State Aid Weekly e-News No 37/11 1

No. 37/11, 21.10.2011

14.10.2011 - 20.10.2011

Highlights

State aid: Commission temporarily approves rescue aid for Dexia Bank Belgium; opens in-depth investigation
Brussels, 17 October 2011 - The European Commission has temporarily approved, under EU state aid rules, the nationalisation of Belgium's second largest bank Dexia Bank Belgium (DBB) through its acquisition by the Belgian State for €4 billion to be paid to Dexia SA. The Commission acknowledges that the measure is necessary to preserve financial stability. However, at this stage, the Commission is not able to conclude whether the acquisition by the Belgian State complies with EU state aid rules. Belgium has six months to notify a new restructuring plan for the bank.

Read more

State aid: Commission clears French support scheme for ultra fast broadband networks
Brussels, 19 October 2011 - The European Commission has approved under EU state aid rules around €750 million of support for the deployment of very high speed broadband networks in France. Consumers and businesses will benefit from speeds of 100 megabits per second for the use of enhanced internet services such as e-health, e-government, 3D television, teleworking possibilities, e-learning and more. The scheme will further bridge the digital divide between rural and urban areas. The Commission concluded that the scheme is in line with the EU guidelines on state aid for broadband, in particular because aid will be given through public tenders only for areas where no comparable networks currently exist and because the subsidized network will be open to all interested users.

Read more

State aid: Commission refers France to Court for failure to recover incompatible aid from Arbel Fauvet Rail
Brussels, 19 October 2011 - The European Commission has referred France to the European Court of Justice (ECJ) for not complying with a decision of June 2010 concluding that aid in the form of preferential interest rates on two loans to Arbel Fauvet Rail was not compatible with EU state aid rules. As France had not notified the loans totalling €2 million for approval before granting them, it has to recover the difference between the terms at which they were granted and the then market rates. This has not been done.

Read more

State aid: Commission refers Italy to Court for failure to recover aid from shipping companies in Sardinia
The European Commission has referred Italy to the European Court of Justice (ECJ) for failing to comply with a Commission decision of 2007 (see IP/07/1048) which found an aid scheme for Sardinian shipping companies incompatible with EU state aid rules. As Italy had not notified loans granted on preferential terms by the Sardinian region, it has to recover the difference between the terms at which they were granted and the then market rates. Four years later, this has still not been done.

Read more

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Draft legislation and public consultations

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<td>Consultation on the new texts regarding the application of State aid rules to Services of General Economic Interest (SGEI)</td>
<td>21.10.2011</td>
<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

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<td>Dexia Banque Belgique</td>
<td>SA.33751</td>
<td>Partly decision to initiate the formal investigation procedure, partly decision not to raise objections Press release</td>
<td>17.10.2011</td>
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</table>

2. Decisions pending OJ publication

[Click here to see the full list](#)


* 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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<td>Ireland</td>
<td>Unlawful State aid by Ireland to Aer Lingus, Aer Arann and Dublin Airport Authority</td>
<td>SA.29064</td>
<td>Part no aid decision/Part decision to initiate formal investigation procedure</td>
<td>13.07.2011</td>
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<tr>
<td>Germany</td>
<td>Leipzig-Halle Airport - further infrastructure measures</td>
<td>SA.30743 (ex N 138/2010)</td>
<td>Regional development aid</td>
<td>15.06.2011</td>
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<td>Spain</td>
<td>Spanish Aid for the acquisition of ships</td>
<td>SA.21233</td>
<td>Sectoral development aid</td>
<td>29.06.2011</td>
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**Final Commission decisions**

1. **Decisions taken by the Commission**

1.1. Decisions to close formal investigation

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1.2. No objection decisions

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<tr>
<td>Belgium</td>
<td>EFRO steun - dossier 422 - Containertransferium Beverdonk</td>
<td>SA.31825</td>
<td>Environmental aid</td>
<td>19.10.2011</td>
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<td>Germany</td>
<td>Clusterfonds Innovation GmbH &amp; Co. KG (Risikokapitalfonds)</td>
<td>SA.32690</td>
<td>Risk capital aid</td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>Clusterfonds EFRE Bayern GmbH &amp; Co. KG (Risikokapitalfonds)</td>
<td>SA.32689</td>
<td>Risk capital aid</td>
<td>19.10.2011</td>
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<tr>
<td>Germany</td>
<td>Alleged aid in favour of Klausner, Bavaria</td>
<td>SA.19045</td>
<td></td>
<td>19.10.2011</td>
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<td>Ireland</td>
<td>Biomass electricity generation</td>
<td>SA.31861</td>
<td>Environmental aid</td>
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<td>Poland</td>
<td>Restructuring aid to PKS Pulawy z o.o</td>
<td>SA.32612</td>
<td>Restructuring firms in difficulty</td>
<td>19.10.2011</td>
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<td>Spain</td>
<td>Andalucía Jessica Holding Fund</td>
<td>SA.32147</td>
<td>Regional development aid</td>
<td>19.10.2011</td>
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<td>United Kingdom</td>
<td>Aid to purchase of ultra low-emission vehicles</td>
<td>SA.30741</td>
<td>Environmental aid</td>
<td>19.10.2011</td>
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<tr>
<td>Poland</td>
<td>Restoration of forests damaged by adverse weather conditions and prevention measures</td>
<td>SA.33531</td>
<td>Forestry aid</td>
<td>19.10.2011</td>
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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

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DG Competition cases

France  Intervention du FMEA en faveur de TREVES  
*Positive decision*  
OJ L 274 of 19.10.2011, p. 1 bg es cs da de et el en fr it lv lt hu mt nl pl pt ro sk si fi sv  
C 4/2010 (ex NN 64/2009)  
20.04.2011

