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Eiropas Savienības Oficiālais Vēstnesis

C 149

Izdevums latviešu valodā

52. sējums

2009. gada 1. jūlijs

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[1] Dokuments attiecas uz EEZ

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IETEIKUMI

EIROPAS CENTRĀLĀ BANKA

EIROPAS CENTRĀLĀS BANKAS IETEIKUMS

(2009. gada 25. jūnijs)

Eiropas Savienības Padomei par Národná banka Slovenska ārējo revidentu

(ECB/2009/14)

(2009/C 149/01)

EIROPAS CENTRĀLĀS BANKAS PADOME,

ņemot vērā Eiropas Centrālo banku sistēmas un Eiropas Centrālās bankas Statūtus (turpmāk – "ECBS Statūti") un jo īpaši to 27.1. pantu,

tā kā:

(1) Eiropas Centrālās bankas (ECB) un nacionālo centrālo banku pārskatus revidē neatkarīgi ārējie revidenti, kurus ieteikusi ECB Padome un apstiprinājusi Eiropas Savienības Padome.

(2) Slovākija 2009. gada 1. janvārī ieviesa vienoto valūtu atbilstoši 1. pantam Padomes 2008. gada 8. jūlija Lēmumā 2008/608/EK saskaņā ar Līguma 122. panta 2. punktu par vienotās valūtas ieviešanu Slovākijā 2009. gada 1. janvārī [1].

(3) Saskaņā ar Likuma par Národná banka Slovenska 38. pantu no 2009. gada 1. janvāra Národná banka Slovenska pārskatus revidē saskaņā ar ECBS Statūtu 27.1. pantu.

(4) Národná banka Slovenska par tās ārējo revidentu 2009. finanšu gadā ir izvēlējusies Deloitte Audit s.r.o.,

IR PIEŅĒMUSI ŠO IETEIKUMU.

Tiek ieteikts par Národná banka Slovenska ārējo revidentu 2009. finanšu gadā iecelt Deloitte Audit s.r.o.

Frankfurtē pie Mainas, 2009. gada 25. jūnijā

ECB prezidents

Jean-Claude TRICHET

[1] OV L 195, 24.7.2008., 24. lpp.

II

(Paziņojumi)

EIROPAS SAVIENĪBAS IESTĀŽU UN STRUKTŪRU SNIEGTI PAZIŅOJUMI

KOMISIJA

Valsts atbalsts ir atļauts saskaņā ar EK līguma 87. un 88. panta noteikumiem

Gadījumi, pret kuriem Komisijai nav iebildumu

(Dokuments attiecas uz EEZ)

(2009/C 149/02)

Lēmuma pieņemšanas datums	27.2.2009.
Valsts atbalsta numurs	N 99/09
Dalībvalsts	Luksemburga
Reģions	—
Nosaukums (un/vai saņēmējs)	Régime temporaire d'aides au redressement économique
Juridiskais pamats	L'article 32(4) de la Constitution constitue la base juridique du régime
Pasākuma veids	Atbalsta shēma
Mērķis	Atbalsts nopietnu ekonomikas traucējumu kompensēšanai
Atbalsta forma	—
Budžets	—
Atbalsta intensitāte	—
Atbalsta ilgums	līdz 31.12.2010.
Tautsaimniecības nozares	Visas nozares
Piešķīrējiestādes nosaukums un adrese	—
Papildu informācija	—

Lēmuma autentiskais teksts, no kura ir izņemta visa konfidenciālā informācija, atrodams tīmekļa vietnē: http://ec.europa.eu/community_law/state_aids/index.htm

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Lēmuma pieņemšanas datums	6.5.2009.
Valsts atbalsta numurs	N 237/09
Dalībvalsts	Čehijas Republika

