

# Den Europæiske Unions Tidende

# C 9

49. årgang

Dansk udgave

## Meddelelser og oplysninger

14. januar 2006

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# DA

## I

(Meddelelser)

## KOMMISSIONEN

Euroens vekselkurs <sup>(1)</sup>

13. januar 2006

(2006/C 9/01)

1 euro =

Valuta	Kurs	Valuta	Kurs		
USD	amerikanske dollar	1,2039	SIT	slovenske tolar	239,49
JPY	japanske yen	138,13	SKK	slovakiske koruna	37,520
DKK	danske kroner	7,4592	TRY	tyrkiske lira	1,6160
GBP	pund sterling	0,68140	AUD	australske dollar	1,6040
SEK	svenske kroner	9,3063	CAD	canadiske dollar	1,3972
CHF	schweiziske franc	1,5491	HKD	hongkongske dollar	9,3316
ISK	islandske kroner	74,01	NZD	newzealandske dollar	1,7344
NOK	norske kroner	8,0475	SGD	singaporeanske dollar	1,9648
BGN	bulgarske lev	1,9558	KRW	sydkoreanske won	1 189,03
CYP	cypriotiske pund	0,5737	ZAR	sydafrikanske rand	7,3170
CZK	tjekkiske koruna	28,840	CNY	kinesiske renminbi yuan	9,7144
EEK	estiske kroon	15,6466	HRK	kroatiske kuna	7,3750
HUF	ungarske forint	250,51	IDR	indonesiske rupiah	11 282,95
LTL	litauiske litas	3,4528	MYR	malaysiske ringgit	4,502
LVL	lettiske lats	0,6960	PHP	filippinske pesos	63,072
MTL	maltesiske lira	0,4293	RUB	russiske rubler	34,3200
PLN	polske zloty	3,8138	THB	thailandske bath	47,643
RON	rumænske lei	3,6308			

<sup>(1)</sup> Kilde: Referencekurs offentliggjort af Den Europæiske Centralbank.

**Godkendt statsstøtte inden for rammerne af bestemmelserne i artikel 87 og 88 i EF-traktaten  
Tilfælde, mod hvilke Kommissionen ikke gør indsigelse**

(2006/C 9/02)

**Dato for vedtagelse af beslutningen:** 2.6.2004

**Medlemsstat:** Tyskland (Schleswig-Holstein)

**Sag nr.:** N 9/2004

**Støtteordning:** Støtte til destruktion af selvdøde dyr

**Formål:** At yde husdyrbrugere erstatning for udgifter til bortskaffelse af selvdøde dyr

**Retsgrundlag:**

— Richtlinien für die Gewährung von Beihilfen für die Tierkörperbeseitigung (VIII 35 — 7280.321)

— § 9, Abs 1 n. 7 »Ausführungsgesetz zum Tierkörperbeseitigungsgesetz« (GVObl. Schl. H.S.)

**Rammebeløb:** 5,5 mio. EUR om året

**Støtteintensitet:** 100 %

**Varighed:** Indtil 2013

Den autentiske tekst til beslutningen, hvorfra fortrolige oplysninger er fjernet, kan ses på:

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

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**Godkendt statsstøtte inden for rammerne af bestemmelserne i artikel 87 og 88 i EF-traktaten  
Tilfælde, mod hvilke Kommissionen ikke gør indsigelse**

(2006/C 9/03)

(EØS-relevant tekst)

**Dato for vedtagelse af beslutningen:** 3.8.2004

**Medlemsstat:** Nederlandene

**Sag nr.:** N 127/2004

**Støtteordning:** Salgsfremstød for rødspætter

**Formål:** At finansiere salgsfremstød for rødspætter gennem skattelignende afgifter

**Retsgrundlag:**

- Instellingsverordening Productschap Vis
- Wet op de bedrijfsorganisatie
- Verordening instelling van een fonds voor scholpromotie en verordening financiering scholpromotie 2004

**Rammebeløb:** 200 000 EUR om året

**Varighed:** Ubegrænset (ordningen vil igen blive meddelt Kommissionen ti år efter ikrafttrædelsen)

**Støtteintensitet:** Inden for de beløbsgrænser, der er fastsat i retningslinjerne for undersøgelse af statsstøtte til fiskeri og akvakultur (EFT C 19 af 20.1.2001, s. 7)

**Andre oplysninger:** Årsrapport

Den autentiske tekst til beslutningen, hvorfra fortrolige oplysninger er fjernet, kan ses på:

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

**Godkendelsesdato:** 7.10.2005

**Medlemsstat:** Spanien (Principado de Asturias)

**Sag nr.:** N 173/2005

**Titel på original sprog:** Proyecto de ayudas para la ejecución de proyectos de investigación del Plan I+D+I de Asturias. Prolongación y modificación de la ayuda N 716/2001

**Formål:** Forskning og udvikling (Ikke sektorspecifik)

**Retsgrundlag:** Propuesta de Resolución de la Consejería de Educación y Ciencia del Gobierno del Principado de Asturias, de marzo de 2005, por la que se convocan ayudas a las empresas para la ejecución de proyectos de investigación en el marco del Plan de I+D+I de Asturias

**Rammebeløb:**

2005: 300 000 EUR

2006: 3 000 000 EUR

2007: 3 000 000 EUR

**Støtteintensitet eller -beløb:** 35 % — 60 % — + 10 % — 75 % — 50 %

**Varighed:** 31.12.2007

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[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

