

# Eiropas Savienības Oficiālais Vēstnesis

C 34



Izdevums  
latviešu valodā

## Informācija un paziņojumi

54. sējums  
2011. gada 3. februāris

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**LV**

Cena:  
EUR 3

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<sup>(1)</sup> Dokuments attiecas uz EEZ

## II

(Informācija)

## EIROPAS SAVIENĪBAS IESTĀŽU UN STRUKTŪRU SNIEGTI PAZIŅOJUMI

## EIROPAS KOMISIJA

**Iebildumu necelšana pret paziņoto koncentrāciju**  
**(Lieta COMP/M.5785 – Sun Capital/DSM Special Products)**

(Dokuments attiecas uz EEZ)

(2011/C 34/01)

Komisija 2010. gada 2. decembrī nolēma neiebilst pret iepriekš minēto paziņoto koncentrāciju un atzīt to par saderīgu ar kopējo tirgu. Šis lēmums pamatots ar Padomes Regulas (EK) Nr. 139/2004 6. panta 1. punkta b) apakšpunktu. Pilns lēmuma teksts ir pieejams tikai angļu valodā, un to publicēs pēc tam, kad no teksta būs izņemta visa komercnoslēpumus saturošā informācija. Lēmums būs pieejams:

- Komisijas konkurences tīmekļa vietnes uzņēmumu apvienošanas sadaļā (<http://ec.europa.eu/competition/mergers/cases/>). Šajā tīmekļa vietnē ir pieejamas dažādas individuālo apvienošanās lēmumu meklēšanas iespējas, tostarp meklēšana pēc sabiedrības nosaukuma, lietas numura, datuma un nozaru kodiem,
- elektroniskā veidā *EUR-Lex* tīmekļa vietnē (<http://eur-lex.europa.eu/lv/index.htm>) ar dokumenta numuru 32010M5785. *EUR-Lex* piedāvā tiešsaistes piekļuvi Eiropas Kopienu tiesību aktiem.

**Iebildumu necelšana pret paziņoto koncentrāciju****(Lieta COMP/M.6033 – Johnson & Johnson/Crucell)**

(Dokuments attiecas uz EEZ)

(2011/C 34/02)

Komisija 2011. gada 28. janvārī nolēma neiebilst pret iepriekš minēto paziņoto koncentrāciju un atzīt to par saderīgu ar kopējo tirgu. Šis lēmums pamatots ar Padomes Regulas (EK) Nr. 139/2004 6. panta 1. punkta b) apakšpunktu. Pilns lēmuma teksts ir pieejams tikai angļu valodā, un to publicēs pēc tam, kad no teksta būs izņemta visa komercnoslēpumus saturošā informācija. Lēmums būs pieejams:

- Komisijas konkurences tīmekļa vietnes uzņēmumu apvienošanas sadaļā (<http://ec.europa.eu/competition/mergers/cases/>). Šajā tīmekļa vietnē ir pieejamas dažādas individuālo apvienošanās lēmumu meklēšanas iespējas, tostarp meklēšana pēc sabiedrības nosaukuma, lietas numura, datuma un nozaru kodiem,
- elektroniskā veidā *EUR-Lex* tīmekļa vietnē (<http://eur-lex.europa.eu/lv/index.htm>) ar dokumenta numuru 32011M6033. *EUR-Lex* piedāvā tiešsaistes piekļuvi Eiropas Kopienu tiesību aktiem.

## IV

(Paziņojumi)

## EIROPAS SAVIENĪBAS IESTĀŽU UN STRUKTŪRU SNIEGTI PAZIŅOJUMI

## EIROPAS KOMISIJA

Euro maiņas kurss <sup>(1)</sup>

2011. gada 2. februāris

(2011/C 34/03)

1 euro =

Valūta	Maiņas kurss	Valūta	Maiņas kurss		
USD	ASV dolārs	1,3803	AUD	Austrālijas dolārs	1,3676
JPY	Japānas jena	112,35	CAD	Kanādas dolārs	1,3649
DKK	Dānijas krona	7,4549	HKD	Hongkongas dolārs	10,7490
GBP	Lielbritānijas mārciņa	0,85190	NZD	Jaunzēlandes dolārs	1,7657
SEK	Zviedrijas krona	8,8615	SGD	Singapūras dolārs	1,7560
CHF	Šveices franks	1,2922	KRW	Dienvietkorejas vona	1 521,85
ISK	Islandes krona		ZAR	Dienvietāfrikas rands	9,8704
NOK	Norvēģijas krona	7,8840	CNY	Ķīnas juaņa renminbi	9,0890
BGN	Bulgārijas leva	1,9558	HRK	Horvātijas kuna	7,4207
CZK	Čehijas krona	24,124	IDR	Indonēzijas rūpija	12 462,41
HUF	Ungārijas forints	269,59	MYR	Malaizijas ringits	4,1945
LTL	Lietuvas lits	3,4528	PHP	Filipīnu peso	60,583
LVL	Latvijas lats	0,7015	RUB	Krievijas rublis	40,6500
PLN	Polijas zlots	3,9128	THB	Taizemes bāts	42,589
RON	Rumānijas leja	4,2580	BRL	Brazīlijas reāls	2,2984
TRY	Turcijas lira	2,1824	MXN	Meksikas peso	16,5974
			INR	Indijas rūpija	62,8865

<sup>(1)</sup> Datu avots: atsaucies maiņas kursu publicējusi ECB.