Reģions	—
Nosaukums (un/vai saņēmējs)	Temporary aid scheme for granting aid in the form of loans with subsidised interest rate
Juridiskais pamats	Český přechodný rámec, Národní protikrizový plán vlády České republiky; Zákon č. 218/2000 Sb., Zákon č. 47/2002 Sb., Zákon č. 659/2004 Sb., Směrnice MŽP č. 05/2008 Pravidla, kterými se stanovují podmínky pro poskytnutí dotace na projekty programu rozvoje venkova ČR; Zákon č. 435/2004 Sb.; Zákon č. 582/1991 Sb., Vyhláška MPSV č. 161/1998 Sb., Zákon č. 129/2000 Sb., Zákon č. 250/2000 Sb., Zákon č. 40/1964 Sb., občanský zákoník, ve znění pozdějších předpisů; Zákon č. 248/2000 Sb., Zákon č. 131/2000 Sb., Operační programy schválené pro ČR Evropskou komisí pro období 2007–2013.
Pasākuma veids	Atbalsta shēma
Mērķis	Atbalsts nopietnu ekonomikas traucējumu kompensēšanai
Atbalsta forma	Procentu subsīdija
Budžets	Kopējais plānotais atbalsta apjoms 2 600 milj. CZK
Atbalsta intensitāte	—
Atbalsta ilgums	1.5.2009.–31.12.2010.
Tautsaimniecības nozares	Visas nozares
Piešķīrējiestādes nosaukums un adrese	—
Papildu informācija	—

Lēmuma autentiskais teksts, no kura ir izņemta visa konfidenciālā informācija, atrodams tīmekļa vietnē: http://ec.europa.eu/community_law/state_aids/index.htm

Iebildumu necelšana pret paziņoto koncentrāciju

(Lieta COMP/M.5541 – GE/NewsCorp/Disney/Hulu JV)

(Dokuments attiecas uz EEZ)

(2009/C 149/03)

Komisija 2009. gada 24. jūnijā 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 apvienošanos 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 32009M5541. EUR-Lex piedāvā tiešsaistes piekļuvi Eiropas Kopienu tiesību aktiem.

IV

(Informācija)

EIROPAS SAVIENĪBAS IESTĀŽU UN STRUKTŪRU SNIEGTA INFORMĀCIJA

KOMISIJA

Euro maiņas kurss [1]

2009. gada 30. jūnijs

(2009/C 149/04)

1 euro =

	Valūta	Maiņas kurss		Valūta	Maiņas kurss
USD	ASV dolārs	1,4134	AUD	Austrālijas dolārs	1,7359
JPY	Japānas jēna	135,51	CAD	Kanādas dolārs	1,6275
DKK	Dānijas krona	7,4470	HKD	Hongkongas dolārs	10,9540
GBP	Lielbritānijas mārciņa	0,85210	NZD	Jaunzēlandes dolārs	2,1656
SEK	Zviedrijas krona	10,8125	SGD	Singapūras dolārs	2,0441
CHF	Šveices franks	1,5265	KRW	Dienvidkorejas vons	1 802,43
ISK	Islandes krona		ZAR	Dienvidāfrikas rands	10,8853
NOK	Norvēģijas krona	9,0180	CNY	Ķīnas juaņa renminbi	9,6545
BGN	Bulgārijas Ieva	1,9558	HRK	Horvātijas kuna	7,2730
CZK	Čehijas krona	25,882	IDR	Indonēzijas rūpija	14 427,58
EEK	Igaunijas krona	15,6466	MYR	Malaizijas ringits	4,9681
HUF	Ungārijas forints	271,55	PHP	Filipīnu peso	67,865
LTL	Lietuvas lits	3,4528	RUB	Krievijas rublis	43,8810
LVL	Latvijas lats	0,7036	THB	Taizemes bats	48,140
PLN	Polijas zlots	4,4520	BRL	Brazīlijas reāls	2,7469
RON	Rumānijas leja	4,2072	MXN	Meksikas peso	18,5537
TRY	Turcijas lira	2,1614	INR	Indijas rūpija	67,5180

[1] *Datu avots*: atsauces maiņas kursu publicējusi ECB.

Komisijas paziņojums par pašreizējām valsts atbalsta atgūšanas procentu likmēm un atsauces/diskonta likmēm 27 dalībvalstīm, ko piemēro no 2009. gada 1. jūlijs

(Publicēts saskaņā ar 10. pantu Komisijas 2004. gada 21. aprīļa Regulā (EK) Nr. 794/2008 (OV L 140, 30.4.2004., 1. lpp.))

(2009/C 149/05)

Bāzes likmi aprēķina saskaņā ar Komisijas paziņojumu par atsauces likmes un diskonta likmes noteikšanas metodes pārskatīšanu (OV C 14, 19.1.2008., 6. lpp.). Atkarībā no atsauces likmes pielietojuma vēl ir jāpievieno šajā paziņojumā noteiktā rezerve. Diskonta likmei ir jāpievieno rezerve 100 bāzes punktu apmērā. Komisijas 2008. gada 30. janvāra Regula (EK) Nr. 271/2008, ar kuru groza īstenošanas Regulu (EK) Nr. 794/2004, paredz, ka ja nav citādi noteikts īpašā lēmumā, arī atgūšanas likmi aprēķina, bāzes likmei pieskaitot 100 bāzes punktus.

