

State Aid Weekly e-News

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Covers the period from 16 to 22 December

Highlights

The Court states that the General Court of the EU erred in law in setting aside the Commission decisions declaring a Spanish tax scheme incompatible with the internal market

21.12.2016 - The General Court did not correctly apply the condition relating to the selectivity of State aid, which required the General Court to determine whether the Commission had established that the Spanish scheme for deductions with respect to acquisitions of shareholdings in foreign companies was discriminatory

[Read the Court's press release](#)

Commission welcomes Court judgment in Spanish Goodwill cases

21.12.2016 - The EU Court of Justice has fully upheld two Commission decisions of October 2009 and January 2011, regarding the tax amortisation of financial goodwill for foreign shareholding acquisitions in Spain.

[Read more](#)

The Court confirms that Ireland must recover the sum of €8 per passenger from airlines benefiting from unlawful State aid

21.12.2016 - The difference between the lower and normal rates of the Irish air travel tax constitutes unlawful aid which must be recovered regardless of the benefit the airlines actually derived from the aid

[Read the Court's press release](#)

Commission clears German Network Reserve for ensuring security of electricity supply

20.12.2016 - The European Commission has approved under EU state aid rules German plans to put in place for four years a reserve to ensure sufficient electricity capacity in Southern Germany (the Network Reserve). The measure maintains security of supply without unduly distorting competition in the Single Market.

[Read more](#)

Commission approves auction scheme for electricity from renewable sources in Germany

20.12.2016 - The European Commission has found amendments to the German renewable energy scheme to be in line with EU state aid rules. As of 2017 support will mainly be granted through auctions. This will promote the steady deployment of renewable energy whilst maintaining competition in the German energy market.

[Read more](#)

Commission authorises UK support to convert unit of Drax power plant from coal to biomass

19.12.2016 - The European Commission has concluded that UK support for the conversion of one unit of the Drax power station from coal to biomass complies with EU state aid rules. The project will further EU environmental and energy targets without unduly distorting competition in the Single Market.

[Read more](#)

Commission approves public funding to promote move of freight transport from road to rail and sea in Italy

19.12.2016 - The European Commission has found two Italian public support schemes to encourage a shift of freight transport from road to rail and to sea, to be in line with EU state aid rules. The measures will further EU environmental and transport objectives whilst maintaining competition in the Single Market.

[Read more](#)

Commission publishes the non-confidential version of the final negative decision concluding that Ireland granted undue tax benefits of up to €13 billion to Apple

19.12.2016 - The European Commission has published the non-confidential version of the [final negative decision](#) adopted on 30 August 2016 concluding that Ireland gave illegal tax benefits to Apple worth up to €13 billion. This is illegal under EU state aid rules, because it allowed Apple to pay substantially less tax than other businesses. The decision is available under the case number [SA.38373](#) on the [competition](#) website

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Public consultations on draft legislation

Consultation on the Code of Best Practice on the conduct of State aid control proceedings	Deadline for comments
<p>The European Commission is consulting stakeholders on how to revise the Code of Best Practice on the conduct of State aid control proceedings. The Commission intends to carry out a review to reflect, on the one hand, the amendments brought to the State aid framework (in particular with regard to the Procedural Regulation No 1589/2015) and, on the other hand, to take account of the experience gained with the implementation of the Code. The objective is to ensure coherence and consistency in the application of the various instruments of the State Aid framework (including the Simplified Procedure Notice and its recent public consultation) and to draw conclusions on the implementation and effectiveness of the Code of Best Practice.</p> <p>Public consultation</p>	From 25.11.2016 to 25.02.2017

All public consultations: [DG Competition](#) / [DG Agriculture](#) / [DG Maritime Affairs and Fisheries](#)

Commission Decisions

List of Commission Decisions taken during the reporting period, regardless of their publication in the Official Journal. The list of Commission Decisions recently published in the Official Journal is available [here](#).

Decision not to raise objections

Country	Case Number	Title	Objective	Decision date
DG Competition				
Germany	SA.42955	German network reserve	Other	20/12/2016
Germany	SA.44679	Modification of the method used to define electro-intensity under the EEG	Environmental protection	20/12/2016
Germany	SA.45461	EEG 2017 - Reform of the Renewable Energy Law	Environmental protection	20/12/2016
Germany	SA.46720	Guidelines on the construction, extension and reactivation of private railway sidings	Coordination of transport	21/12/2016
Greece	SA.46230	Mid term review of the Greek Regional Aid Map (2017-2020)	Regional development	19/12/2016
Greece	SA.46955	Prolongation of the State Guarantee Scheme (Art. 2 law 3723/2008)	Remedy for a serious disturbance in the economy	19/12/2016
Ireland	SA.46951	10th prolongation of the Credit Union Resolution Scheme H1 2017	Remedy for a serious disturbance in the economy	19/12/2016
Italy	SA.44628	Marebonus	Environmental protection	19/12/2016
Italy	SA.45482	Rail freight transport scheme		19/12/2016