## DALĪBVALSTU SNIEGTA INFORMĀCIJA

**Komisijas paziņojums saskaņā ar procedūru, kas paredzēta 17. panta 5. punktā Eiropas Parlamenta un Padomes Regulā (EK) Nr. 1008/2008 par kopīgiem noteikumiem gaisa pārvadājumu pakalpojumu sniegšanai Kopienā**

**Jauns uzaicinājums piedalīties konkursā par regulāro gaisa pārvadājumu pakalpojumu sniegšanu saskaņā ar sabiedrisko pakalpojumu sniegšanas saistībām, kas publicētas OV C 34, 3.2.2011**

(Dokuments attiecas uz EEZ)

(2011/C 34/04)

Dalībvalsts	Itālija
Attiecīgie maršruti	<i>Elba Marina di Campo–Firenze un Firenze–Elba Marina di Campo Elba Marina di Campo–Pisa un Pisa–Elba Marina di Campo</i>
Līguma darbības periods	1 gads, sākot no 2011. gada 27. marta
Piedāvājumu iesniegšanas termiņš	2 mēneši pēc šā paziņojuma publicēšanas
Adrese, kurā bez maksas var saņemt konkursa uzaicinājuma tekstu un visu nepieciešamo informāciju un/vai dokumentus, kas saistīti ar konkursu un sabiedrisko pakalpojumu sniegšanas saistībām	<i>ENAC (Ente nazionale per l'aviazione civile) Direzione centrale sviluppo economico Direzione sviluppo trasporto aereo Viale del Castro Pretorio 118 00185 Roma RM ITALIA</i>  <i>http://www.enac.gov.it E-pasts: osp@enac.gov.it</i>

**Komisijas paziņojums saskaņā ar procedūru, kas paredzēta 16. panta 4. punkta pirmajā daļā Eiropas Parlamenta un Padomes Regulā (EK) Nr. 1008/2008 par kopīgiem noteikumiem gaisa pārvadājumu pakalpojumu sniegšanai Kopienā**

**Sabiedrisko pakalpojumu sniegšanas saistības attiecībā uz regulārajiem gaisa pārvadājumiem**

**(Dokuments attiecas uz EEZ)**

(2011/C 34/05)

Dalībvalsts	Itālija
Maršruts, uz ko attiecas šīs saistības	Reggio Calabria–Venezia Tessera un Venezia–Reggio Calabria Reggio Calabria–Torino Caselle un Torino Caselle–Reggio Calabria Reggio Calabria–Milano Malpensa un Milano Malpensa–Reggio Calabria Reggio Calabria–Bologna Borgo Panigale un Bologna Borgo Panigale–Reggio Calabria Reggio Calabria–Pisa San Giusto un Pisa San Giusto–Reggio Calabria
Sabiedrisko pakalpojumu sniegšanas saistību atcelšanas diena šajos maršrutos	2010. gada 18. novembris
Adrese, kurā bez maksas var saņemt informāciju par sabiedrisko pakalpojumu sniegšanas saistībām un/vai attiecīgos dokumentus	ENAC (Ente nazionale per l'aviazione civile) Direzione centrale sviluppo economico Direzione sviluppo trasporto aereo Viale del Castro Pretorio 118 00185 Roma RM ITALIA  <a href="http://www.enac.gov.it">http://www.enac.gov.it</a> E-pasts: <a href="mailto:osp@enac.gov.it">osp@enac.gov.it</a>

## INFORMĀCIJA ATTIECĪBĀ UZ EIROPAS EKONOMIKAS ZONU

## EBTA UZRAUDZĪBAS IESTĀDE

**EBTA Uzraudzības iestāde uzskata, ka turpmāk minētais pasākums nav valsts atbalsts EEZ līguma 61. panta 1. punkta nozīmē**

(2011/C 34/06)

**Lēmuma pieņemšanas datums:** 2010. gada 29. septembris

**Lieta Nr.:** 67278

**Lēmums Nr.:** 378/10/COL

**EBTA valsts:** Īslande

**Nosaukums (un/vai atbalsta saņēmēja nosaukums):** Iespējamais valsts atbalsts, ko Reikjavīkas osta piešķir uzņēmumam *Státtak hf.*

**Juridiskais pamats:** EEZ līguma 61. panta 1. punkts

**Pasākuma veids:** Akciju iegāde

Lēmuma autentiskais teksts bez konfidenciālas informācijas ir pieejams EBTA Uzraudzības iestādes tīmekļa vietnē:

<http://www.eftasurv.int/state-aid/state-aid-register/>

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**Pasākums nav valsts atbalsts EEZ līguma 61. panta nozīmē**

(2011/C 34/07)

EBTA Uzraudzības iestādei nav iebildumu pret šādu valsts atbalsta pasākumu.

