Highlights

Commission presents guidelines on restructuring aid to banks
The European Commission has agreed a Communication explaining its approach to assessing restructuring aid given by Member States to banks. The approach is based on three fundamental principles: i) aided banks must be made viable in the long term without further state support, ii) aided banks and their owners must carry a fair burden of the restructuring costs and iii) measures must be taken to limit distortions of competition in the Single Market. The guidelines, which are in force until 31 December 2010, explain in particular how the Commission intends to apply these principles in the context of the current systemic financial crisis, with a view to contributing to the return to viability of the European banking sector.

Read more
For further information, click here
Commission Communication

Commission Enforcement Policy and the Need for a Competitive Solution to the Crisis
Neelie Kroes, European Commissioner for Competition
Address to the Irish Centre for European Law
Dublin, 17 July 2009
To read the full speech, click here

Commission approves second amendment to German crisis measure allowing aid of up to €500 000
The European Commission has approved, under EC Treaty state aid rules, an amendment to a German scheme allowing aid of up to €500 000 per company in 2009 and 2010, initially approved in December 2008 (see IP/08/2063). The amendment would allow the aid element of public guarantees to be calculated on the basis of the Annex 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). This adjustment will permit a more effective response to the difficulties of enterprises regarding lending conditions and credit availability in the current macroeconomic situation. The measure is limited in scope and time and only applies to companies that were not in difficulties 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.

Read more

Commission finds recapitalization of Hypo Steiermark does not constitute state aid
The European Commission has concluded under EC Treaty State Aid rules that a recapitalization of Hypo Steiermark, a regional Austrian bank, which was carried out by the public and the private owners pro rata to the pre-existing ownership structure does not constitute state aid.

Read more

In the issue:

- New legislation >>
- Draft legislation and public consultations >>
- Decisions to open formal investigation >>
- Final Commission decisions >>
- European Court of Justice >>
- European Economic Area >>
- Additional points of interest >>
Commission approves €251 million aid for Gdansk shipyard in Poland
Following an in-depth investigation opened in June 2005 (see IP/05/644), the European Commission has authorised under EC Treaty state aid rules various support measures worth €251 million, spread over several years and extending into the future, in favour of the Gdansk Shipyard in Poland. Privatised in 2007, the yard recently presented a restructuring plan that will to a large extent be financed from private resources raised by the yard and its owner. The Commission concluded that the plan will ensure the viability of the yard and that the distortions of competition, caused by years of subsidised operations, will be adequately reduced by production capacity closures.

Commission endorses Austrian aid to green electricity producers; opens in-depth inquiry into potential aid for large energy users
The European Commission has authorised under EC Treaty state aid rules subsidised feed-in tariffs in Austria for producers of green electricity (i.e. electricity produced from environmentally-friendly sources). The measures are designed to accelerate and increase the development of electricity production from renewable energy sources without granting over-compensation for extra costs incurred. They are therefore in line with the requirements of the Environmental Aid Guidelines (see MEMO/08/31). At the same time, the Commission has opened an in-depth investigation to establish whether certain provisions of the new Austrian Green Electricity Act, which may favour large energy consumers, infringes the state aid rules. According to the new Act, energy intensive industries may be exempted from their obligation to purchase green electricity and to contribute to the funding of green electricity in Austria. As a result, enterprises not qualifying for the exemption may be burdened with extra cost for purchasing additional amounts of green electricity. The opening of an in-depth investigation will allow third parties to comment on the measure under scrutiny. It does not prejudice the Commission’s final decision.

Commission authorises €82 million of innovative film tax incentives; opens investigation into Italian digital cinema support
The European Commission has approved under EC Treaty state aid rules Italy’s innovative €82 million package of film tax incentives until 31 December 2010. The incentives aim to stimulate investment from outside the film production sector into European cultural films and to support the distribution of such films. The Commission found that the incentives are compatible with the cultural derogation of the EC Treaty. The Commission has also opened a formal investigation into a proposed 30% tax credit for installing digital projection equipment in Italian cinemas because it has concerns that the measure may mainly benefit large multiplexes which should need less support. The opening of an in-depth investigation gives third parties the possibility to comment on the proposed measure. It does not prejudice the outcome of the procedure.