**Godkendelsesdato:** 13.10.2005

**Medlemsstat:** Danmark

**Sag nr.:** N 229/2005

**Titel på original sprog:** Regionale Teknologicentre

**Formål:** Forskning og udvikling (Ikke sektorspecifik)

**Retsgrundlag:** Lov nr. 419 af 6.6.2002

**Rammebeløb:**

2005: 4 000 000 EUR

2006-2008: 23 000 000 EUR

2009: 25 000 000 EUR

**Støtteintensitet eller -beløb:** 60 %

**Varighed:** 31.12.2009

Den autentiske tekst til beslutningen, hvorfra fortrolige oplysninger er fjernet, kan ses på:

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

**Godkendelsesdato:** 24.8.2005

**Medlemsstat:** Den Slovakiske Republik

**Sag nr.:** N 298/2005

**Støtteordning:** Individuel støtte til audiovisuel produktion til fordel for TYZAM s.r.o.

**Formål:** Støtte til filmproduktion

**Retsgrundlag:**

- a) Zákon č. 523/2004 Z.z. o rozpočtových pravidlách verejnej správy a o zmene a doplnení niektorých zákonov
- b) Zákon č. 231/1999 Z.z. o štátnej pomoci v znení zákona č. 203/2004 – § 4 ods. 1, písm. d)
- c) Výnos MK SR – 480/2004 – 1 o poskytovaní dotácií v pôsobnosti MK SR

**Rammebeløb:** 7 mio. SKK

**Støtteintensitet eller -beløb:** 20 %

**Varighed:** Engangsforanstaltning efter godkendelse (31.12.2005)

Den autentiske tekst til beslutningen, hvorfra fortrolige oplysninger er fjernet, kan ses på:

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

**Godkendelsesdato:** 24.8.2005

**Medlemsstat:** Den Slovakiske Republik

**Sag nr.:** N 299/2005

**Støtteordning:** Individuel støtte til audiovisuel produktion til fordel for TaO Productions s.r.o

**Formål:** Støtte til filmproduktion

**Retsgrundlag:**

- a) Zákon č. 523/2004 Z.z. o rozpočtových pravidlách verejnej správy a o zmene a doplnení niektorých zákonov
- b) Zákon č. 231/1999 Z.z. o štátnej pomoci v znení zákona č. 203/2004 – § 4 ods. 1, písm. d)
- c) Výnos MK SR – 480/2004 – 1 o poskytovaní dotácií v pôsobnosti MK SR

**Rammebeløb:** 8 mio. SKK

**Støtteintensitet eller -beløb:** 10 %

**Varighed:** Engangsforanstaltning efter godkendelse (31.12.2005)

Den autentiske tekst til beslutningen, hvorfra fortrolige oplysninger er fjernet, kan ses på:

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

**Godkendelsesdato:** 24.8.2005

**Medlemsstat:** Den Slovakiske Republik

**Sag nr.:** N 300/2005

**Støtteordning:** Individuel støtte til audiovisuel produktion til fordel for ALEF Film& Media Group, s.r.o

**Formål:** Støtte til filmproduktion

**Retsgrundlag:**

- a) Zákon č. 523/2004 Z.z. o rozpočtových pravidlách verejnej správy a o zmene a doplnení niektorých zákonov
- b) Zákon č. 231/1999 Z.z. o štátnej pomoci v znení zákona č. 203/2004 – § 4 ods. 1, písm. d)
- c) Výnos MK SR – 480/2004 – 1 o poskytovaní dotácií v pôsobnosti MK SR

**Rammebeløb:** 11 mio. SKK

**Støtteintensitet eller -beløb:** 26,2 %

**Varighed:** Engangsforanstaltning efter godkendelse (31.12.2005)

Den autentiske tekst til beslutningen, hvorfra fortrolige oplysninger er fjernet, kan ses på:

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

**Godkendelsesdato:** 16.12.2004

**Medlemsstat:** Frankrig

**Sag nr.:** N 337/2004 og N 378/2004

**Støtteordning:** Finansiering af Centres Techniques Industriels (CTI) og Centres Professionnels de Développement économique (CPDE) ved hjælp af øremærkede afgifter og budgetbevillinger

**Formål:** Kollektive foranstaltninger inden for forskning og udvikling, standardisering, uddannelse, promotion af og information om virksomhederne inden for sektorerne for mekaniske produkter, forbrugsvarer og byggematerialer

**Retsgrundlag:** Loi 2001-692 du 1<sup>er</sup> août 2001 et loi de finance annuelle

**Varighed:** Fra datoen for Kommissionens godkendelse indtil 31.12.2010

**Andre oplysninger:** Støttemodtager: CTI og CPDE inden for sektorerne for forbrugsvarer, mekaniske produkter og byggematerialer

Den autentiske tekst til beslutningen, hvorfra fortrolige oplysninger er fjernet, kan ses på:

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

**Dato for vedtagelse af beslutningen:** 10.9.2002

**Medlemsstat:** Danmark

**Sag nr.:** N 374/2002

**Støtteordning:** Støtte til udstyr i fiskerihavne, der ydes i forbindelse med EF's strukturforanstaltninger under FIUF for perioden 2000-2006