No	Līdz	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK
1.7.2009	…	1,77	1,77	6,41	1,77	2,96	1,77	3,44	7,34	1,77	1,77	1,77	1,77	10,01	1,77	1,77	9,53	1,77	13,20	1,77	1,77	4,53	1,77	13,76	1,49	1,77	1,77	2,20
1.6.2009	30.6.2009	2,22	2,22	6,41	2,22	2,96	2,22	3,44	7,34	2,22	2,22	2,22	2,22	10,01	2,22	2,22	9,53	2,22	13,20	2,22	2,22	4,53	2,22	17,29	1,49	2,22	2,22	2,20
1.5.2009	31.5.2009	2,22	2,22	7,63	2,22	2,96	2,22	4,57	7,34	2,22	2,22	2,22	2,22	10,01	2,22	2,22	9,53	2,22	13,20	2,22	2,22	5,62	2,22	17,29	1,81	2,22	2,22	2,84
1.4.2009	30.4.2009	2,74	2,74	7,63	2,74	2,96	2,74	4,57	7,34	2,74	2,74	2,74	2,74	10,01	2,74	2,74	9,53	2,74	13,20	2,74	2,74	5,62	2,74	17,29	2,30	2,74	2,74	2,84
1.3.2009	31.3.2009	3,47	3,47	7,63	3,47	3,74	3,47	6,00	7,34	3,47	3,47	3,47	3,47	10,01	3,47	3,47	9,53	3,47	13,20	3,47	3,47	6,78	3,47	17,29	3,31	3,47	3,47	3,58
1.2.2009	28.2.2009	4,99	4,99	7,63	4,99	4,53	4,99	6,00	7,34	4,99	4,99	4,99	4,99	10,01	4,99	4,99	7,81	4,99	13,20	4,99	4,99	6,78	4,99	17,29	4,31	4,99	4,99	4,81
1.1.2009	31.1.2009	4,99	4,99	7,63	4,99	4,53	4,99	6,00	7,34	4,99	4,99	4,99	4,99	10,01	4,99	4,99	7,81	4,99	11,05	4,99	4,99	6,78	4,99	17,29	5,18	4,99	4,99	5,70
1.12.2008	31.12.2008	5,36	5,36	6,70	5,36	4,20	5,36	5,55	6,43	5,36	5,36	5,36	5,36	8,58	5,36	5,36	7,10	5,36	9,44	5,36	5,36	6,42	5,36	15,87	5,49	5,36	5,00	5,66
1.11.2008	30.11.2008	5,36	5,36	6,70	5,36	4,20	5,36	5,55	6,43	5,36	5,36	5,36	5,36	8,58	5,36	5,36	6,10	5,36	9,44	5,36	5,36	6,42	5,36	11,02	5,49	5,36	5,00	5,66
1.10.2008	31.10.2008	5,36	5,36	6,70	5,36	4,20	5,36	5,55	6,43	5,36	5,36	5,36	5,36	8,58	5,36	5,36	6,10	5,36	9,44	5,36	5,36	6,42	5,36	11,02	5,49	5,36	4,34	5,66
1.9.2008	30.9.2008	4,59	4,59	6,70	4,59	4,20	4,59	5,55	6,43	4,59	4,59	4,59	4,59	8,58	4,59	4,59	6,10	4,59	9,44	4,59	4,59	6,42	4,59	11,02	5,49	4,59	4,34	5,66
1.7.2008.	31.8.2008	4,59	4,59	6,70	4,59	4,20	4,59	4,81	6,43	4,59	4,59	4,59	4,59	8,58	4,59	4,59	6,10	4,59	9,44	4,59	4,59	6,42	4,59	11,02	4,75	4,59	4,34	5,66

DALĪBVALSTU SNIEGTA INFORMĀCIJA

Dalībvalstu sniegtā informācija par valsts atbalstu, kas piešķirts saskaņā ar Komisijas Regula (EK) Nr. 800/2008, kas atzīst noteiktas atbalsta kategorijas par saderīgām ar kopējo tirgu, piemērojot Līguma 87. un 88. pantu (vispārējā grupu atbrīvojuma regula)