Further details of the Commission’s questions about State aid for digital cinema and about the digital cinema workshop being organised by the Italian authorities on 21 October during the Rome Film Festival will be published next week on DG Competition’s public consultation page. Interested parties are invited to submit comments by 31 October 2009.

Invitation to tender: 'State aid assessment of valuations of impaired assets and of asset relief measures'
- COM/2009/D5/014
Deadline for submitting tenders: 18 August 2009
For further information, click here

Change to the base rates for Denmark, Latvia and the United Kingdom as from 1.8.2009
Base rates for the 27 Member States

To read the decision, click here

New legislation
Commission Communication - the return to viability and the assessment of restructuring measures in the financial sector in the current crisis under the State aid rules

**Press release**

**Memo**

Disclaimer: The Commission has agreed the content of this Communication on 22 July 2009. The adoption of this Communication will be finalised through its forthcoming publication in the [Official Journal](https://eur-lex.europa.eu/).

**Draft legislation and public consultations**

<table>
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<th>Subject</th>
<th>Deadlines for comments</th>
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<td>Temporary Framework for State aid measures to support access to finance in the current financial and economic crisis - questionnaire to Member States</td>
<td>15.09.2009</td>
<td>DG Competition</td>
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All public consultations: [DG Competition](https://ec.europa.eu/competition), [DG Agriculture](https://ec.europa.eu/agriculture), [DG Transport and Energy](https://ec.europa.eu/energy), [DG Maritime Affairs and Fisheries](https://ec.europa.eu/maritimeaffairs/fisheries)

**Decisions to open formal investigation**

1. Decisions taken by the Commission

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<th>Title</th>
<th>Case number</th>
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<td><strong>DG Competition cases</strong></td>
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<td></td>
<td>Partly no objection decision, partly decision to open formal investigation</td>
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<td></td>
<td>Press release</td>
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2. Decisions pending OJ publication

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

3. Decisions published in the OJ from 23.06.2009 to 23.07.2009 – 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.
<table>
<thead>
<tr>
<th>Country</th>
<th>Title/link to documents</th>
<th>Case number</th>
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<tr>
<td>DG Competition cases</td>
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</table>
| Hungary           | Potential aid to Péti Nitrogénművek  
OJ C 165 of 17.07.2009, p. 12 [bg es cs da de et el en fr it lv hu mt nl pl pt ro sk si fi sv](http://link.to/documented)  
Press release  
| Netherlands       | ING illiquid assets back-up facility  
*Part no objections decision/Part decision to open formal investigation  
OJ C 158 of 11.07.2009, p. 13 [bg es cs da de et el en fr it lv hu mt nl pl pt ro sk si fi sv](http://link.to/documented)  
Press release  
| United Kingdom    | Restructuring aid to Northern Rock  
*Extend proceedings  
OJ C 149 of 01.07.2009, p. 16 [bg es cs da de et el en fr it lv hu mt nl pl pt ro sk si fi sv](http://link.to/documented)  
Press release  
Deadline for comments*: 03.08.2009                                                                                       | C 14/2008 (ex NN 1/2008) | Restructuring aid    | 07.05.2009          |

**Final Commission decisions**

**1. Decisions taken by the Commission**

**1.1. Decisions to close formal investigation**

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</table>
| DG Competition cases | Restructuring aid to Stocznia Gdansk  
*Positive decision  

**1.2. No objection decisions**

<table>
<thead>
<tr>
<th>Country</th>
<th>Title</th>
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</thead>
</table>
### Austria Recapitalisation of Hypo Steiermark

- **Press release**
- **Case number**: NN 40/2009
- **Decision date**: 22.07.2009
- **Objective**: No aid

### Austria Fernsehfilmförderungsfonds (FERNSEHFONDS AUSTRIA)

- **Case number**: N 348/2009
- **Decision date**: 23.07.2009

### Austria Second amendment of the Green Electricity Act 2008

- **Press release**
- **Case number**: N 446/2008
- **Decision date**: 22.07.2009
- **Objective**: Environmental aid