**Formål:** At medfinansiere strukturforanstaltninger i form af udstyr til fiskerihavne i Danmark for perioden 2000-2006

**Retsgrundlag:**

— Lov nr. 316 om strukturforanstaltninger, offentliggjort den 3. maj 2001

— Rådets forordning (EF) nr. 2792/1999 af 17. december 1999 om de nærmere regler og betingelser for Fællesskabets strukturforanstaltninger for fiskeriet

**Rammebeløb:** 27 mio. EUR

**Varighed:** 2000-2006

**Støtteintensitet:** Inden for beløbsgrænserne i forordning (EF) nr. 2792/1999

**Andre oplysninger:** Årsrapport

Den autentiske tekst til beslutningen, hvorfra fortrolige oplysninger er fjernet, kan ses på:

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

**Godkendelsesdato:** 23.11.2005

**Sag nr.:** N 465/2005

**Medlemsstat:** Kongeriget Nederlandene

**Støtteordning:** Ondersteunende maatregelen om de omschakeling te vergemakkelijken van een aanbod-naar een vraagfinanciering voor schoolbegeleidingsdiensten en rechtstreekse betaling van het geoormerkt gedeelte van de begroting voor schoolbegeleidingsdiensten aan deze diensten

**Retsgrundlag:** Hoofdstukken VI en VIA, onderdeel a) van de wet tot wijziging van onder meer de wet op het primair onderwijs, de wet op de expertisecentra, en de wet op het voortgezet onderwijs in verband met de vraagfinanciering voor schoolbegeleiding en de bekostiging van het onderwijs aan zieke leerlingen

**Formål:** Uddannelse

**Støtteintensitet eller -beløb:** 53 mio. EUR

**Rammebeløb:**

2006: 15 000 000 EUR

2007: 35 000 000 EUR

2008: 3 000 000 EUR

**Varighed:** 1.1.2006-31.12.2008

**Andre oplysninger:**

Støtteordning: ordning

Støtteform: Direkte Støtte

Den autentiske tekst til beslutningen, hvorfra fortrolige oplysninger er fjernet, kan ses på:

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

**Godkendelsesdato:** 2.2.2005

**Medlemsstat:** Spanien

**Sag nr.:** N 499/2004

**Støtteordning:** Støtteordning for minedrift, miljøbeskyttelse og minesikkerhed i forbindelse med udvinding af ikke-energetiske mineraler

**Formål:** Sektoren for ikke-energetiske mineraler. Ændring af ordning, som blev godkendt af Kommissionen den 19. juni 2002. Ændringerne vedrører støttens form og intensitet i forbindelse med mineralefterforskning og har til hensigt at gøre dette arbejde mere attraktivt

**Støtteintensitet eller -beløb:** Støtte til efterforskning i form af ikke-tilbagebetalingspligtige tilskud til dækning af op til 20 % af de støtteberettigede omkostninger (30 % for SMV) og/eller rentefrie tilbagebetalingspligtige forskud til dækning af op til 60 % af de støtteberettigede omkostninger (70 % for SMV)

**Varighed:** 31.12.2006

Den autentiske tekst til beslutningen, hvorfra fortrolige oplysninger er fjernet, kan ses på:

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

**Godkendelsesdato:** 20.4.2005

**Medlemsstat:** Tyskland

**Sag nr.:** NN 44/2004

**Støtteordning:** Redningsstøtte til SVZ Schwarzen Pumpe

**Formål:** Redningsstøtte

**Retsgrundlag:** §2(3) Förderbankgesetz

**Rammebeløb:** 21,028 mio. EUR

**Varighed:** Indtil 31.5.2005

Den autentiske tekst til beslutningen, hvorfra fortrolige oplysninger er fjernet, kan ses på:

[http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aids/](http://europa.eu.int/comm/secretariat_general/sgb/state_aids/)

## STATSSTØTTE — DET FORENEDE KONGERIGE

## Statsstøtte C45/05 (ex N 364/05) — Waste and Resource Action Programmes: støtte til øget kapacitet til genbrug af trykke- og skrivepapir

## Opfordring til at fremsætte bemærkninger efter EF-traktatens artikel 88, stk. 2

(2006/C 9/04)

(EØS-relevant tekst)

Ved brev af 7. december 2005, der er gengivet på det autentiske sprog efter dette resumé, meddelte Kommissionen Det Forenede Kongerige, at den havde besluttet at indlede proceduren efter EF-traktatens artikel 88, stk. 2, over for ovennævnte støtteforanstaltning.

Interesserede parter kan senest en måned efter offentliggørelsen af nærværende resumé og det efterfølgende brev sende deres bemærkninger til:

Europa-Kommissionen  
Generaldirektoratet for Konkurrence  
Registreringskontoret for statsstøtte  
SPA 3, 6/05  
B-1049 Bruxelles  
Fax (32-2) 296 12 42

Disse bemærkninger vil blive videresendt til Det Forenede Kongerige. Der kan anmodes om anonymitet for den interesserede part, der fremsætter bemærkninger, ved en skriftlig anmodning med angivelse af en begrundelse herfor.

## RESUMÉ

I juli 2005 modtog Kommissionen en anmeldelse fra Det Forenede Kongerige af en investeringsstøtteordning med henblik på at øge fremstillingskapaciteten for trykke- og skrivepapir fra genbrugsfibre.

end den nyeste teknologi. Ordningens forventede budget ligger mellem 6 og 20 mio. GBP. Da tildelingsprocessen vil være afgørende for tilskuddene, kendes støtteintensiteten endnu ikke. De forventede modtagere er mindre end ti papirfabrikanter. De britiske myndigheder forventer at tildele støtten før april 2006.

