Message from the Chief Editor
As from next week, State Aid Weekly e-News will be published and distributed on Thursdays, and will cover the period from Thursday to Wednesday. This will make it possible to deliver more rapidly information on the decision adopted by the Commission the previous day. In addition, the "Court of Justice of the European Union" section will be extended to include judgments and opinions planned for the upcoming week.

Highlights

Commission wins appeals on preferential electricity tariffs Italy
The General Court has today confirmed two Commission decisions of November 2009 and February 2011, ordering Italy to recover incompatible state aid from respectively Alcoa and Eurallumina/Portovesme. All three companies had enjoyed preferential electricity tariffs without objective justification. The GC dismissed all three appeals and entirely confirmed the Commission's findings.
Read the judgments: A[57]coa, Eurallumina, Portovesme

Speech: Trends and milestones in competition policy since 2010
Joaquin Almunia
Vice President of the European Commission responsible for Competition Policy
AmCham EU's 31st annual Competition Policy Conference
Brussels, 14 October 2014
Read the full text of the speech

Commission approves restructuring aid scheme for Irish credit unions
The European Commission has found an Irish scheme aimed at restructuring the credit union sector to be in line with EU State aid rules. In particular, the Commission concluded that the scheme will strengthen the Irish financial sector, while limiting the risk of distorting competition in the Single Market. This is the first scheme that a Member State puts in place for the restructuring of small financial institutions as foreseen in the Commission's 2013 Communication on state aid rules to support measures in favour of banks in the context of the financial crisis (the so-called 2013 "Banking Communication" see IP/13/672 and MEMO/13/886).
Read more

Commission invites Ireland to update compensation arrangements for school bus scheme; closes in-depth investigation into Bus Éireann and Dublin Bus
Following an in-depth investigation the European Commission has concluded that arrangements to compensate state-owned Bus Éireann and Dublin Bus, the two principal bus companies in Ireland, for the operation of bus services across Ireland and for the transport of schoolchildren, were put in place before the liberalisation of the EU bus sector when EU state aid rules were not yet applicable to this industry sector (i.e. the measures constitute "existing aid"). Whilst the compensation arrangements for the bus services that were the subject of this investigation ceased to be operational in December 2009, the arrangements for the transportation of schoolchildren are still in place and the Commission will now initiate a dialogue with Ireland to update those arrangements and bring them into line with EU state aid rules. The Commission also found that small grants made for training were compatible with the Single Market.
Read more

In this issue:
- New legislation >>
- Public consultations on draft legislation >>
- Commission Decisions >>
- Block exemptions >>
- Court of Justice of the European Union >>
- European Economic Area >>
- Additional points of interest >>
Commission approves creation of British Business Bank
The European Commission has concluded that UK plans for setting up the British Business Bank (BBB), an integrated entity for managing SME access to finance programmes in the UK, are in line with EU state aid rules. In particular, the Commission considered that the BBB concept addresses market failures that hamper SME access to finance in an appropriate and proportionate way, without unduly distorting competition in the Single Market.

Commission orders Spain to recover additional aid granted through tax benefits for acquisitions of indirect shareholdings in foreign companies
After an in-depth investigation, the European Commission has concluded that a new interpretation of a Spanish tax scheme benefitting companies acquiring foreign shareholdings is incompatible with EU state aid rules. The scheme allows companies to deduct the "financial goodwill" arising from the acquisition of indirect shareholdings in foreign companies from their corporate tax base. The Commission has found that the measure provided the beneficiaries with a selective economic advantage which cannot be justified under EU state aid rules, and which they must now repay to the Spanish state. Spain did not notify this new interpretation, which extended the scope of an existing scheme, to the Commission for prior state aid scrutiny, as required.

Commission finds Slovak system of compulsory health insurance involves no state aid
Following an in-depth investigation, the European Commission has concluded that the Slovak system of compulsory health insurance does not contain elements of state aid. In particular, the Commission has found that the state-owned health insurers SZP/VZP are not undertakings because they do not carry out an economic activity within the meaning of EU rules. Their activity is therefore outside the scope of EU state aid control.

Commission approves Romanian green certificate reduction for energy-intensive users
The European Commission has found that the Romanian green certificate reduction scheme, reducing the contributions of certain energy-intensive users to the financing of renewable energy, is in line with EU state aid rules, and in particular with the Commission's new Energy and Environmental Aid Guidelines (see IP/14/400 and Memo/14/276). The Commission has concluded that the partial compensation for the cost of financing renewable energy support is necessary to ensure the competitiveness of energy-intensive industries without unduly distorting competition in the Single Market.

