR for the fast chargers themselves (depending on quantity), 65 EUR for the solar roof, 60 000 EUR for the civil engineering work and 15 000 20 000 EUR for the grid connection.

## 4 Position of the Dutch state

- (30) In their letter of 8 July 2013, the Dutch authorities set out in detail the policy reasons behind the measure and explained why, in their view, the measure does not constitute State aid within the meaning of Article 107(1) of the Treaty on the Functioning of the European Union ("TFEU"). In particular, the Dutch authorities took the position that all interested parties were able to apply for a concession permit on equal terms, therefore there was no selectivity in the application of the measure. Furthermore, the Dutch authorities argued that the foregone usage fees, per individual beneficiary, in any case do not exceed the *de minimis* threshold of 200 000 EUR in the consecutive period of three years (2013-2015).
- (31) In their letter of 27 July 2015, the Dutch authorities provided further details on the legal basis and factual points related to the measure, as well as on its rationale, the lack of effect on competition and updated their calculation related to the *de minimis* threshold, while maintaining their position on the *de minimis* nature of the measure. The Dutch authorities confirmed that the total amount of public support granted to each of the beneficiaries under the measure at stake (i.e. Fastned, MisterGreen and Allegro), together with all other public support granted to the same beneficiaries as *de minimis* aid under the *de minimis* Regulation applicable at the time of the grant of the support (the "*de minimis* Regulation"<sup>21</sup>), irrespective of the form of such aid or the objective pursued, did not exceed the threshold contained in the *de minimis* Regulation (i.e. EUR 200 000 over any period of three fiscal years). The Dutch authorities also confirmed that for all these companies the cumulation rules set out in *de minimis* Regulation were complied with, as well as all other conditions.
- (32) In addition, they provided information on the decisions of the Court of the Hague of 25 July 2013, upheld by a ruling of 9 December 2014 of the Court of Appeal<sup>22</sup>, whereby the court delivered a judgement in an interlocutory proceeding brought by VPR against the Dutch State as regards the measure at hand. In this judgement, the Court held that "It is sufficiently apparent from the calculation that the exemption of operators of electric charging stations from payment of a usage fee delivers only a limited advantage that does not exceed the threshold for de minimis aid, which means there is no obligation to notify the aid measure to the European Commission" and therefore saw no reason to prohibit the installation and operation of electric charging points at that stage.

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Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, Official Journal L 352, 24.12.2013, p. 1-8

Which became final, as it was not appealed

### 5 ASSESSMENT OF THE MEASURE

- (33) According to Article 107(1) TFEU, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market. Thus, for a measure to constitute State aid within the meaning of that provision, the following four criteria must be cumulatively present:
  - a) the measure must involve the use of State resources and be imputable to the State;
  - b) the measure must confer an advantage on one or more undertakings;
  - c) this advantage must be selective in that it is limited to certain undertakings (or the production of certain goods);
  - d) the measure must be capable of distorting competition and affecting trade between Member States.
- (34) Furthermore, according to Article 3(1) of the *de minimis* Regulation, aid measures shall be deemed not to meet all the criteria in Article 107(1) of the TFEU, and shall therefore be exempt from the notification requirement in Article 108(3) TFEU, if they fulfil the conditions laid down in the *de minimis* Regulation.
- (35) The public support measure at hand in the present case involves the use of State resources in the form of State revenues foregone (by means of the uncollected usage fee). Waiving revenue which would otherwise have been paid to the State constitutes a transfer of State resources. The usage fee is normally payable to the Central Government Real Estate Agency (RVB), therefore its foregoing is attributable to the State.
- (36) An economic advantage by means of State revenues foregone was made available to the undertakings that applied for and were allocated electric charging points as basic facilities under the measure<sup>23</sup>.
- (37) However, the amount of the advantage was limited in its value per charging point (an average of EUR 195.40 per charging point for three years see footnote 18 above), in its total value (EUR 12 506 for the whole three years of duration of the measure for all charging point as basic facilities of all beneficiaries (see recital (24) above), and also in its value per undertaking, considering the actually deployed electric charging points, for which a usage fee would have been due: EUR 11 714.84 for Fastned, EUR 172.83 for Allegro and EUR 618.33 for MrGreen (see footnote 18 above). These amounts are below the *de minimis* thresholds, as defined by Article 3(2) of the *de minimis* Regulation.

in that case RVB also would not charge them a usage fee until 1 January 2016.

It is to be noted that such an advantage was also conferred to the operators of existing motor fuels retail outlets, as for the duration of the measure in the period 2013-2015 they were given the possibility to install on the sites they operate (alongside their "basic facilities") electric charging points as "additional facility", provided that they had applied for it, and they enjoyed the same conditions, as

- (38) The *de minimis* Regulation, according to Article 4 thereof, only applies to aid of which it is possible to calculate precisely the gross grant equivalent of the aid *ex ante* without any need to undertake a risk assessment ("transparent aid"). As far as the measure at hand is concerned, Article 4(7) of the *de minimis* Regulation applies: as the aid took the form of foregone revenues, it is considered transparent if the instrument provides for a cap ensuring that the relevant ceiling is not exceeded.
- (39) The Dutch authorities provided for a methodology for calculating the monetary value of the usage fees foregone (see recital (24)). Based on this methodology, it was possible to calculate the gross grant equivalent of the aid *ex ante* without undertaking a risk assessment. Therefore, this aid can be considered transparent within the meaning of the *de minimis* Regulation.
- (40) Moreover, as confirmed by the Dutch authorities, all the other relevant conditions to consider the measure in question as "de minimis aid" under the *de minimis* Regulation are fulfilled.
- (41) In particular, the Dutch authorities confirmed that the total amount of public support granted to each of the beneficiaries under the measure at stake (i.e. Fastned, MisterGreen, and Allegro), together with all other public support granted to the same beneficiaries as *de minimis* aid under the *de minimis* Regulation, irrespective of the form of such aid or the objective pursued, did not exceed the threshold contained in the de minimis Regulation (i.e. EUR 200 000 over any period of three fiscal years). The Dutch authorities also confirmed that for these companies the cumulation rules of the *de minimis* Regulation were complied with, as well as all other conditions of the *de minimis* Regulation were fulfilled (see recital (31)).
- (42) According to Article 3 (1) of the *de minimis* Regulation, aid measures that fulfil all the conditions laid down in the *de minimis* Regulation are deemed not to meet all the criteria laid down in Article 107(1) TFEU. In light of all the foregoing, the Commission considers that the measure at stake amounts to *de minimis* aid under the *de minimis* Regulation. Therefore, the Commission considers that the measure is not deemed to constitute State aid within the meaning of Article 107 (1) TFEU.

# 6 CONCLUSION

The Commission has accordingly decided that the measure is not deemed to constitute State aid within the meaning of Article 107 (1) TFEU.

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/competition/elojade/isef/index.cfm.

Your request should be sent electronically to the following address:

European Commission,
Directorate-General Competition
State Aid Registry
B-1049 Brussels
Stateaidgreffe@ec.europa.eu

Yours faithfully For the Commission

Margrethe VESTAGER Member of the Commission