<b>Lēmuma pieņemšanas datums:</b>	2010. gada 13. oktobris
<b>Lieta Nr.:</b>	68560
<b>Lēmums Nr.:</b>	390/10/COL
<b>EBTA valsts:</b>	Īslande
<b>Reģions:</b>	dienvīdu vēlēšanu apgabals, ziemeļrietumu vēlēšanu apgabals un ziemeļaustrumu vēlēšanu apgabals
<b>Nosaukums (un/vai atbalsta saņēmēja nosaukums):</b>	Stimuli sākotnējiem ieguldījumiem Īslandē
<b>Juridiskais pamats:</b>	Likums Nr. 99/2010 par stimuliem sākotnējiem ieguldījumiem Īslandē
<b>Pasākuma veids:</b>	Atbalsta shēma
<b>Mērķis:</b>	Reģionālā attīstība
<b>Atbalsta veids:</b>	Tiešā dotācija, nodokļu un maksu atvieglojumi un zemes pārdošana/iznomāšana zem tirgus vērtības
<b>Budžets:</b>	Ikgadēji budžeta lēmumi par tiešām dotācijām. Aplēstie neiegūtie ieņēmumi no nodokļu pasākumiem ir EUR 17 miljoni gadā
<b>Intensitāte:</b>	15 % (25 % vidēju uzņēmumu gadījumā un 35 % mazu uzņēmumu gadījumā)
<b>Īlgums:</b>	No shēmas galīgā teksta publicēšanas (pēc Iestādes lēmuma pieņemšanas) līdz 2013. gada 31. decembrim
<b>Tautsaimniecības nozare:</b>	Visas nozares, izņemot finanšu nozari
<b>Piešķirējas iestādes nosaukums un adrese:</b>	<i>Ministry of Industry Arnarhvoli 150 Reykjavik ICELAND</i>
<b>Cita informācija:</b>	Shēmas galīgais teksts tiks publicēts tīmekļa vietnē <a href="http://www.idnadarraduneyti.is">http://www.idnadarraduneyti.is</a>

Lēmuma autentiskais teksts bez konfidenciālas informācijas ir pieejams EBTA Uzraudzības iestādes tīmekļa vietnē:

<http://www.eftasurv.int/state-aid/state-aid-register/>



**Pasākums nav valsts atbalsts EEZ līguma 61. panta nozīmē**

(2011/C 34/08)

EBTA Uzraudzības iestāde uzskata, ka turpmāk norādītais pasākums nav uzskatāms par valsts atbalstu EEZ līguma 61. panta 1. punkta nozīmē.

**Lēmuma pieņemšanas datums:** 2010. gada 9. novembris

**Lieta Nr.:** 62275

**Lēmums Nr.:** 438/10/COL

**EBTA valsts:** Norvēģija

**Pasākuma veids:** Šķērssubsidēšana un kapitāla ieguldījums

Lēmuma autentiskais teksts bez konfidenciālas informācijas ir pieejams EBTA Uzraudzības iestādes tīmekļa vietnē:

<http://www.eftasurv.int/state-aid/state-aid-register/>

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**Uzaicinājums iesniegt piezīmes saskaņā ar EBTA valstu Nolīguma par Uzraudzības iestādes un Tiesas izveidi 3. protokola I daļas 1. panta 2. punktu par valsts atbalstu saistībā ar *Oppdal* pašvaldības īstenoto zemes gabala (zemesgrāmatas Nr. 271/8) pārdošanu**

(2011/C 34/09)

Ar 2010. gada 3. novembra Lēmumu Nr. 417/10/COL, kas autentiskajā valodā pievienots šim kopsavilkumam, EBTA Uzraudzības iestāde uzsāka procedūru saskaņā ar 3. protokola I daļas 1. panta 2. punktu EBTA valstu Nolīgumā par Uzraudzības iestādes un Tiesas izveidi. Norvēģijas iestādes tika informētas, nosūtot tām lēmuma kopiju.

Ar šo EBTA Uzraudzības iestāde paziņo EBTA valstīm, ES dalībvalstīm un ieinteresētajām personām par iespēju iesniegt piezīmes par attiecīgo pasākumu viena mēneša laikā no šā paziņojuma publicēšanas dienas, nosūtot tās uz šādu adresi:

EFTA Surveillance Authority  
Registry  
Rue Belliard/Belliardstraat 35  
1040 Bruxelles/Brussel  
BELGIQUE/BELGIË

Piezīmes tiks nosūtītas Norvēģijas iestādēm. Ieinteresētā persona, kas iesniedz piezīmes, var rakstveidā pieprasīt, lai tās identitāte netiktu atklāta, norādot šāda pieprasījuma iemeslus.

KOPSAVILKUMS

Uzņēmums *Strand Drift Oppdal AS* 2007. gada 7. februārī ierosināja *Oppdal* pašvaldībai uzcelt zemes īpašumā ar zemesgrāmatas Nr. 271/8 slēpošanas kūrorta apmeklētāju apkalpošanas centru. Projekta īstenošanai būtu jāgroza pašvaldības noteikumi, lai teritoriju varētu izmantot kā sabiedrisku stāvvietu. Pašvaldībai adresētajā 2007. gada 19. februāra vēstulē *Strand Drift Oppdal AS* puda savu interesi iegādāties šo zemes īpašumu. Pašvaldība atbildēja 2007. gada 30. novembra vēstulē, klāstot, ka *Strand Drift Oppdal AS* priekšlikuma par īpašuma iegādi izskatīšana tiks atlikta tik ilgi, kamēr pašvaldība būs pieņēmusi lēmumu par pašvaldības noteikumu grozīšanu.

2008. gada 30. jūnijā *Oppdal* pašvaldība nolēma uzdot izstrādāt divus atsevišķus zemes īpašuma novērtējumus un pēc tam risināt pārdošanas sarunas ar *Strand Drift Oppdal AS*. Pašvaldība tad saņēma divus atsevišķus ziņojumus. Zemes īpašuma vērtība bija attiecīgi novērtēta NOK 850 000 un NOK 800 000 apmērā.