Commission approves public financing of Øresund fixed rail-road link infrastructure project
The European Commission has concluded that public financing granted by the Swedish and Danish states to the Øresund fixed rail-road link infrastructure project and hinterland connections on both sides of Øresund was in line with EU state aid rules. The Commission found in particular that the measures furthered common transport priorities without unduly distorting competition in the Single Market.

Commission orders recovery of incompatible Slovak state aid from NCHZ and Fortischem
The European Commission has concluded that the Slovak chemical company Novácké chemické závody a.s. (NCHZ) benefitted from incompatible state aid during its bankruptcy procedure and that this aid has to be paid back. Moreover, the investigation showed that Fortischem, who acquired practically the entire NCHZ business, is the economic successor of NCHZ and thus also benefitted from the aid. Therefore, both NCHZ and Fortischem are liable to pay back the aid.

Commission approves aid to manager of Altenburg-Nobitz Airport (Germany); orders recovery of incompatible aid from Ryanair
Following an in-depth investigation, the European Commission has found public measures granted by Germany to the manager of the Altenburg-Nobitz airport to be in line with EU state aid rules. The measures further the connectivity of the region without unduly distorting competition in the Single Market in line with the applicable aviation aid guidelines. The Commission also found that certain service and marketing agreements concluded between the airport manager and the airline Ryanair/AMS gave the latter an undue advantage estimated at around €300 000, which cannot be justified under EU state aid rules. Ryanair and its marketing subsidiary AMS now need to repay the incompatible aid to Germany.
## 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](#).

### Article 4(2) - decision does not constitute aid

<table>
<thead>
<tr>
<th>Country</th>
<th>Case Number</th>
<th>Title</th>
<th>Objective</th>
<th>Decision date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Croatia</td>
<td>SA.37265</td>
<td>Alleged aid to Jadrolinija (Croatia)</td>
<td></td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Denmark</td>
<td>SA.36558</td>
<td>State Aid granted to Øresundsbro Konsortiet</td>
<td></td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Denmark</td>
<td>SA.38371</td>
<td>Tax advantages for the construction and operation of the Oresund Fixed Link</td>
<td></td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Greece</td>
<td>SA.38711</td>
<td>Interruptibility service for the electric system in Greece</td>
<td>Other</td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Poland</td>
<td>SA.37320</td>
<td>Exemption from excise duty on certain use of gas products</td>
<td></td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Poland</td>
<td>SA.37609</td>
<td>Aid for the water drainage works in the shafts of closed mines in the Bytom Basin</td>
<td>Environmental protection</td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Slovakia</td>
<td>SA.37624</td>
<td>Alleged illegal State Aid to IMUNA PHARM.</td>
<td></td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Sweden</td>
<td>SA.36662</td>
<td>State Aid granted to Øresundsbro Konsortiet</td>
<td></td>
<td>15/10/2014</td>
</tr>
</tbody>
</table>

### Article 4(3) - decision not to raise objections

<table>
<thead>
<tr>
<th>Country</th>
<th>Case Number</th>
<th>Title</th>
<th>Objective</th>
<th>Decision date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denmark</td>
<td>SA.36558</td>
<td>State Aid granted to Øresundsbro Konsortiet</td>
<td></td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Denmark</td>
<td>SA.38371</td>
<td>Tax advantages for the construction and operation of the Oresund Fixed Link</td>
<td></td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Romania</td>
<td>SA.39042</td>
<td>RES support reduction for energy-intensive users</td>
<td>Environmental protection</td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Sweden</td>
<td>SA.36662</td>
<td>State Aid granted to Øresundsbro Konsortiet</td>
<td></td>
<td>15/10/2014</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>SA.36061</td>
<td>UK Business Bank</td>
<td>SMEs</td>
<td>15/10/2014</td>
</tr>
</tbody>
</table>

### Article 7(2) - decision does not constitute aid (after formal investigation procedure)

<table>
<thead>
<tr>
<th>Country</th>
<th>Case Number</th>
<th>Title</th>
<th>Objective</th>
<th>Decision date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>SA.26500</td>
<td>Aéroport d’Altenburg Nobitz - aides en faveur de Ryanair (plainte BDF - Association Féderale de compagnies aériennes allemandes)</td>
<td></td>
<td>15/10/2014</td>
</tr>
</tbody>
</table>
Slovakia  **SA.23008**  Alleged State aid to SZP and VZP (Slovak health insurance)  15/10/2014
Slovakia  **SA.33797**  Alleged aid to NCHZ  15/10/2014

