Highlights

Commission orders recovery of €642 million in unlawful aid paid to Sernam
Following an in-depth investigation (see IP/08/1164), the European Commission has concluded that the conditions governing the authorisation of restructuring aid of €503 million for Sernam (see IP/01/744 and IP/04/1269) have not been met and that the aid is incompatible with the EU rules on state aid. The Commission's investigation also revealed that the privatisation of Sernam has resulted in fresh aid of nearly €100 million. This aid comes on top of the €41 million in aid deemed incompatible in a previous decision of October 2004, which has not yet been recovered. All these subsidies have given Sernam an unfair economic advantage over its competitors and they must be repaid in order to allay the distortion of competition they have provoked in the internal market.
Read more

Commission approves two UK schemes easing SMEs access to credit
Brussels, 14 March 2012 - The European Commission has approved a UK measure, which aims at reducing the cost of finance for SMEs, until 30 June 2012. The Commission found the National Loan Guarantee Scheme to be in line with the crisis State aid rules for banks, because it ensures that the reduced funding costs which banks will benefit from are passed on to SMEs. At the level of SMEs, the loans will not involve state aid within the meaning of EU rules. The Commission also cleared a second measure, the Business Finance Partnership, aimed at increasing the credit supply to SMEs through non-bank lending. The Commission found that investments through the scheme will be made on equal terms with that of private lenders and that the management of the fund will be chosen through an open tender. The Commission therefore concluded that the latter scheme does not involve state aid within the meaning of EU rules.
Read more

Commission consults on future film support rules
Brussels, 14 March 2012 - The European Commission has launched a public consultation on the state aid criteria it proposes to use to assess Member States' film support schemes in future. The criteria are set out in a draft Communication, on which the Commission invites comments by 14 June 2012. The final Communication is due to be adopted by the Commission in the second half of 2012.
Read more
Questions and answers

WTO confirms Boeing received billions in illegal subsidies from United States
Brussels, 12 March 2012 – The European Commission today welcomes the WTO appeal ruling in the "Boeing case" which confirms that billions of dollars in US subsidies granted to Boeing are illegal under WTO rules.
Continue on page 2

In the issue:

- Draft legislation and public consultations >>
- Decisions to open formal investigation >>
- Final Commission decisions >>
- Other types of decisions >>
- Block exemptions >>
- Court of Justice of the European Union >>
- European Economic Area >>
- Additional points of interest >>
The WTO’s Appellate Body rejected the US appeal and found that US Federal and State governments granted between US$ 5 and 6 billion WTO-incompatible subsidies to Boeing between 1989 and 2006. Subsidies to be granted after this date are estimated to be at least US$3.1 billion. The Appellate Body went even further than the previous WTO Panel ruling in supporting the EU’s claims, notably by finding that the subsidies granted by the City of Wichita (Kansas) also flout WTO rules.

Draft legislation and public consultations

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<td>31.05.2012</td>
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<td>Consultation on review of the Community guidelines on state aid to maritime transport</td>
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<td>Consultation on the revision of the European Union rules on regional state aid</td>
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<td>DG Competition</td>
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All public consultations: DG Competition, DG Agriculture, DG Maritime Affairs and Fisheries

Decisions to open formal investigation

1. Decisions taken by the Commission

- none -

2. Decisions pending OJ publication

Click here to see the full list

3. Decisions published in the OJ from 15.02.2012 to 15.03.2012 – 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.

Country | Title/link to documents | Case number | Objective | Decision date |
|---------|-------------------------|-------------|-----------|--------------|

Deadline for comments*: 21.03.2012
## Final Commission decisions

1. Decisions taken by the Commission

1.1. Decisions to close formal investigation

### DG Competition cases

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<td>France</td>
<td>Application de la décision SERNAM 2 negative decision with recovery</td>
<td>SA.12522</td>
<td>Restructuring firms in difficulty</td>
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Press release

1.2. No objection decisions

### DG Competition cases

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<td>United Kingdom</td>
<td>UK Credit Easing Scheme</td>
<td>SA.34218</td>
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<td>United Kingdom</td>
<td>Green Bus Fund</td>
<td>SA.34141</td>
<td>Environmental aid</td>
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Press release
2. Public versions of decisions to close formal investigation*

* Since the OJ publication of no objection/no aid decisions follows very shortly their publication on the website, this section of the e-News focuses only on decisions to close formal investigations. For the latest texts of no objection/no aid decisions please look section 3 "Decisions published in the OJ".