## 1. Beskrivelse af foranstaltningen

Brugt papir fra kontorer indsamles og genbruges ikke i Det Forenede Kongerige. For at rette op på dette forhold agter det regeringsorgan, der har ansvaret for »Waste & Resources Action Plan« (WRAP), at bevilge tilskud til papirmøller. Formålet med disse tilskud er at øge efterspørgslen efter brugt papir fra kontorer ved samfinansiering af papirmøllernes genbrugskapacitet inden for trykke- og skrivepapir (herefter »TS-papir«). Til gengæld for støtten skal papirvirksomhederne indvillige i at anvende en øget mængde papir, der for nylig er blevet hentet ud af affaldssystemet, og heraf skal en vis procentdel eller mængde være TS-papir fra kontorer. For at kunne anvende det indsamlede TS-genbrugspapir bedst muligt vil den øgede papirkapacitet blive brugt til at fremstille nyt TS-papir.

Ved tildelingen vil der blive taget hensyn til, om der indgår elementer af den nye teknologi, om der foretages demonstrationer og nyskabelser, der vil bidrage til udviklingen af bæredygtige processer inden for genbrug, dvs. som er mere vidtgående

## 2. Vurdering af foranstaltningen

Hvad angår retningslinjerne for miljøstøtte<sup>(1)</sup>, tvivler Kommissionen på, at ordningen falder inden for retningslinjernes punkt 29, da investeringerne i ny papirfremstillingskapacitet, der anvender affaldspapir, ikke vil mindske forureningen fra virksomhederne. I stedet vil modtagerne anvende affaldspapir, uanset hvilken papirproducent det stammer fra.

Hvad angår andre bestemmelser end miljøretningslinjerne, tvivler Kommissionen på, at undtagelserne efter EF-traktatens artikel 87, stk. 2, og stk. 3, kan anvendes. Da modtagerne imidlertid ikke endnu er udpeget, er det umuligt at vurdere, om investeringerne vil blive foretaget i områder, der helt eller delvis er berettiget til regionalstøtte, og hvorvidt regionalstøtteretningslinjerne<sup>(2)</sup> helt eller delvis kan anvendes.

<sup>(1)</sup> EFT C 37 af 3.2.2001, s. 3.

<sup>(2)</sup> EFT C 74 af 10.3.1998, s. 9.



Hvis retningslinjerne for miljøstøtte ikke kan anvendes, skal Kommissionen foretage sin vurdering direkte på grundlag af artikel 87, stk. 3, litra c). Dette har Kommissionen tidligere gjort, især ved en genbrugsordning <sup>(3)</sup> og i to andre tilfælde i papirindustrien <sup>(4)</sup>. Kommissionens kriterier tog udgangspunkt i incitamentet ved støtten og i spørgsmålet om, hvorvidt de nødvendige investeringer, der skulle til for at opnå miljøfordele, gik videre end »nyeste teknologi« på EU-plan.

I andre sager, hvor Kommissionen har vurderet investeringsstøtte med henblik på at skabe kapacitet til genforarbejdning af papir, har Kommissionens kriterier taget udgangspunkt i incitamentet ved støtten og i spørgsmålet om, hvorvidt de nødvendige investeringer, der skulle til for at opnå miljøfordele, gik videre end »nyeste teknologi« på EU-plan. Kommissionen tvivler på, at de britiske myndigheders begrundelse, nemlig det for tiden meget lave niveau for genbrugt materiale i fremstillingen af TS-papir i EU, er tilstrækkeligt til at fastslå, at fremstilling af TS-papir ved brug af genbrugsfibre er mere vidtgående end den nyeste teknologi i EU.

Kommissionen tvivler på, at der foreligger et tilstrækkeligt incitament ved indsamlingen af TS-papir som led i ordningen.

Kommissionen tvivler ligeledes på, at der kommer øgede miljøfordele ved fremstilling af TS-papir af TS-genbrugspapir sammenlignet med den mere normale metode, som består i at anvende TS-genbrugspapir til fremstilling af andre papirtyper.

Kommissionen tvivler derudover på, om de støtteberettigede udgifter vil være begrænset til de nødvendige ekstrainvesteringer, der kræves for at kunne opfylde miljømålene, da Det Forenede Kongerige ikke agter at trække investeringsudgifterne til en lignende kapacitet, der ikke ville give de samme miljøvirkninger, fra de støtteberettigede investeringsudgifter. Hvis der skulle gives støtte, står det derfor ikke klart, hvorvidt udgifterne til en konventionel TS-papirfabrik ville blive trukket fra investeringen i en TS-papirfremstillingskapacitet, der anvender TS-genbrugspapir.

Endelig tvivler Kommissionen på, at den foranstaltning, som Det Forenede Kongerige har foreslået, er det mindst konkurrencefordrende middel til at løse det foreliggende problem. Øvrige midler, f.eks. med fokus på indsamling, kan betyde mindre forurening på markedet for genbrugspapir og slutprodukter.

<sup>(3)</sup> EUT L 102 af 7.4.2004, s. 59. Det Forenede Kongerige anmeldte for nylig en forlængelse af denne ordning, som nu er til vurdering.