Pašvaldība 2008. gada 15. jūlijā aicināja *Strand Drift Oppdal AS* uz tikšanos, lai pirmo reizi apspriestu īpašuma pārdošanas līguma projektu. Pašvaldība informēja *Strand Drift Oppdal AS* par novērtējumiem un paziņoja, ka pārdošanas cena būs NOK 850 000.

Novērtējumus 2008. gada 21. jūlijā nosūtīja uzņēmumam *Oppdal Booking AS* pēc tā lūguma. 23. jūlijā vēstulē *Oppdal Booking AS* sūdzējās par novērtējumiem, apgalvojot, ka tie neatspoguļo patieso tirgus vērtību. OB cita starpā paziņoja, ka uzņēmums ir ar mieru maksāt ievērojami augstāku cenu. Tajā pašā dienā *Oppdal Booking AS* nosūtīja pašvaldībai vēstuli ar piedāvājumu 3,1 miliona Norvēģijas kronu apmērā. Piedāvājums tika nosaukts par "sākuma piedāvājumu" un izteikts ar nosacījumu, ka tiks piešķirtas zemes īpašuma attīstīšanai vajadzīgās atļaujas un ka uzņēmumam *Oppdal Booking AS* tiks dots pietiekams laiks, lai projektētu uzceļamo ēku.

2008. gada 31. jūlijā pašvaldība parakstīja līgumu ar *Strand Drift Oppdal AS*. Kā Uzraudzības iestāde izprot faktus, atbilstoši Norvēģijas tiesību aktiem saistoša vienošanās stājās spēkā tikai šajā brīdī.

Uzraudzības iestāde novērtēs publisku iestāžu īstenoto zemes pārdošanu atbilstoši Valsts atbalsta pamatnostādņēm par valsts atbalsta elementiem, publiskajām iestādēm pārdodot zemi un ēkas. Pamatnostādnes attiecas uz diviem iespējamiem scenārijiem: pirmkārt, izsoles procedūras piemērošana un, otrkārt, vērtības noteikšanas, ko veic neatkarīgi eksperti, piemērošana. Tomēr pamatnostādnes neattiecas uz situāciju, kad saistošs piedāvājums ir saņemts pēc ekspertu novērtējuma saņemšanas, bet pirms saistoša līguma noslēgšanas. Konkrētajā gadījumā piedāvājums bija gandrīz četras reizes augstāks nekā cena, kuru eksperti uzskatīja par tirgus cenu.

Uzraudzības iestāde uzskata, ka šādā situācijā piedāvājuma iesniegšanas rezultātā var rasties šaubas, vai novērtējumi atspoguļo īpašuma faktisko tirgus cenu. Uzticams un saistošs piedāvājums parasti šķiet labāks pamats tirgus cenas noteikšanai, jo tas atspoguļo cenu, ko kāds patiešām būtu ar mieru maksāt par īpašumu. Uzraudzības iestāde atzīmē, ka Norvēģijas iestādes nav sniegušas nekādu informāciju, kas pamatotu to, ka piedāvājums nebija uzticams vai nepareizi atspoguļoja īpašuma tirgus vērtību cita starpā sakarā ar piedāvājuma iesniedzēja īpašo interesi par īpašuma iegādi.

Atbalsta pasākumi, uz kuriem attiecas EEZ līguma 61. panta 1. punkts, parasti nav saderīgi ar EEZ līguma darbību, ja vien tie neatbilst EEZ līguma 61. panta 2. vai 3. punktā noteiktajiem izņēmumiem. Tomēr Uzraudzības iestāde apšauba, ka novērtējamo darījumu var pamatot ar EEZ līguma noteikumiem par valsts atbalstu.

### Secinājums

Ņemot vērā minētos apsvērumus, Uzraudzības iestāde nolēma uzsākt formālās izmeklēšanas procedūru saskaņā ar EEZ līguma 1. panta 2. punktu. Ieinteresētās personas tiek aicinātas iesniegt savas piezīmes viena mēneša laikā no šā lēmuma publicēšanas *Eiropas Savienības Oficiālajā Vēstnesī*.

## EFTA SURVEILLANCE AUTHORITY DECISION

No 417/10/COL

of 3 November 2010

**to initiate the formal investigation procedure provided for in Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement with regard to the sale by Oppdal municipality of the plot of land gbnr 271/8**

**(Norway)**

THE EFTA SURVEILLANCE AUTHORITY (the Authority),

Having regard to the Agreement on the European Economic Area (the EEA Agreement), in particular to Article 61 and Protocol 26,

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (the Surveillance and Court Agreement), in particular to Article 24,

Having regard to Protocol 3 to the Surveillance and Court Agreement (Protocol 3), in particular to Article 1(3) of Part I and Articles 4(4) and 6 of Part II,

Having regard to the consolidated version of the Authority's Decision No 195/04/COL of 14 July 2004 on the implementing provisions referred to under Article 27 of Part II of Protocol 3 (the Implementing Provisions Decision) <sup>(1)</sup>,

Having regard to the State Aid Guidelines on State aid elements in sales of land and buildings by public authorities <sup>(2)</sup>,

Whereas:

### I. FACTS

#### 1. Procedure

By letter dated 3 July 2008 (Event No 484519), Oppdal Booking AS (OB) filed a complaint against Oppdal municipality's intended sale of the property 271/8 in Oppdal to Strand Drift Oppdal AS (SDO).

