SGEI of Social Housing

The french case
French case in the SGEI process

- 1957-2003: Grey zone
- 2003: SGEI Altmark ruling
- 2005: EC Decision « Monti package »

Dutch and Swedish cases

- 2011: EC Decision « Almunia package »
- 2012: UNPI complaint 1
- 2012: ERDF control / OHLM energy: HLM tool
- 2013: UNPI complaint 2: 2 OHLM
- 2014: ALUR law: EC Decision in CCH L411-2
- 2015: Compensations control / ANCOLS
- 2018: ERDF control / OHLM energy
UNPI Complaints

05/05/12: General complaint against France: no application of the EC Decision in the French SGEI of social housing
- No application of the Decision – illegal state Aids
- No control of over compensation
- No separation SGEI/commercial activities
- SGEI in all local housing markets

28/05/13: New concrete and legal complaint against 2 social landlords (Soginorpa + Pas de Calais Habitat)
- 2 concrete cases of overcompensation
- No application of public service obligations
- No separation SGEI/commercial activities
French social housing SGEI

- Mission of general interest defined by the law including social mix and diversity of housing
- Special rights as OHLM providers by « agrément » registration
- Legal act of entrustments as SGEI
- Public service obligations:
  - income ceiling + allocation process
  - affordable rents set by the law
  - long term secured lease for tenants
  - extra-rent of solidarity
- Compensations (subsidies, LT public loans, VAT, tax exemptions, public lands, ERDF, EIB loans...)
Legal impact of complaints

• Exchange between DG COMP – French ministry of Housing
• Questions on local based SGEI / local housing markets and not at the national level
• No formal Decision of DG COMP on the 2 complaints (till now...)
• Implementation of the Decision in progress;
  - Reference of the Decision in the french law of social housing
  - entrustment acts of OHLM (CUS) + control (ANCOLS)
  - clarification of SGEI vs commercial activities – accounts
  - tool for calculation of compensation in ERDF projets
  - difficulties of calculation for LT investment projects