(Dokuments attiecas uz EEZ)

(2009/C 149/06)

Valsts atbalsta numurs	X 24/08	
Dalībvalsts	Vācijas Federatīvā Republika	
Dalībvalsts atsauces numurs	—	
Reģions	Reģiona nosaukums (*NUTS* (1)) Hesenes federālā zeme, *NUTS 1*	Reģionālā atbalsta statuss (2) Jaukts reģions
Piešķīrēja iestāde	Nosaukums	*Investitionsbank Hessen*
	Adrese	Schumannstr. 4-6 60325 Frankfurt am Main DEUTSCHLAND
	Tīmekļa vietne	http://www.ibh-hessen.de/
Atbalsta pasākuma nosaukums	Gründungs- und Wachstumsfinanzierung Hessen (GuW Hessen)	
Valsts līmeņa juridiskais pamats (atsauce uz attiecīgo valsts oficiālo publikāciju)	Richtlinie Gründungs- und Wachstumsfinanzierung Hessen sowie Ergänzendes Merkblatt zur Gründungs- und Wachstumsfinanzierung Hessen Keine Richtlinie des Landes, Fundstelle im Internet (s.u.)	
Tīmekļa saite uz atbalsta pasākuma pilnu tekstu	http://www.ibh-hessen.de/Kredite_GUW.cfm	
Pasākuma veids	Shēma	Jā
Spēkā esoša atbalsta pasākuma grozījums		Komisijas piešķirtais atbalsta numurs
	Pagarinājums	XS 24/02
	Grozījums	Jā
Ilgums (3)	Shēma	1.10.2008 līdz 31.12.2013
Attiecīgās tautsaimniecības nozares	Visas tautsaimniecības nozares, kas ir tiesīgas saņemt atbalstu	Jā
Saņēmēja veids	MVU	Jā
Budžets	Kopējais saskaņā ar shēmu ieplānotais budžets (4)	Kredītu apmērs apmēram 140 miljoni EUR gadā, procentu likmes subsīdija apmēram 0,4 miljoni EUR gadā
Atbalsta instruments (5. pants)	Procentu likmes subsīdija	Jā
	Aizdevums	Jā
	Citi (lūdzam precizēt)	Aizdevums ar procentu subsīdiju

Vispārēji mērķi	Mērķi	Atbalsta maksimālā intensitāte % vai atbalsta maksimālā summa valsts valūtā	MVU atvieglojumi %
Atbalsts ieguldījumiem MVU un nodarbinātībai (15. pants)	Jā. Tiks piešķirts tikai ieguldījumu atbalsts.	10/20 %	

(1) *NUTS* – Teritoriālo vienību nomenklatūra statistikai.
(2) EK līguma 87. panta 3. punkta a) apakšpunkts, EK līguma 87. panta 3. punkta c) apakšpunkts, jaukti reģioni, reģioni, kas nav tiesīgi saņemt reģionālo atbalstu.
(3) Periods, kura laikā piešķīrēja iestāde apņemas piešķirt atbalstu.
(4) Atbalsta shēmas gadījumā norādīt shēmā ieplānoto kopējo budžeta summu gadā vai nodokļu zaudējumu novērtējumu gadā visiem atbalsta instrumentiem, ko aptver šī shēma.