By letter dated 9 July 2008 (Event No 485146), the Authority requested additional information from the Norwegian authorities. The Norwegian authorities replied in a letter dated 9 August 2008 (Event No 490114).

<sup>(1)</sup> Available at: <http://www.eftasurv.int/media/decisions/195-04-COL.pdf>

<sup>(2)</sup> This chapter of the Guidelines corresponds to the Commission communication on State aid elements in sales of land and buildings by public authorities (OJ C 209, 10.7.1997, p. 3) also available at: <http://www.eftasurv.int/state-aid/legal-framework/state-aid-guidelines/>

By letter dated 8 September 2008, the buyer, SDO, submitted comments to the Authority (Event No 491369).

On 1 October 2008, OB provided supplementing information in a letter to the Authority (Event No 493593).

## 2. Chronology of events

On 7 February 2007, SDO had, through an application, proposed to the municipality the building of a service facility for ski resort customers on property 271/8. An amendment of the municipal regulations would be necessary to use the area as a public parking facility. In a letter to the municipality dated 19 February 2007, SDO expressed their interest in buying the property. The municipality replied in a letter dated 30 November 2007, that until it had decided on the amendment of the municipal regulations, SDO's proposal to buy the property would be put on hold.

On 31 March 2008, the municipality approved the application. OB then filed a complaint on the municipality's decision. By letter dated 5 May 2008, the municipality informed SDO of the complaint, and that the request to buy the property could not be considered before a decision on the complaint was taken. On 26 May 2008, the municipality referred OBs' complaint to the regional regulations authority (Fylkesmannen) for processing.

By letter dated 30 May 2008, OB expressed its interest in buying the property to the municipality, in case their complaint was not sustained by the regional authority. By letter dated 6 June 2008, the municipality informed SDO that the municipality would not consider the request to buy the property until the complaint on the municipality's decision had been dealt with by the regional authority. The municipality also explicitly denied that SDO had any option on buying the property.

On 30 June 2008, Oppdal municipality decided to obtain two separate evaluations of the property, and thereafter proceed with sale negotiations with SDO <sup>(1)</sup>.

Oppdal municipality obtained two separate reports which assessed the value of the property. The first report dated 7 July 2008, was made by Ragnar Lian, and the second report, dated 9 July 2008, was made by Geir Husebø. The property's value was assessed respectively as NOK 850 000 and 800 000. Both experts had estimated a 'normal sales value', defined as the price the property could be sold for on the day of appraisal, meaning a price that more than one buyer would be willing to pay. One of the experts, Geir Husebø, also added to this definition in his report, that the assessment disregarded potential buyers who due to exceptional circumstances were willing to pay a particularly high price.

On 15 July 2008, the municipality invited SDO to a meeting to discuss a draft sales contract for the property for the first time. The municipality informed SDO of the appraisals, and that the sales price would be NOK 850 000. According to the municipality's minutes from the meeting, the municipality planned to decide on the result of the negotiations on 24 July 2008. SDO signed the contract on 18 July.

The appraisals were sent to OB at their request on 21 July 2008. By letter dated 23 July, OB complained about the appraisals, alleging that they did not reflect the proper market value. OB maintained, inter alia, that they were willing to pay a far higher price, based solely on a calculation of the profit they could derive from the property. The same day OB, forwarded a letter to the municipality with an offer of NOK 3,1 million. The offer was described as a 'starting offer' and was made on conditions that the necessary permits for developing the property would be granted, and that OB would be given sufficient time to design the building that was to be erected.

On 31 July 2008, the Municipality signed the contract with SDO. As the Authority understands the facts, it was only at this moment that a binding agreement under Norwegian law was entered into.

## 3. The complaint

In July 2008, OB complained to the Authority alleging that Oppdal municipality was going to sell property 271/8, which served as a parking area for customers of a nearby ski resort, without notifying the sale.

OB owns and operates a number of ski resorts in the Norwegian municipality Oppdal. The buyer of the plot in question, SDO, is a competitor who had previously leased an area from OB for use in its business related to ski equipment and ski instructor services. After OB increased the lease, SDO was looking for new premises.

<sup>(1)</sup> Minutes from meeting 30 June 2008 in Oppdal Municipality (Formannskapet).

In its complaint, OB alleged that the property would be sold without conducting an unconditional bidding procedure, as described in the Authority's guidelines for sales of land and public buildings, paragraph 2.1<sup>(1)</sup>. OB also argued that the municipality had not acted in accordance with the alternative procedure described in paragraph 2.2 in the Authority's guidelines, since it had started sale negotiations with the potential buyer prior to obtaining an independent evaluation of the property. Moreover, OB maintained that it was unclear on which principles the evaluation reports are based. OB alleged that its own NOK 3,1 million offer, based on the same exploitation of the property as the buyer, showed that the market price was not reflected in the sales price, and that OB could not be considered to be a buyer with a particular interest in the property.

