State Aid Weekly e-News
Nr. 10/09, 13.03.2009
06.03.2009 - 12.03.2009

Highlights

Politique de la concurrence – au cœur de la relance économique
Neelie Kroes, Membre de la Commission européenne en charge de la concurrence
Conférence au Cercle des Européens
Paris, le 13 mars 2009
To read the full speech, click here

Commission opens in-depth investigation into restructuring of Dexia; authorises certain urgent measures
The European Commission has started an in-depth investigation under EC Treaty state aid rules to establish whether the restructuring plan for the Dexia group will restore the group’s long-term viability. The plan is accompanied by a capital injection of €6.4 billion, announced in September 2008, and maintenance of a guarantee of up to €150 billion granted jointly by Belgium, France and Luxembourg, which was earlier approved as rescue aid by a decision of 19 November 2008 (see IP/08/1745). The Commission also authorised a guarantee for a portfolio of assets for a total value of $16.9 billion extended by the Belgian and French governments, a measure deemed indispensable for the sale of FSA, Dexia’s US subsidiary, which is a prerequisite for the bank’s return to viability. In accordance with the decision of 19 November 2008, the Member States have notified the Commission of a restructuring plan for the bank. The opening of an in-depth investigation gives interested parties an opportunity to comment on the proposed measure. It does not prejudge the outcome of the procedure and the measures approved as rescue aid remain valid while the plan is being studied.
Read more

Commission approves Portuguese state guarantee for €450 million loan to Banco Privado Português
The European Commission has approved, under EC Treaty state aid rules, a state guarantee underwriting a €450 million loan granted to Banco Privado Português by six Portuguese banks. The Commission found the temporary rescue measure to be in line with its Guidance Communication on state aid to overcome the financial crisis (see IP/08/1495). In particular, the measure is necessary to remedy the severe liquidity problems of Banco Privado Português and to preserve confidence in the financial markets, and is limited to the minimum required to achieve this objective. The Commission has therefore concluded that the measure can be authorised because it is an adequate means to remedy a serious disturbance of the Portuguese economy and as such is in line with Article 87.3.b of the EC Treaty.
Read more

Commission authorises temporary Hungarian scheme allowing subsidised state guarantees to boost real economy
The European Commission has authorised under EC Treaty rules on state aid a Hungarian scheme aimed at providing relief to companies encountering financing difficulties as a result of the credit squeeze in the current economic crisis. The scheme allows authorities to grant aid in the form of subsidised guarantees for investment and working capital loans and financial leasing concluded by 31 December 2010. The scheme meets the conditions of the Commission’s Temporary Framework for state aid measures to support access to finance in the current financial and economic crisis (see IP/08/1993), as amended on 25 February 2009, because it is limited in time, respects the relevant thresholds and applies only to companies that were not in difficulty on 1 July 2008. It is therefore
compatible with Article 87(3)(b) of the EC Treaty, which permits aid to remedy a serious disturbance in the economy of a Member State.

Commission approves Luxembourg's temporary guarantee scheme
The European Commission has, under the state aid rules of the EC Treaty, authorised the second in a series of aid measures for businesses adopted by Luxembourg to deal with the current economic crisis. This measure enables the Government to grant aid to businesses until 31 December 2010 in the form of guarantees for investment and working capital credit likely to have a structural impact on the national or regional economy.

The Commission endorses the revised privatisation plan for Olympic Airlines and Olympic Airways Services
The Commission has decided that the revised privatisation plan for Olympic Airlines and Olympic Airways Services does not raise State aid concerns. The original privatisation plan, which had been approved by the Commission on 17 September 2008, was based on an open, transparent and non-discriminatory public tender procedure. However, given the financial and economic crisis, the tender process was not successful. The Greek authorities have now pursued the sale by direct negotiation with interested parties, in compliance with EC law.

Commission orders Spain to recover unlawful aid from SNIACE
The European Commission has found under EC Treaty state aid rules that the non-enforcement of several debt rescheduling agreements in favour of the Spanish synthetic fibres producer SNIACE between 1993 and 1996 involve state aid. The aid is incompatible because it merely relieves SNIACE from ordinary business charges that its competitors had to pay, without furthering any public interest goal. Such aid confers an unfair competitive advantage on the beneficiary. The Commission has therefore ordered Spain to recover aid amounting to more than €22.6 million, plus interest, from SNIACE. The investigation, initially launched in 1998, was reopened following two EU Court judgements of 2004 and 2007.

Commission approves €33.5 million restructuring aid for Polish company Huta Stalowa Wola
The European Commission has, under EC Treaty state aid rules, approved restructuring aid of €33.5 million which Poland intends to grant to Huta Stalowa Wola S.A. (HSW). Following an in-depth investigation, launched in October 2007 (see IP/07/1481), the Commission found that the restructuring plan presented by the Polish authorities should ensure the company's long-term viability, that the aid was limited to the minimum necessary to implement the restructuring and that the aid would not create undue distortions of competition.