<sup>(4)</sup> Henholdsvis EUT L 314 af 28.11.2003, s. 26, og EUT L 53 af 26.2.2005, s. 66. De anvendte kriterier i disse sager omtales i den årlige konkurrenceberetning for 2004.

### 3. Konklusion:

På baggrund af ovenstående overvejelser har Kommissionen besluttet at indlede proceduren efter EF-traktatens artikel 88, stk. 2. Interesserede parter opfordres til at indsende deres bemærkninger, især hvad angår: 1) hvad betragtes som »nyeste teknologi«, når der anvendes TS-genbrugspapir ved fremstilling af nyt TS-papir? 2) støttens nødvendighed på baggrund af den forventede stigning i indsamlingen af TS-genbrugspapir, 3) den forventede konkurrencefordrejning på markedet for henholdsvis nyt papir og genbrugspapir samt 4) de forventede miljøfordele ved den anmeldte foranstaltning sammenlignet med de fordele, der kan opnås ved brug af andre midler.

#### BREVETS ORDLYD

»The Commission wishes to inform the United Kingdom that, having examined the information supplied by your authorities on the aid referred to above, it has decided to initiate the procedure laid down in Article 88(2) of the EC Treaty.

#### 1. PROCEDURE

- (1) Following informal discussions, by letter of 22 July 2005, registered in the Commission on 26 July 2005 under number A/6948, the United Kingdom notified to the Commission a scheme for increasing the manufacturing capacity of printing and writings paper from recycled fibre under the Waste and Resources Action Programme (WRAP). The notification was registered under number N 364/05. The Commission asked further information by letter dated 9 September 2005, registered under number D/56952. The United Kingdom replied by letter dated 28 October 2005, and registered on 7 November 2002 under number A/38954.

#### 2. DESCRIPTION OF THE MEASURE

- (2) WRAP is an entity established to promote sustainable waste management, and more specifically to promote efficient markets for recycled materials and products. Its central objective is to enable recycled markets to function more effectively by stimulating demand for recycled materials and products, thereby improving the economics of collection. Although WRAP functions as an adjunct to the Government and implements government policies, it has the form of a private company. WRAP's shareholders comprise several representatives of the industries with some interests in waste management, among them the Confederation of Paper Industries and the Chartered Institute of Waste Management, charities like Wastewatch, and representatives of the devolved and British governments.
- (3) In the present case, WRAP has chosen to give support for the creation of printing and writing reprocessing capacity. The definition of printing and writing paper used by the UK authorities includes the following types of papers: paper for printed publications, copier/printer paper and magazine papers.



- (4) By increasing reprocessing capacity of printing and writing paper (hereinafter "P&W paper"), WRAP wants to address the problems of paper collection and recycling in offices and business. According to the United Kingdom most of the paper produced by businesses and offices is not collected and sorted for recycling. The reasons for this lie in a dual system of waste collection, where city councils are responsible for collecting domestic waste but have no responsibility for collecting waste from businesses and offices, and the low costs of landfill. Businesses and offices pay private waste managers for the collection of their waste. The low costs of landfill, the difficulties experienced in sourcing waste paper in the last decade, and attendant price fluctuations has led to a market failure consisting of a shortage of reprocessing capacity and a preference by waste managers to dump waste paper from offices and businesses in the landfill and to a shortage of reprocessing capacity. In order to correct this market failure, WRAP intends to offer grants to paper manufacturers to increase paper reprocessing capacity which utilises waste paper from offices and businesses as its raw material input.
- (5) WRAP is planning to issue a competitive tender process, inspired by EC public procurement procedures, and grant the aid to paper mills before April 2006. The specific aim expressed in the tender procedure will be to provide a subsidy towards the creation of new P&W paper reprocessing capacity and promote the development of recycled paper technology within this paper grade. Successful bidders will be those whose collections are predominantly from offices and business and are of P&W waste paper. According to the UK authorities, it is highly probable that a bid that included a high proportion of (low quality) household waste, rather than P&W waste paper from offices and/or businesses, will not succeed. According to the order of priority given by WRAP in the tender invitation document to raw material sources, the most important source is offices or business. In return to the grant, the successful paper manufacturers will commit to an increased agreed tonnage of P&W waste paper newly recovered from the waste stream as the raw material for the new facilities, with a minimum percentage or tonnage being recovered printing and writing paper from offices. Tenderers will need to specify the level of support required to bring forward their proposals, and to demonstrate technological developments and environmental benefits.
- (6) Among the criteria for the selection of the successful tenderers is the inclusion in the facility of elements of new technology or processes, whose trialling or demonstration will assist the development of sustainable processes in waste recycling. In addition, the demonstration by the tenderer that the process used goes beyond current "state of the art".
- (7) According to the United Kingdom, the competitive tender will ensure that the minimum necessary is paid to secure the environmental benefits.
- (8) The United Kingdom argues that the investment project would bring about a major environmental benefit consisting in the creation of an increasing demand for a major proportion of office and businesses waste stream. This will bring benefits for the environment, while this will also allow less waste to be disposed in the landfills.
- (9) The budget for this measure is between GBP 6 million and GBP 20 millions. The budget will cover a period from the date of clearance to 31 December 2008. The number of beneficiaries is expected to be between two and ten paper mill companies, depending on the quality of the proposals. The aid is financed through the general budget of the Department for Environment, Food and Rural Affairs (DEFRA).