### Germany Second amendment to the Federal Framework "Small amounts of compatible aid" (N 668/2008)

- **Press release**
- **Case number**: N 411/2009
- **Decision date**: 17.07.2009
- **Objective**: Remedy for a serious disturbance in the economy

### Germany Geänderte Rettungsbeihilfe für Quelle GmbH

- **Case number**: N 416/2009
- **Decision date**: 22.07.2009
- **Objective**: Rescue aid

### Italy Italian film tax incentives

- **Press release**
- **Case number**: N 673/2008
- **Decision date**: 22.07.2009
- **Objective**: Culture aid

### Lithuania Project “Development of Rural Area Information Technology Network RAIN”

- **Case number**: N 183/2009
- **Decision date**: 17.07.2009
- **Objective**: Regional development aid

### DG Agriculture cases

**France**

- Aides à la constitution de retenues collinaires et aux équipements fixes d'irrigation, à l'exclusion des systèmes d'arrosage, à destination des cultures légumières en Bretagne

- **Case number**: N 146/2009
- **Decision date**: 17.07.2009
- **Objective**: Investment in agricultural holdings

**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".*

### DG Competition cases

**Netherlands**

- Groepsrentebox
- **Decision date**: 08.07.2009
- **Objective**: No aid decision

### 3. Decisions published in the OJ

#### 3.1. Decisions to close formal investigation
### DG Competition cases

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<tr>
<th>Country</th>
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| Italy   | Poste Italiane - Postal savings  
No aid decision (after formal investigation procedure)  
| Spain   | Spanish Textile programme  
Positive decision  
(ex NN 64/2007) | Sectoral development aid | 24.03.2009 |

#### 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.

### European Court of Justice

* 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

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<td>Belgium v Deutsche Post and Others</td>
<td>Belgium</td>
<td>Appeal</td>
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<td>T-388/03 - Deutsche Post and DHL International v Commission C 20/2009 (ex N 763/2002) - La Poste</td>
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#### 2. Court of First Instance
### 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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<tr>
<th>Country</th>
<th>Title/link to documents*</th>
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| Iceland | EFTA Surveillance Authority Decision No 344/09/COL of 23 July 2009 on the Helguvík Aluminium Smelter  
Press release | 66250 | Regional aid, business taxation | 23.07.2009 |

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**T-22/07**

OJ C 167 of 18.07.2009, p. 10

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Relevant provisions: Point 2(a), (b) and (c) of Part 4 of Annex XIV to the Act of Accession, OJ 2003 L 236, p. 915 (see pages 918 and 919) |

**T-179/09**

OJ C 167 of 18.07.2009, p. 16

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**T-198/09**

OJ C 167 of 18.07.2009, p. 19

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<td>France</td>
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<td>C 51/2005 (ex NN 84/2005) - Aide en faveur d'IFP et AXENS</td>
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</table>
2. State Aid New Legislation

The EFTA Surveillance Authority’s notice on current State aid recovery interest rates and reference/discount rates for 3 EFTA States applicable as from 1 April 2009 (Published in accordance with Article 10 of the Authority’s Decision No 195/04/COL (OJ L 139, 25.5.2006, p. 37) and in the EEA Supplement No 26/2006, 25.5.2006, p. 1))

OJ C 171 of 23.07.2009, p. 33 bg es cs da de et el en fr it lv lt hu mt nl pl pt ro sk si fi sv

3. Block exemptions

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</table>
| Norway | Centres for Environment-friendly Energy Research (FME)  
| Norway | Pilotprosjekt for å utløyse ei bioenerginæring i Hordaland  
| Norway | The Bioenergy Scheme  

4. Other EEA points of interest

- none-

Additional points of interest

Invitations to tender
Invitation to tender: ‘State aid assessment of valuations of impaired assets and of asset relief measures’
- COM/2009/D5/014
Deadline for submitting tenders: 18 August 2009
For further information, click here

Next publication date: Friday 31.07.2009

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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/

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