#### 4. Comments by the Norwegian authorities

The Norwegian authorities consider that the procedure described in paragraph 2.2 in the Authority's guidelines for sales of land and public buildings had been followed, and that no State aid was involved in the transaction. The Norwegian authorities argue that the expert evaluations were obtained prior to any sale negotiations with SDO and reflected the market price. Oppdal municipality has in addition produced an overview dated 29 August 2008, of prices on sales of land in Oppdal, which shows that the price obtained for the property involved is the highest price per square meter known to the municipality.

The authorities further maintain that when assessing the market price the expert should consider which price regular buyers would pay for the property by voluntary sale. Speculative buyers, and buyers with particular needs should be disregarded. Thus, the experts in this case have assessed the market price correctly.

The offer of NOK 3,1 million from OB must in any case be regarded as coming from a party with a particular need, since OB has a dominant position in the local ski service market, and is willing to go far in eliminating its competitors.

## II. ASSESSMENT

### 1. The presence of State aid within the meaning of Article 61(1) EEA Agreement

Article 61(1) of the EEA Agreement reads as follows:

'Save as otherwise provided in this Agreement, any aid granted by EC Member States, EFTA States 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, in so far as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement'.

In the following, the Authority will assess whether the municipality of Oppdal has granted State aid to SDO in connection with the sale of the plot of land gbnr 271/8. If the transaction was carried out in accordance with the market economy investor principle, i.e. if the municipality sold the land for its market value and the conditions of the transaction would have been acceptable for a private seller, the transaction would not have involved the grant of State aid. On the contrary, State aid could be involved if the sale was not carried out at market price.

#### 1.1. Market investor principle

As a point of departure, the assessment of whether a property has been sold at market value should be assessed at the time of the conclusion of the contract.

The State Aid Guidelines on State aid elements in sales of land and buildings by public authorities give further information on how the Authority interprets and applies the provisions of the EEA Agreement governing State aid when it comes to assessing sales of public land and buildings. Section 2.1 describes a sale through an unconditional bidding procedure, while Section 2.2 describes a sale without an unconditional procedure (by way of an independent expert valuation).

In this case, the municipality did not organise an unconditional bidding procedure but the sale took place on the basis of two value assessments carried out by independent experts. The assessments were obtained by the municipality on 7 and 9 July 2008, respectively.

<sup>(1)</sup> State aid elements in sales of land and building by public authorities, published on the Authority's website: <http://www.eftasurv.int/?1=1&showLinkID=15142&1=1>

Section 2.2 of the State Aid Guidelines on State aid elements in sales of land and buildings by public authorities, regarding sale without an unconditional bidding procedure, provides that 'if public authorities intend not to use the procedure described under Section 2.1, an independent evaluation should be carried out by one or more independent asset values prior to the sale negotiations in order to establish the market value on the basis of generally accepted market indicators and valuation standards. The market price thus established is the minimum purchase price that can be agreed without granting State aid.' (Emphasis added)

Although SDO had already contacted the municipality in February 2007 and applied for an amendment of the use of property 271/8, and later the same month, signalled its interest in purchasing the property, the correspondence submitted by the Norwegian authorities indicates that the municipality refused to discuss a sale until the regulatory issues regarding the property were decided upon. This is the reason why it was not until 30 June 2008 that Oppdal municipality decided to obtain two value assessments, and then to proceed with the sale negotiations. According to the information provided by the Norwegian authorities, no discussions on the price or other conditions of the sale had taken place between the municipality and SDO prior to the value assessments.

Both reports estimated a very similar market value for the property: NOK 800 000 and 850 000. The price paid by the purchaser was determined by reference to the valuation report which indicated the highest price, i.e. NOK 850 000.

However, as the information has been presented to the Authority, before a binding contract was concluded on the basis of these value assessment, Oppdal municipality received a substantially higher offer of NOK 3,1 million from OB. Nevertheless, the municipality sold the land to SDO for NOK 850 000 on the basis of the price determined by the independent experts.

It would appear that a situation such as the one in the present case is not explicitly foreseen by the Guidelines. The Guidelines refer to two possible scenarios: first, the use of a bidding procedure; second, the use of independent expert valuation. However, they do not deal with the situation that a binding offer is received after the receipt of the expert evaluation but prior to the conclusion of a binding contract. In the case at hand, the offer was close to four times higher than the price considered to be market price by the experts.

The Authority considers that in a situation such as this, the submission of an offer is liable to cast doubts on whether the evaluations reflect the actual market price of the property. Generally, a credible and binding offer would seem to be a better basis for the determination of market price as it reflects what someone is actually prepared to pay for the property. The Authority notes that the Norwegian authorities have not presented any information substantiating that the offer was not credible or that it did not accurately reflect the market value of the property, inter alia, due to the special interest of the bidder in acquiring the property.

The Commission has in a decision of 30 January 2008, in Case C 35/06, dealt with a similar issue, i.e. the situation that an offer is made after the receipt of the expert evaluation. In its decision, the Commission stated:

'Even if the expert evaluation had been carried out in accordance with the communication <sup>(1)</sup>, i.e. an evaluation of the actual plot of land that was to be sold carried out just before the sale and on the basis of generally accepted evaluation standards, this evaluation would only be a second best instrument to determine the market price of the land, in the absence of real price offers. From the moment that a credible and binding bid is submitted and provided that this bid is directly comparable to and higher than the price estimate according to the evaluation, the former must be preferred. The bid establishes a real market price and should be considered as a better proxy for the foregone State resources than an expert evaluation <sup>(2)</sup>.