### 3. PRELIMINARY ASSESSMENT OF THE MEASURE

- (10) According to Article 6 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty<sup>(5)</sup>, the decision to initiate the formal investigation procedure shall summarise the relevant issues of fact and law, shall include a preliminary assessment of the Commission as to the aid character of the proposed measure, and shall set out the doubts as to its compatibility with the common market.

#### 3.1. Existence of aid under Article 87(1) EC Treaty

- (11) Under Article 87(1) EC Treaty, "any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, insofar as it affects trade between Member States, be incompatible with the common market."
- (12) In this case, the measure will be funded by resources granted by the State under the WRAP programme. The aid will be granted to individual beneficiaries. The competitive selection procedures may ensure that the amount of the subsidy is limited to the minimum, but does not take away the aid character of the measure. The measure distorts or threatens to distort competition, as it may cover a significant part of investment costs, which would allow the beneficiary to charge a lower price for the P&W paper it produces. The measure will affect the market for new paper, but also the market for waste paper, which is valuable commodity in demand by the paper industry. The measure is likely to affect trade between Member States, since both new paper and waste paper are traded internationally. In fact, a big amount of the UK paper consumption is imported mainly from other Member States and the United Kingdom was the biggest European exporter of waste paper in 2004<sup>(6)</sup>.
- (13) Therefore, the scheme qualifies as State aid under Article 87(1) of the EC Treaty.
- (14) By notifying to the Commission the current scheme, the United Kingdom has fulfilled with the obligation of Article 88(3) of the EC Treaty.

<sup>(5)</sup> OJ L 83, 27.3.1999, p. 1.

<sup>(6)</sup> CEPI, Special Recycling 2004 Statistics. Page 5, available at <http://www.cepi.org/files/Sp%20Rec%202005-135002A.pdf>

### 3.2. Compatibility of the aid under the environmental aid guidelines

- (15) The UK authorities claim that the scheme brings environmental benefits. Therefore, the Commission assessed whether the scheme would be justified under the Community guidelines on State aid for environmental protection (hereinafter the environmental aid guidelines) <sup>(7)</sup>.
- (16) The Commission does not deny that the reuse of waste paper is more environmentally friendly than putting it into landfill. However, it has doubts that point 29 of the environmental aid guidelines justify the scheme in as far as it increases the recycling rate of P&W paper. Pursuant to this point, the Commission may authorise (1) investment aid enabling firms to improve on the community standards applicable and (2) investment aid where firms undertake investment in the absence of mandatory Community standards or where they have to undertake investments in order to comply with national standards that are more stringent than the applicable Community standards.
- (17) First of all, the Commission recalls that according to the general principles of law, an exception should be interpreted in a restrictive manner. The guidelines define the conditions under which the Commission may consider that aid is compatible with the common market in accordance with Article 87(3)(c) of the Treaty, and therefore form an exception to the general prohibition laid down in Article 87(1) of the Treaty. It should also be recalled that the environmental aid guidelines are based on the general principle of "the polluter pays", and that every interpretation of the guidelines should strictly comply with this underlying principle.
- (18) The scheme may increase the capacity to produce P&W paper, which would lead to increase quantities of waste paper, which would only be partially recycled. In any case, only part of the waste paper used to manufacture P&W paper will be paper sold by each beneficiary itself. Consequently, the Commission has doubts that the investment will reduce the beneficiaries' own pollution. It is more likely that the environmental benefits may derive from indirect effects on supply and demand for waste paper that affect all users and provide of waste paper concerned, not only the beneficiary.
- (19) The United Kingdom agrees that there are no Community standards applicable to the beneficiaries. Therefore, first situation referred to in point 29 of the environmental aid guidelines, which allows aid to be granted in order to enable firms to improve on Community standards does not apply in this case.
- (20) In relation to the second situation described in the environmental guidelines, concerning aid to firms to undertake investments in absence of Community standards, the Commission also has doubts that it would apply in this

case. The Commission considers that point 29 of the environmental aid guidelines concerns cases where an undertaking invests to improve its own environmental record, and to reduce its own pollution. In such cases, aid can be allowed as an incentive to improve the environmental performance of the company.

- (21) This interpretation is confirmed by point 18(b) of the environmental aid guidelines, which states that aid "may act as an incentive to firms to improve on standards or to undertake further investment designed to reduce pollution from their plants".
- (22) Other interpretation of the guidelines might result in Member States subsidising large investments, with high intensities, in all those sectors where used products can be used as materials for production or where such use is the general practice in that sector. Such aid could be granted in non-assisted areas or, in any event, without having to comply with regional aid rules and might have serious consequences on the relevant markets. Moreover, following such interpretation, the rules could be circumvented by granting aid not to the polluters, that under Community law would not be obliged to take care of the other company's pollution, but to the companies taking care of the pollution.
- (23) It is not excluded that part(s) of the selected investment projects will be eligible for environmental aid for other reasons, but as the projects have not been selected yet and as the United Kingdom has not guaranteed that aid would be given only in situations foreseen by the environmental guidelines, the Commission doubts whether the aid can be justified under the environmental aid guidelines.

### 3.3. Compatibility of aid under the regional guidelines and other provisions of the Treaty

- (24) The beneficiaries have not been chosen yet, and therefore it is impossible to assess if the investments will take place in areas eligible for regional aid and that the Guidelines on national regional aid <sup>(8)</sup> would apply wholly or in part. In fact, it should be noted that similar projects have already been approved by the Commission based on the rules for regional aid, but not as environmental aid <sup>(9)</sup>.