Latvia	SA.46228	Development of separate waste collection systems	Regional development (including territorial cooperation)	15/12/2016
Poland	SA.45857	Second prolongation of aid-free guarantee scheme for export contracts	Promotion of export and internationalisation	19/12/2016
Poland	SA.46575	Resolution scheme for cooperative banks and small commercial banks	Remedy for a serious disturbance in the economy	20/12/2016
Poland	SA.46871	Fifteenth prolongation of the Polish bank guarantee scheme – H1 2017		19/12/2016
Romania	SA.46894	Amendments to the green certificates support system for promoting electricity from renewable sources	Renewable energy	16/12/2016
Slovenia	SA.44880	Slovenian rescue and restructuring aid scheme for SMEs	Rescuing undertakings in difficulty	15/12/2016
DG Agriculture				
Germany	SA.46750	Hessen – promotion of biodiversity and of small scale habitat conservation in ecosystems	Agri-environmental commitments	21/12/2016
DG Maritime Affairs and Fisheries				
Italy	SA.41155	Contributi per smaltimento trote morte	Aqua-environmental measures in the fisheries and aquaculture sector (Art. 12 of Reg. (EC) No 736/2008)	15/12/2016

Positive Decision

Country	Case Number	Title	Objective	Decision date
DG Competition				
United Kingdom	SA.38760	Drax 3rd Unit Biomass Conversion	Environmental protection	19/12/2016

Other

Country	Case Number	Title	Objective	Decision date
DG Competition				
Italy	SA.9440	Social security charges reduction and exoneration in Venezia and Chioggia		15/12/2016

Block exemptions

[Block Exemptions information sheets published in the State Aid register during the reporting period.](#)

Court of Justice of the European Union

List of cases discussed during the reporting period, as published in the [judicial calendar](#) of the Court. The respective case documents are normally published on the Court website within a short interval.

Country	Court Case	Title	Type of act	Date
Belgium	C-76/15	Vervloet and Others	Judgement	21/12/2016
Germany	C-524/14 P	Commission v Hansestadt Lübeck	Judgement	21/12/2016
Ireland	Joined cases C-164/15 P C-165/15 P	Commission v Aer Lingus Commission v Ryanair Designated Activity Company	Judgement	21/12/2016
Spain	Joined cases C-20/15 P C-21/15 P	Commission v World Duty Free Group Commission v Banco Santander and Santusa	Judgement	21/12/2016
Greece	C-131/15 P	Club Hotel Loutraki and Others v Commission	Judgement	21/12/2016

European Economic Area

Based on the Agreement of the European Economic Area (EEA), the EFTA States participating in the EEA have entrusted the EFTA Surveillance Authority and the EFTA Court with similar decision making powers to that of the Commission and the European Court of Justice, respectively, in the field of state aid for the EFTA States.

Decisions of the EFTA Surveillance Authority

Country	Case Number	Title	Objective	Decision Date
Public versions of decisions made available				
Iceland	77420	Decision to close the formal investigation into alleged unlawful state aid granted to Íslandsbanki hf. and Arion Bank hf. through loan agreements on allegedly preferential terms (DEC 204/16/COL)	n.a.	23.11.2016

Block exemptions

Country	Title/link to documents	Case number	Objective
Norway	Reduced rate of electricity tax for data centres with electricity load exceeding 0,5 MW (Art. 44)	80029	Environment
Norway	Møre og Romsdal innovation and knowledge aid scheme (Arts. 25-31)	80030	R&D&I

Additional points of interest

Events

Title	Date	Place	Organiser
Essentials of State Aid Law and Procedures Read more	13-14 February 2017	Brussels	Lexxion
State Aid for infrastructure Projects Read more	23-24 February 2017	Berlin	European Academy for Taxes, Economics & Law
State Aid for R&D&I Projects Intensive Training	March 2017	Rotterdam	Lexxion
The Rights and Duties of State Aid Beneficiaries European State Aid Law Workshop Read more	March 2017	Lisbon	Lexxion
Assessment and Evaluation of State Aid	27-28 April	Milan	Lexxion
State Aid Control in Research Development and Innovation Read more	April 2017	Berlin	European Academy for Taxes, Economics & Law
State Aid Proceedings and Litigation Read more	18-19 May 2017	Brussels	ERA
7 th European Summer Academy State Aid 2017 Read more	June 2017	Berlin	European Academy for Taxes, Economics & Law
15th Experts' Forum on New Developments in European State Aid Law Read more	8-9 June 2017	Brussels	Lexxion
Summer School on EU Law and its Implementation Read more	27 June – 8 July 2017	Luxembourg	EIPA
The General Block Exemption Regulation (GBER) in Practice Read more	28-29 August 2017	Berlin	European Academy for Taxes, Economics & Law
State Aid from A to Z Read more	29 August – 1 September 2017		Lexxion
State Aid and Taxation	9-10 October 2017	Luxembourg	EIPA
Annual Conference on European State Aid Law 2017 Read more	9-10 November 2017	Trier	ERA

Miscellanea

19.12.2016 - Commission approves amendments to Greek regional aid map for the period of 2017-2020, prolongation of Greek bank guarantee scheme, prolongation of guarantee scheme for export contracts in Poland, prolongation of Polish bank guarantee scheme, prolongation of Irish credit union resolution scheme and clears amendments to Romanian scheme promoting renewable energy

[Read more](#)

Commission approves Polish scheme for resolution of small commercial and cooperative banks

20.12.2016 - The European Commission has authorised under EU state aid rules a resolution scheme in Poland that could be used for small commercial and cooperative banks with total assets of below €3 billion.

[Read more](#)

Next publication date: Thursday 12.01.2017

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About e-News

This e-News is issued every week to present the latest developments in the area of State aid. It features information on new legislative texts and proposals, decisions of the European Commission and the Courts of the European Union and other state aid-related documents and events. A great deal of additional information on State aid matters is available on the Internet. It can be accessed through the [Europa server](#).

Other documents related to the cases, can be found under the link to the [State aid Register](#).

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