<sup>(1)</sup> Section 2.2 of the State Aid Guidelines on State aid elements in sales of land and buildings by public authorities corresponds to the Commission communication on State aid elements in sales of land and buildings by public authorities (OJ C 209, 10.7.1997, p. 3).

<sup>(2)</sup> Commission Decision of 30 January 2008 in Case C 35/06, OJ 2008, 14.5.2008, L 126/3, paragraph 59.'

On the basis of the above, the Authority cannot exclude that the sale of the concerned plot of land gbnr. 271/8 to Strand Drift Oppdal AS for the sales price of NOK 850 000 involved State aid within the meaning of Article 61(1) of the EEA Agreement, provided that the other conditions of the Article are fulfilled.

### 1.2. *The presence of State aid*

#### 1.2.1. State resources

In order to qualify as State aid, the measure must be granted by the State or through state resources. The concept of the State does not only refer to the central government but embraces all levels of the state administration (including municipalities) as well as public undertakings.

If the municipality sold the land below its market price, it would have foregone income. In such circumstances, SDO should have paid more for the land and therefore there is a transfer of resources from the municipality.

For these reasons, the Authority considers that if the sale did not take place in accordance with market conditions, state resources within the meaning of Article 61(1) of the EEA Agreement would be involved.

#### 1.2.2. Favouring certain undertakings or the production of certain goods

First, the measure must confer on SDO advantages that relieve the undertaking of charges that are normally borne from its budget. If the transaction was carried out under favourable terms, in the sense that SDO would most likely have had to pay a higher price for the property if the sale of land had been conducted according to the market investor principle, the company would have received an advantage within the meaning of the State aid rules.

Second, the measure must be selective in that it favours 'certain undertakings or the production of certain goods'. There is only one possible beneficiary of the measure under assessment, i.e. SDO. The measure is thus selective.

#### 1.2.3. Distortion of competition and effect on trade between Contracting Parties

The aid must threaten to distort competition and be liable to affect trade between the Contracting Parties of the EEA Agreement.

A support measure granted by the State would strengthen the position of SDO vis-à-vis other undertakings that are competitors active in the same business areas. Any grant of aid strengthens the position of the beneficiary vis-à-vis its competitors and accordingly distorts competition within the meaning of Article 61(1) of the EEA Agreement. It appears that SDO operates in the market for ski rental and related services, economic activities which are subject to competition from other undertakings.

To the extent that the company is active in areas subject to intra-EEA trade, the requirements of Article 61(1) of the EEA Agreement for a measure to constitute State aid appear to be fulfilled<sup>(1)</sup>. It appears from the complaint that the ski resort in Oppdal competes for its customers particularly with ski resorts in Sweden. Also, the Swedish company, Skistar, is a large operator in the Norwegian market. Therefore, any state support granted in this case seems likely to affect trade between member states within the meaning of Article 61(1) of the EEA Agreement.

### 1.3. *Conclusion*

For the above mentioned reasons, the Authority has doubts as to whether or not the transaction concerning the sale by Oppdal Municipality of the plot of land gbnr 271/8 to SDO as laid down in the agreement between the parties signed 31 July 2008 entails the grant of State aid.

## 2. Procedural requirements

Pursuant to Article 1(3) of Part I of Protocol 3, 'the EFTA Surveillance Authority shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. [...] The State concerned shall not put its proposed measures into effect until the procedure has resulted in a final decision'.

<sup>(1)</sup> Cf. Commission Decision 2003/521/EC 'Bolzano' paragraph 32, where it is stated that '... cableways used to support an activity capable of attracting non-local users will generally be regarded as having an effect on trade between Member States.' In this case, the intended use of the land was to erect a service center in support of the ski-sport activities in Oppdal. OB's web pages seem to indicate that its activities in Oppdal are capable of attracting customers from Sweden, cf. <http://www.oppdalbooking.no/Index.aspx?PageID=276> and its rating among international ski resorts <http://www.oppdalbooking.no/Index.aspx?PageID=248>

The Norwegian authorities have not submitted a notification of the sale of land and the measure has been enacted. Therefore, the Authority concludes that if the measure constitutes State aid, the Norwegian authorities have not respected their obligations pursuant to Article 1(3) of Part I of Protocol 3.

### 3. Compatibility of the aid

Support measures caught by Article 61(1) of the EEA Agreement are generally incompatible with the functioning of the EEA Agreement, unless they qualify for a derogation in Article 61(2) or (3) of the EEA Agreement.

The derogation of Article 61(2) is not applicable to the aid in question, which is not designed to achieve any of the aims listed in this provision. Neither Article 61(3)(a) nor Article 61(3)(b) of the EEA Agreement applies to the case at hand. The area where the property is located can benefit from regional aid within the meaning of Article 61(3)(c) of the EEA Agreement, according to the Authority's Decision No 227/06 <sup>(1)</sup>. However, the Authority's guidelines on National Regional Aid 2007-2013 at paragraph 30 require that the beneficiary has applied for aid and the authority responsible for administering the aid scheme has confirmed in writing that, subject to detailed verification, the project in principle meets the conditions of eligibility laid down by the scheme before the start of work on the project <sup>(2)</sup>. Thus, the Authority has doubts regarding whether aid could be granted according to the above mentioned guidelines.

The Authority therefore doubts that the transaction under assessment can be justified under the State aid provisions of the EEA Agreement.