<sup>(8)</sup> OJ C 74, 10.3.1998, p. 9.

<sup>(9)</sup> E.g. *Hamburger AG* (C 72/01), Commission decision 9 April 2002, OJ L 296, 20.10.2002, p. 50.

*Kartogroup* (N184/2000), Commission decision 18 July 2001 available at [http://europa.eu.int/comm/secretariat\\_general/sgb/state\\_aid/industrie/n184-00.pdf](http://europa.eu.int/comm/secretariat_general/sgb/state_aid/industrie/n184-00.pdf)

<sup>(7)</sup> OJ C 37, 3.2.2001, p. 3.

(25) The Commission furthermore doubts that other rules based on Article 87(3)(c) are applicable or that other exemptions set out in Article 87(2) and (3) of the EC-Treaty are applicable.

### 3.4. Compatibility of aid directly on the basis of Article 87(3)(c)

(26) Should the Environmental aid guidelines not be applicable, the case has to be assessed directly on the basis of Article 87(3)(c). In fact, the Commission has done so in the past, notably for a recycling scheme administered by WRAP<sup>(10)</sup> and two other cases in the paper industry<sup>(11)</sup>.

(27) In past cases dealing with investment to increase recycling capacity in the paper industry<sup>(12)</sup>, the criteria applied by the Commission was based on the incentive effect of the aid and whether the necessary investments to obtain the environmental benefits were going beyond the "state of the art" at EU level. Since the use of recycled fibre to manufacture paper is common practice in the EU, the Commission has not accepted that the mere fact that the aid aims to increase the amount of recycled paper fibre in the manufacturing of paper is enough to qualify it as environmental aid.

#### Investments going beyond the state of the art?

(28) The UK authorities argue that the fact that very small amounts of P&W paper are made from recycled fibre in the EU, qualifies the investments as going beyond the current "state of the art". The Commission is aware of technological barriers to increased rates of recycled fibres used in particular in P&W paper, like the de-inking of digital print, the removal of ashes with washers and the increased amount of bleaching, flotation, dispersion and sludge disposal. It would, however, normally expect a certain level of innovation from a market operator that wants to compete and be in the vanguard of the product market, in particular in the paper market, where many operators are large multinational producers. In past cases, the Commission concluded that "any paper producer that wishes to remain technologically and environmentally competitive in the long run has to make such investments in innovation from time to time"<sup>(13)</sup>. The relatively small amounts of P&W paper manufactured from waste paper would seem to indicate that it is possible to implement such processes and that the technology exists. According to information available to the Commission the production of P&W papers using recycled fibre has increased by 6,8 % in 2004<sup>(14)</sup>. The production of P&W paper using

recycled fibre is currently the fastest growing type of recycled paper in Europe.

(29) Therefore, the Commission has doubts that the justification used by the UK authorities that the current very low utilisation of recycled content in the production of P&W papers in the EU is enough to state that manufacturing P&W paper using recycle fibre goes beyond the current "state of the art" in the EU.

#### Increasing collection rates?

(30) According to information available to the Commission, it seems that the current situation of the market of P&W waste paper is changing fast and that paper companies are becoming very interested on P&W waste paper due to its high quality<sup>(15)</sup>. In fact, in Sweden it is expected that the recycling rate of office papers office will pass from 57 % in 2003 to 75 % in 2006. Given the situation on the waste paper market, it is reasonable to expect increased interest in waste P&W paper from paper producers.

(31) Therefore, the Commission has doubts that an increase in paper manufacturing capacity in the United Kingdom is needed to increase the collection demand. In the last years, there has been a big demand for waste paper in countries of East Asia. It would seem that such an increase has converted the United Kingdom to a net exporter of P&W waste paper.

(32) Therefore, the Commission has doubts about the necessity of aid for increasing the collection of P&W waste paper.

#### Proper targeting to maximise environmental benefits?

(33) The Commission doubts whether the measure is properly targeted, ensuring the highest environmental benefits. The United Kingdom argues that the biggest environmental gains are obtained if high quality waste paper is used for high quality new paper, i.e. P&W paper. The Commission, however, wonders whether a more common approach like using P&W waste paper to manufacture other types of paper might have the same impact in the collection of paper from offices and, taking the broadest possible perspective, bring the same environmental benefits.

#### Proper calculation of eligible investment cost?

(34) If it were appropriate to base the assessment directly on Article 87(3)(c), the Commission would draw a parallel to points 36 and 37 of the environmental aid guidelines to calculate the eligible cost. In accordance with these points, eligible cost must be confined to the extra investment costs necessary to meet the environmental objectives.

<sup>(10)</sup> OJ L 102, 7.4.2004, p. 59. The waste products that are concerned under this scheme are wood, glass, plastics, aggregates and compost. The Commission noted that the objective of this measure is to encourage the development of waste recycling, which is a clear objective of the Community environmental policy. The Commission also noted that the aid does not subsidise "state of the art" techniques in the industries concerned, which are economically profitable and do not need State aid. Therefore, the Commission considered that this scheme was compatible with Article 87(3)(c) of the EC Treaty.

<sup>(11)</sup> OJ L 314, 28.11.2003, p. 26 and OJ L 53, 26.2.2005, p. 66 respectively. The criteria used in these cases are also commented upon in the Annual Competition report of 2004.