- none -

3. Decisions published in the OJ

3.1. Decisions to close formal investigation

- none -

3.2. 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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<tr>
<th>Country</th>
<th>Title/link to documents*</th>
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<td>Germany</td>
<td>Prolongation of CIRR financing scheme for the export of ships OJ C 76 of 15.03.2012, p. 5 <a href="#">bg es cs da de et el en fr it lv lt hu mt nl pl pt ro sk si fi sv</a></td>
<td>SA.34067</td>
<td>Promotion of export and internationalisation</td>
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<td>Ireland</td>
<td>&quot;Potential aid to Quinn Insurance through the intervention of the Insurance Compensation Fund&quot; OJ C 71 of 09.03.2012, p. 3 <a href="#">bg es cs da de et el en fr it lv lt hu mt nl pl pt ro sk si fi sv</a></td>
<td>SA.33023</td>
<td>Remedy for a serious disturbance in the economy</td>
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<td>Poland</td>
<td>Prolongation of the Guarantee scheme for export contracts – Poland OJ C 71 of 09.03.2012, p. 4 <a href="#">bg es cs da de et el en fr it lv lt hu mt nl pl pt ro sk si fi sv</a></td>
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<td>SA.33314</td>
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### Other types of decisions

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<td>Public Commercial Property Aland Industrihus Articles 296 and 339 TFEU - Decision on professional secrecy in State aid decisions</td>
<td>SA.21654 (ex C 6/2008)</td>
<td>Regional development aid</td>
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### Block exemptions

Block exemption Information sheets published in the OJ and/or in the State Aid register between 08.03.2012 and 15.03.2012

### Court of Justice of the European Union

* In order to consult the available languages of documents uploaded in the Curia website, please click on the earth symbol on the left side toolbar.

1. **Court of Justice**

   - none -

2. **General Court**

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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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<td>Aid for the Development Phase of the Mongstad CCS Facility</td>
<td>69853</td>
<td>CCS</td>
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<td>Norway</td>
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<td>Power contract between Alcan and Íslenska kisilfélagið</td>
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<td>Liechtenstein</td>
<td>Prolongation of the aid scheme under the Media Support Act</td>
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2. EFTA Court

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3. State Aid New Legislation

EFTA surveillance Authority Decision amending, for the 77th time, the procedural and substantive rules in the field of state aid by introducing a new chapter on a simplified procedure for treatment of certain types of state aid
OJ L 75 of 15.03.2012, p. 26
Press release

4. Other EEA points of interest

- none -

Additional points of interest

Events

Tax measures as State aid - The aftermath of the Gibraltar case
ERA
Brussels, 22 March 2012
For further information, click here

Services of General Economic Interest and State Aid: The Application of the Rules and National Experiences
EIPA
Maastricht, 23-24 April 2012
For further information, click here

State aid proceedings and litigation - EU Administrative and procedural law in State aid matters
ERA
Brussels, 26-27 April 2012
For further information, click here

State Aid in the Transport Sector
EIPA
Maastricht, 31 May-1 June 2012
For further information, click here

10th Experts' Forum on New Developments in European State Aid Law, Brussels
European State aid Law Institute (EStALI)
Brussels, 6-8 June 2012
For further information, click here

Recent Developments in State Aid Issues of Concern to Regional and Local Authorities
EIPA
Maastricht, 9-10 July 2012
For further information, click here

Studies and reports

First estimate for the fourth quarter of 2011
Employment down by 0.2% in the euro area and by 0.1% in the EU27
-0.2% and 0.0% respectively compared with the fourth quarter of 2010
The number of persons employed decreased by 0.2% in the euro area1 (EA17) and by 0.1% in the EU271 in the fourth quarter of 2011 compared with the previous quarter, according to national accounts estimates published by Eurostat, the statistical office of the European Union. In the third quarter of 2011, employment decreased by 0.2% in both zones. These figures are seasonally adjusted.
Read more

Invitations to tender

Call for proposals: Training of national judges in EU Competition Law and judicial co-operation between national judges
On September 2007 the European Parliament and the Council adopted Decision No 1149/2007/EC establishing for the period 2007-2013 the Specific Grant Program Civil Justice as part of the General Program Fundamental Rights and Justice. One of the actions provided for by the Decision concerns training for national judges in European competition law, including state aid rules and private damages training. Thus, grants may be awarded to support measures taken by bodies which foster judicial cooperation and other measures aimed at promoting training in EU competition law for national judges and cooperation between them.
Deadline: 17 April 2012
Read more

COMP/2012/001 - Provision of consultancy services on technical, economic and legal matters in the context of ICT and media competition cases
In the context of competition investigations (antitrust, merger and state aid) and compliance enforcement in the information and communications technology (ICT) and media industries, the Commission is confronted with conflicting arguments that are sometimes highly technical. By the very nature of the industries concerned, such technical arguments/evidence can be crucial to the Commission's objective assessment of the facts in their correct economic and technological context.
Deadline: 24 April 2012
Read more

Miscellanea

Growth and employment in Europe and in France:
towards a competitive continent"
speech by President Herman Van Rompuy
Conference organised by the AFEP (French Association of Private Companies) and Le Monde
"The challenges of competitiveness" - Carrousel du Louvre, Paris
Paris, 13 March 2012
To read the full speech, click here

Remarks by the President of the European Council, Herman Van Rompuy following the meeting with the Chairman of the Council of Ministers of Bosnia and Herzegovina, Mr. Vjekoslav Bevanda
Brussels, 9 March 2012
To read the full speech, click here

Next publication date: Friday 23.03.2012
Previous issues

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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/

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