**Article 7(3) - positive decision**

<table>
<thead>
<tr>
<th>Country</th>
<th>Case Number</th>
<th>Title</th>
<th>Objective</th>
<th>Decision date</th>
</tr>
</thead>
<tbody>
<tr>
<td>DG Competition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td><strong>SA.26500</strong></td>
<td>Aéroport d’Altenburg Nobitz - aides en faveur de Ryanair (plainte BDF - Association Fédérale de compagnies aériennes allemandes)</td>
<td></td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Ireland</td>
<td><strong>SA.20580</strong></td>
<td>Alleged State aid to CIE bus companies - Irish Bus and Dublin Bus</td>
<td></td>
<td>15/10/2014</td>
</tr>
</tbody>
</table>

**Article 7(5) and 14(1) - negative decision with recovery**

<table>
<thead>
<tr>
<th>Country</th>
<th>Case Number</th>
<th>Title</th>
<th>Objective</th>
<th>Decision date</th>
</tr>
</thead>
<tbody>
<tr>
<td>DG Competition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td><strong>SA.26500</strong></td>
<td>Aéroport d’Altenburg Nobitz - aides en faveur de Ryanair (plainte BDF - Association Fédérale de compagnies aériennes allemandes)</td>
<td></td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Slovakia</td>
<td><strong>SA.33797</strong></td>
<td>Alleged aid to NCHZ</td>
<td></td>
<td>15/10/2014</td>
</tr>
<tr>
<td>Spain</td>
<td><strong>SA.35550</strong></td>
<td>'Spanish Goodwill III’ - tax amortisation of financial goodwill for foreign shareholding acquisitions</td>
<td></td>
<td>15/10/2014</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>Country</th>
<th>Court Case</th>
<th>Title</th>
<th>Type of act</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>DE</td>
<td>T-129/13</td>
<td>Alpiq RomIndustries and Alpiq RomEnergie v Commission</td>
<td>Judgement</td>
<td>16/10/2014</td>
</tr>
<tr>
<td>IT</td>
<td>T-177/10</td>
<td>Alcoa Trasformazioni v Commission</td>
<td>Judgement</td>
<td>16/10/2014</td>
</tr>
<tr>
<td>IT</td>
<td>T-291/11</td>
<td>Portovesme v Commission</td>
<td>Judgement</td>
<td>16/10/2014</td>
</tr>
<tr>
<td>IT</td>
<td>T-308/11</td>
<td>Eurallumina v Commission</td>
<td>Judgement</td>
<td>16/10/2014</td>
</tr>
<tr>
<td>IT</td>
<td>T-517/12</td>
<td>Airo v Commission</td>
<td>Judgement</td>
<td>16/10/2014</td>
</tr>
</tbody>
</table>
Additional points of interest

Events

GCR Live 6th Annual Brussels: The conference about the bigger picture
Global Competition Review
Brussels, 12-13 November 2014
Read more

Annual Conference on European State Aid Law 2014
ERA
Trier, 13-14 November 2014
Read more

State Aid & SGEI in Health Care, Social Services and Infrastructures
European Academy for Taxes, Economics & Law
Berlin, 20-21 November 2014
Read more

State Aid in the Transport Sector
EIPA
Maastricht, 24-25 November 2014
Read more

State aid Rules for National Funding and EU Funds
European Academy for Taxes, Economics & Law
Berlin, 1-2 December 2014
Read more

Annual Conference on European State Aid Law 2014
Lexxion
Vienna, 4-5 December 2014
Read more

Invitations to tender

COMP/2014/007 – “Study on judges' training needs in the field of competition law”
Deadline to submit tenders: 14.11.2014
Read more

Next publication date: Thursday 23.10.2014

Previous issues

Subscription
If you wish to subscribe to “State Aid Weekly e-News” and receive it every Friday in your Inbox for free, please click here. To unsubscribe, please use the same link, complete with your login or email address and password, confirm and on the next page click on “Unregister”. Please, note that the information requested under “Change personal details” is not compulsory. In order to complete the subscription it is sufficient to fill in the data requested under “Add subscription”.

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.

Publisher
European Commission
DG Competition
Unit A-3 – State aid strategy