<sup>(12)</sup> OJ L 314, 28.11.2003, p. 26 and OJ L 53, 26.2.2005, p.66 respectively. The criteria used in these cases are also commented upon in the Annual Competition report of 2004.

<sup>(13)</sup> OJ L 53, 26.2.2005, p. 76.

<sup>(14)</sup> CEPI, Special Recycling 2004 Statistics, p. 1.

<sup>(15)</sup> This is, e.g., signalled in a study on recycling waste »Support in the drafting of an ExIA on the Thematic Strategy on the Prevention and Recycling of Waste« by EPEC, Page 82, available at [http://europa.eu.int/comm/environment/waste/pdf/epec\\_report\\_05.pdf](http://europa.eu.int/comm/environment/waste/pdf/epec_report_05.pdf), published by DG ENV.

- (35) The method used by the UK authorities to calculate the eligible costs will be based on the premise that where the market would not give rise to the investment in question, then the relevant eligible costs are all the costs of the investment. Only those costs necessary to make the required investment, and to achieve the environmental objective, will be considered to be eligible and any net benefits during the first five years of production will be deducted. The cost of a reference investment which creates the same capacity but which does not provide the same environmental benefits, would not be subtracted.
- (36) The Commission has doubts whether this interpretation is acceptable. Substantial parts of the selected investment projects might be essential as well for investment projects in similar production capacity that is not based on using waste P&W paper. In case of investment in new capacity, the whole investment cost would be necessary to obtain the environmental benefit, but it is not clear why the investment of a conventional plant should not be subtracted. Without taking account of such a reference investment, the cost calculation would be disproportionate.

Choice for the least distortive instrument?

- (37) The United Kingdom has chosen to grant aid directly to the paper producers instead of to collection schemes, because it reduces its administrative costs and the amount of support. The Commission, however, doubts whether the measure proposed by the United Kingdom is the least distortive instrument to address the problem at stake.

Other instruments, e.g. instruments that focus on the collection, are likely to less distort the markets of waste paper and of end products.

**4. CONCLUSION**

- (38) In the light of the foregoing considerations, the Commission, acting under the procedure laid down in Article 88(2) of the EC Treaty, requests the United Kingdom to submit its comments and to provide all such information as may help to assess the aid, within one month of the date of receipt of this letter. It requests your authorities to forward a copy of this letter to the potential recipient of the aid immediately.
- (39) The Commission wishes to remind the United Kingdom that Article 88(3) of the EC Treaty has suspensory effect, and would draw your attention to Article 14 of Council Regulation (EC) No 659/1999, which provides that all unlawful aid may be recovered from the recipient.
- (40) The Commission warns the United Kingdom that it will inform interested parties by publishing this letter and a meaningful summary of it in the *Official Journal of the European Union*. It will also inform interested parties in the EFTA countries which are signatories to the EEA Agreement, by publication of a notice in the EEA Supplement to the *Official Journal of the European Union* and will inform the EFTA Surveillance Authority by sending a copy of this letter. All such interested parties will be invited to submit their comments within one month of the date of such publication.«



**Ingen indsigelse mod en anmeldt fusion**  
**(Sag COMP/M.4008 — Logista/Editorial Planeta/JV)**

(2006/C 9/05)

**(EØS-relevant tekst)**

Den 16. december 2005 besluttede Kommissionen ikke at rejse indsigelse mod ovennævnte anmeldte fusion og at erklære den forenelig med fællesmarkedet. Denne beslutning er truffet efter artikel 6, stk. 1, litra b), i Rådets forordning (EF) nr. 139/2004. Beslutningens fulde ordlyd foreligger kun på spansk og vil blive offentliggjort, efter at eventuelle forretningshemmeligheder er udeladt. Den kan fås:

- på Kommissionens websted for konkurrence (<http://europa.eu.int/comm/competition/mergers/cases/>). Dette websted giver forskellige muligheder for at finde de konkrete fusionsbeslutninger, idet de er opstillet efter bl.a. virksomhedens navn, sagsnummer, dato og sektor
- i elektronisk form på webstedet EUR-Lex under dokumentnummer 32005M4008. EUR-Lex giver online adgang til EU-retten. (<http://europa.eu.int/eur-lex/lex>)

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**Ingen indsigelse mod en anmeldt fusion**  
**(Sag nr. COMP/M.4058 — Logista/Planeta de Agostini/JV)**

(2006/C 9/06)

**(EØS-relevant tekst)**

Den 16. december 2005 besluttede Kommissionen ikke at rejse indsigelse mod ovennævnte anmeldte fusion og at erklære den forenelig med fællesmarkedet. Denne beslutning er truffet efter artikel 6, stk. 1, litra b), i Rådets forordning (EF) nr. 139/2004. Beslutningens fulde ordlyd foreligger kun på spansk og vil blive offentliggjort, efter at eventuelle forretningshemmeligheder er udeladt. Den kan fås:

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  - i elektronisk form på webstedet EUR-Lex under dokumentnummer 32005M4058. EUR-Lex giver online adgang til EU-retten. (<http://europa.eu.int/eur-lex/lex>)
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**BERIGTIGELSER****Berigtigelse til meddelelse vedrørende fri- og helligdage i 2006**

*(Den Europæiske Unions Tidende C 336 af 31. december 2005)*

(2006/C 9/07)

Side 2, ud for »FRANCE«: datoen »15.4« slettes.

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