### 4. Conclusion

Based on the information submitted by the Norwegian authorities, the Authority has doubts as to whether or not SDO has received unlawful State aid within the meaning of Article 61(1) of the EEA Agreement in the context of the transaction regarding the sale of a plot of land.

The Authority has moreover doubts that this State aid can be regarded as complying with Article 61(3)(c) of the EEA Agreement.

Consequently, and in accordance Article 4(4) of Part II of Protocol 3, the Authority is obliged to open the procedure provided for in Article 1(2) of Part I of Protocol 3. The decision to open proceedings is without prejudice to the final decision of the Authority, which may conclude that the measures in question do not constitute State aid or are compatible with the functioning of the EEA Agreement.

In light of the foregoing considerations, the Authority, acting under the procedure laid down in Article 1(2) of Part I of Protocol 3, invites the Norwegian authorities to submit their comments within one month of the date of receipt of this Decision.

Within one month of receipt of this Decision, the Authority request the Norwegian authorities to provide all documents, information and data needed for assessment of the compatibility of the said transaction.

It invites the Norwegian authorities to forward a copy of this Decision to SDO immediately.

The Authority would like to remind the Norwegian authorities that, according to the provisions of Protocol 3, any incompatible aid unlawfully put at the disposal of the beneficiaries will have to be recovered, unless this recovery would be contrary to the general principles of law,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The formal investigation procedure provided for in Article 1(2) of Part I of Protocol 3 is opened into the sale of the plot of land gbnr 271/8 in Oppdal, by Oppdal municipality.

#### *Article 2*

The Norwegian authorities are invited, pursuant to Article 6(1) of Part II of Protocol 3, to submit their comments on the opening of the formal investigation procedure within one month from the notification of this Decision.

<sup>(1)</sup> The Decision is available at <http://www.eftasurv.int/?1=1&showLinkID=10177&1=1>

<sup>(2)</sup> The Guidelines are available at <http://www.eftasurv.int/?1=1&showLinkID=15125&1=1>



*Article 3*

The Norwegian authorities are requested to provide within one month from notification of this Decision, all documents, information and data needed for assessment of the compatibility of the aid measure.

*Article 4*

This Decision is addressed to the Kingdom of Norway.

*Article 5*

Only the English version is authentic.

Done at Brussels, 3 November 2010.

*For the EFTA Surveillance Authority*

Per SANDERUD  
*President*

Sverrir Haukur GUNNLAUGSSON  
*College Member*

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## V

*(Atzinumi)*

## ADMINISTRATĪVAS PROCEDŪRAS

## EIROPAS KOMISIJA

**Valstu tiesniešu macības ES konkurences tiesību aktu jautājumos un tiesiskā sadarbība starp valstu tiesnešiem***(2011/C 34/10)*

Šajā adresē ir publicēts jauns paziņojums par priekšlikumu iesniegšanu valstu tiesniešu macības ES konkurences tiesību aktu jautājumos un tiesiskā sadarbība starp valstu tiesnešiem:

<http://ec.europa.eu/competition/calls/index.html>

Priekšlikumu pieņemšanas termiņš: 2011. gada 4. aprīlis.

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## Abonementa cenas 2011. gadā (bez PVN, ieskaitot sūtīšanas izdevumus)

ES Oficiālais Vēstnesis, L un C sērija, tikai papīra formātā	22 oficiālajās ES valodās	EUR 1 100 gadā
ES Oficiālais Vēstnesis, L un C sērija, papīra formātā + DVD, ikgadējs	22 oficiālajās ES valodās	EUR 1 200 gadā
ES Oficiālais Vēstnesis, L sērija, tikai papīra formātā	22 oficiālajās ES valodās	EUR 770 gadā
ES Oficiālais Vēstnesis, L un C sērija, DVD, ikmēneša (apkopojošs)	22 oficiālajās ES valodās	EUR 400 gadā
ES Oficiālā Vēstneša pielikums (S sērija) – Publiskā iepirkuma līgumu konkursi, DVD, viens izdevums nedēļā	daudzvalodu: 23 oficiālajās ES valodās	EUR 300 gadā
ES Oficiālais Vēstnesis, C sērija – Konkursi	valodā(-ās) saskaņā ar konkursu(-iem)	EUR 50 gadā

*Eiropas Savienības Oficiālā Vēstneša*, kas iznāk oficiālajās Eiropas Savienības valodās, abonements ir pieejams 22 valodās. Tajā ir L sērija ("Tiesību akti") un C sērija ("Paziņojumi un informācija").

Katrai valodas versijai nepieciešams atsevišķs abonements.

Saskaņā ar Padomes Regulu (EK) Nr. 920/2005, kas publicēta 2005. gada 18. jūnijā *Oficiālajā Vēstnesī* L 156, Eiropas Savienības iestādes uz zināmu laiku nesaista pienākums visus tiesību aktus sagatavot īru valodā un tos publicēt šajā valodā. Tādēļ *Oficiālā Vēstneša* izdevumus īru valodā var iegādāties atsevišķi.

*Oficiālā Vēstneša* pielikumu (S sērija – "Publiskā iepirkuma līgumu konkursi") var abonēt 23 oficiālo valodu versijās vienā daudzvalodu DVD formātā.

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[http://publications.europa.eu/others/agents/index\\_lv.htm](http://publications.europa.eu/others/agents/index_lv.htm)

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