Spain  Spanish Coal - Plan for accessing coal reserves 2003-2005  
*Positive decision*  
OJ L 271 of 18.10.2011, p. 50 bg es cs da de et el en fr it lv lt hu mt nl pl pt ro sk si fi sv  
C 14/2004  
(ex N 67/2003)  
21.12.2005

DG Agriculture cases

Belgium  Arrêté royal concernant le financement du dépistage des encéphalopathies spongiformes transmissibles chez les animaux  
*Negative decision with recovery*  
OJ L 274 of 19.10..2011, p. 36 bg es cs da de et el en fr it lv lt hu mt nl pl pt ro sk si fi sv  
C 44/2008  
(ex NN 45/2004)  
Animal diseases  
27.07.2011

Portugal  Financement de la collecte, le transport et la destruction des sous-produits obtenus de l'abattage des ruminants et des volailles  
*Conditional decision*  
OJ L 274 of 19.10..2011, p. 15 bg es cs da de et el en fr it lv lt hu mt nl pl pt ro sk si fi sv  
C 3/2009  
(ex NN 41a/2003)  
Livestock sector  
13.07.2009

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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<thead>
<tr>
<th>Country</th>
<th>Title/link to documents*</th>
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| Denmark | Fionia - modification of commitments  
| Netherlands | Subsidieregelng grondaankoop EHS  
| Netherlands | Energy green tax, reduction for the glasshouse horticulture sector  
### Poland

Rescue Aid to PKS Lubliniec

OJ C 303 of 14.10.2011, p. 2  
Rescuing firms in difficulty  
08.09.2011

### DG Agriculture cases

#### Italy

Modification de l'aide d'Etat N 723/2007  
"Intervention pour l'octroi de garanties conformément au régime d'aide N 391/2003" du montant maximal garanti et la capitalisation des fonds en vertu de l'article 11 § 2 de la loi régionale 26/2/2010 n° 8  
OJ C 308 of 20.10.2011, p. 2

#### Italy

Application of Directive 2003.96.EC on restructuring the Community framework for the taxation of energy products and electricity – Excise duty exemption for vegetal oil  
OJ C 303 of 14.10.2011, p. 4

#### Netherlands

Amendment of the tax base for living ducks for the financing of research and development and preventive animal health  
OJ C 308 of 20.10.2011, p. 2

### Other types of decisions

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| France  | Alleged aid to Arbel Fauvet Rail SA  
*Referral to Court of Justice (non-compliance with decisions)*  
| Italy   | Sardinia Ferries (Tourship Group)  
*Referral to Court of Justice (non-compliance with injunction)*  

### Block exemptions

*Block exemption Information sheets published in the OJ and/or in the State aid register between 14.10.2011 and 20.10.2011*
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.

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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><strong>Newly adopted decisions</strong></td>
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| Iceland  | Acquisition of Byr hf by Íslandsbanki and prolongation of the temporary approval of the subordinated loan facility granted to Byr hf  
*Decision 325/11 COL  
*Press release | 70526 | Financial Crisis | 19.10.2011 |

#### 2. EFTA Court

- none -

#### 3. Block exemptions

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<th>Case number</th>
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Norway | Pilot project to stimulate establishing of a bioenergy sector in the Hordaland region | OJ C 308 of 20.10.2011, p. 33 | 11/11/ENV | Environmental aid
---|---|---|---|---
Norway | Program for new heating centrals in the industry | OJ C 308 of 20.10.2011, p. 35 | 10/11/ENV | Environmental aid

4. State Aid New Legislation

- none -

5. Other EEA points of interest

- none -

Additional points of interest

New rules for more efficient, resilient and transparent financial markets in Europe
Brussels, 20 October 2011 - In recent years, financial markets have changed enormously. New trading venues and products have come onto the scene and technological developments such as high frequency trading have altered the landscape. Drawing lessons from the 2008 financial crisis, the G20 agreed at the 2009 Pittsburgh summit on the need to improve the transparency and oversight of less regulated markets – including derivatives markets - and to address the issue of excessive price volatility in commodity derivatives markets. In response to this, the European Commission has today tabled proposals to revise the Markets in Financial Instruments Directive (MiFID). Read more

European Competition Network publishes ninth newsletter
The present edition reports on initiatives adopted by several ECN Members with the view to improve transparency and predictability in their competition enforcement activities. These include the consultation on Draft Guidelines on Fines in Belgium, the consultation on a new Draft Guidance on Merger Control in Germany, the revision of Guidelines on Sanctions, Mergers, Complaints and Rules on Access to File in Romania, the adoption of the Communications on Termination of Proceedings by Commitments and on Short-Form Notification of Concentration in Spain. The Brief also announces the adoption of Best Practices on Antitrust Proceedings by the European Commission. For further information, click here

Events

Annual Forum on European State Aid Law 2011
Academy of European Law
Trier, 27-28 October 2011
For further information, click here

State Aid Procedures and Enforcement & the SANI System & Introductory Workshop on State Aid Principles
The seminar, organised by the European Institute of Public Administration (EIPA), aims to address the needs of middle managers and senior officials from all levels of government and local authorities, officials from public enterprises, representatives of business and trade associations, as well as lawyers and economists. The purpose of the seminar is to examine in depth the interpretation and application of these procedural and implementing
rules. Recovery of aid found to be incompatible with the internal market, constituting 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 are analysed in detail.

Maastricht, 23-25 November 2011
For further information, click here

Autumn Conference on European State Aid Law
The European State Aid Law Institute
Amsterdam/Leiden, 1-2 December 2011
For further information, click here

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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: http://ec.europa.eu/competition/index_en.html
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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