Judgment of the Court of First Instance in Case T-354/05 - Télévision française 1 SA (TFI) v Commission of the European Communities
The Commission's decision that the French audiovisual licence fee system constitutes State aid compatible with the common market is valid.

I. Draft legislation and public consultations

Closed public consultations: DG Competition
DG Agriculture
II. New legislation

- none-

III. Decisions to open formal investigation

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2. Decisions pending OJ publication

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3. Decisions published in the OJ from 12.02.2009 to 12.03.2009 – Formal comments period running

*Where the last day of the public comments period falls on a public holiday in a Member State, the deadline for comments of parties residing in that Member State ends on the following working day.*

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GREECE

Alleged aid to mining company Ellenikos Xrysos
OJ C 56 of 10.03.2009, p. 45

Press release

Deadline for comments*: 14.04.2009

POLAND

Restructuring aid to PZL Dębica
OJ C 53 of 06.03.2009, p. 17

Deadline for comments*: 06.04.2009

AUSTRIA

Restructuring of Austrian Airlines
OJ C 57 of 11.03.2009, p. 8

Deadline for comments*: 14.04.2009

IV. Final Commission decisions

1. Decisions taken by the Commission

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2. Public versions of decisions made available

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### 3. Decisions published in the OJ

3.1. No objection decisions

*Decisions not to raise objections are frequently grouped together in one single document for publication in the Official Journal. Since the link can only be made to the top of the first page of the document, you may have to scroll down in the document to find a particular case.*

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V. Other types of decisions

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VI. Block exemptions
**Information sheets published in the OJ**

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### VII. European Court of Justice

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2. Court of Justice

-None-

VIII. European Economic Area
Based on the Agreement on 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.

1. Decisions of the EFTA Surveillance Authority

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2. EFTA Court
3. State Aid New Legislation

- none-

4. Other EEA points of interest

Schedule of Public Holidays in EFTA States and EEA institutions for 2009.
OJ C 58 of 12.03.2009, p. 16 bg es cs da de et el en fr it lv lt hu mt nl pl pt ro sk sl fi sv

IX. Additional points of interest

Many achievements, more to do
Neelie Kroes, European Commissioner for Competition Policy
Opening speech at International Bar Association conference: "Private and public enforcement of EU competition law - 5 years on"
Brussels, 12th March 2009
To read the full speech, click here

Events

Everything to play for! Let's climb out of the crisis together, and opt for progress! : A timely EESC - Conference to assess economic recovery plans on the eve of the European Spring Council
The European Economic and Social Committee (EESC) will host a high-level conference on 17 March 2009 in Brussels, which will assess the implementation and initial results of the national economic recovery plans in the European Union. EESC President Mario Sepi will open the conference, which will present the views of European economic and social councils and feature European Commission President José Manuel Barroso and Commissioners Joaquín Almunia (Economic and Monetary Affairs) and Vladimír Špidla (Employment, Social Affairs and Equal Opportunities).
Brussels, 17 March 2009
For further information, click here

Seminar: State Aid for Environmental Protection
The seminar aims to equip participants with a comprehensive understanding of the new environmental guidelines and related environmental policies. The seminar is designed for officials from central ministries and/ or other authorities dealing with state aid and environmental protection issues and managers from public or private enterprises who may be involved in the formulation and implementation of environmental state aid schemes.
Maastricht, 2-3 April 2009
For further information, click here

Seminar: State Aid Procedures and Enforcement & the SANI System
The purpose of the seminar is to examine in depth the interpretation and application of State aid procedural rules. Recovery of aid, which constitutes a weak spot in the enforcement, third parties’ rights and the application of state aid rules by national courts are some of the topics that will be analysed in detail. The seminar will also provide a forum for comparing national experiences as regards administrative arrangements for notifying and registering aid and the enforcement of recovery decisions. There will also be a working group exercise on how to deal with the assessment of cases that combine state aid with structural funds. Finally, the seminar will also provide, in
cooperation with the European Commission, practice oriented training on the notification process. This training will be delivered by Commission official and national representatives. There will be a presentation on SANI which (still) raises practical issues for users.

Maastricht, 6-8 April 2009
For further information, click here

Studies and reports

**Competition Policy Reports for 2006 and 2007**
The European Parliament adopted an own-initiative report welcoming the publication of the Commission's Competition Policy Reports for 2006 and 2007. The report was adopted with 570 votes in favour, 84 against and 9 abstentions.

Read more
Adopted text

Miscellanea

**Préparation du Conseil Européen**
José Manuel Durão Barroso, Président de la Commission européenne
Session plénière du Parlement européen
Strasbourg, 11 mars 2009
To read the full speech, click here

Next publication date: Friday 20.03.2009

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Other documents related to the cases, can be found under the link to the State aid Register: [http://ec.europa.eu/competition/state_aid/register/](http://ec.europa.eu/competition/state_aid/register/)

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