Valsts atbalsta numurs	X 27/08	
Dalībvalsts	Vācijas Federatīvā Republika	
Dalībvalsts atsauces numurs	—	
Reģions	Reģiona nosaukums (*NUTS* (1)) Hesenes federālā zeme, *NUTS 1*	Reģionālā atbalsta statuss (2) Reģioni, kas nav tiesīgi saņemt reģionālo atbalstu
Piešķīrēja iestāde	Nosaukums	1) *Hessisches Ministerium für Wirtschaft, Verkehr und Landesentwicklung* 2) *Investitionsbank Hessen Niederlassung Kassel*
	Adrese	1) Kaiser-Friedrich-Ring 75 65185 Wiesbaden DEUTSCHLAND 2) Kurfürstenstr. 7 34117 Kassel DEUTSCHLAND
	Tīmekļa vietne	1) www.wirtschaft.hessen.de 2) www.ibh-hessen.de
Atbalsta pasākuma nosaukums	*Förderung der regionalen Entwicklung - betriebliche Investitionen -*	
Valsts līmeņa juridiskais pamats (atsauce uz attiecīgo valsts oficiālo publikāciju)	*Richtlinien des Landes Hessen zur Förderung der regionalen Entwicklung* (Staatsanzeiger 23/2008 vom 2. Juni 2008, S. 1450)	
Tīmekļa saite uz atbalsta pasākuma pilnu tekstu	http://www.wirtschaft.hessen.de/irj/HMWVL_Internet?cid=46532f7c02f1b0545d1b707d83412db3	
Pasākuma veids	Shēma	Jā
Spēkā esoša atbalsta pasākuma grozījums		Komisijas piešķirtais atbalsta numurs
	Grozījums	XS 14/02
Ilgums (3)	Shēma	1.4.2008 līdz 31.12.2012
Attiecīgās tautsaimniecības nozares	Visas tautsaimniecības nozares, kas ir tiesīgas saņemt atbalstu	Jā
Saņēmēja veids	MVU	Jā
	Lielie uzņēmumi	Nē
Budžets	Kopējais saskaņā ar shēmu ieplānotais budžets (4)	20,9 miljoni EUR

Atbalsta instruments (5. pants)	Dotācija		Jā	
	Aizdevums		Jā	
	Citi (lūdzam precizēt)		Aizdevums ar procentu subsīdiju	
Ja atbalsta shēmu līdzfinansē no Kopienas fondiem	Atsauce(-s): CCI2007 DE 16 2 PO 005	Kopienas finansējuma summa	5,0 miljoni EUR	
Vispārēji mērķi	Mērķi		Atbalsta maksimālā intensitāte % vai atbalsta maksimālā summa valsts valūtā	MVU atvieglojumi %
Atbalsts ieguldījumiem MVU un nodarbinātībai (15. pants)	Jā. Tiks piešķirts tikai ieguldījumu atbalsts.		10/20 %	

(1) *NUTS* – Teritoriālo vienību nomenklatūra statistikai.
(2) EK līguma 87. panta 3. punkta a) apakšpunkts, EK līguma 87. panta 3. punkta c) apakšpunkts, jaukti reģioni, reģioni, kas nav tiesīgi saņemt reģionālo atbalstu.
(3) Periods, kura laikā piešķīrēja iestāde apņemas piešķirt atbalstu.
(4) Atbalsta shēmas gadījumā norādīt shēmā ieplānoto kopējo budžeta summu gadā vai nodokļu zaudējumu novērtējumu gadā visiem atbalsta instrumentiem, ko aptver šī shēma.

Valsts atbalsta numurs	X 127/08	
Dalībvalsts	Vācija	
Dalībvalsts atsauces numurs	—	
Reģions	Reģiona nosaukums (*NUTS* (1)) Bavārija	Reģionālā atbalsta statuss (2)
Piešķīrēja iestāde	Zentrum Bayern Familie und Soziales	
	Hegelstraße 2 95447 Bayreuth DEUTSCHLAND http://www.zbfs.bayern.de/	
Atbalsta pasākuma nosaukums	Die Einzelbeihilfen für Förderungen nach der anliegenden Maßnahmebeschreibung (Programmregelung) werden auf Grundlage von Zuwendungsbescheiden gewährt. In die Zuwendungsbescheide wird jeweils ein Hinweis auf die VO (EG) Nr. 800/2008 und die diesbezügliche Freistellung aufgenommen. Die Namen der Begünstigten stehen noch nicht fest. Spezifisches Ziel A1 Erhöhung des Qualifikationsniveaus von Beschäftigten und Unternehmen Aktion 1 Berufliche Weiterbildung von Beschäftigten insb. KMU, Unterstützung der Anpassung Aktion 2 Berufliche Weiterbildung von Wirtschaftsclustern	
Valsts līmeņa juridiskais pamats (atsauce uz attiecīgo valsts oficiālo publikāciju)	Operationelles Programm: Zukunft in Bayern, Europäischer Sozialfonds, Regionale Wettbewerbsfähigkeit und Beschäftigung, Bayern 2007-2013; Haushaltsordnung des Freistaates Bayern – Bayerische Haushaltsordnung - BayHO - (BayRS 630-1-F), zuletzt geändert durch § 2 des Gesetzes vom 23. April 2008 (GVBl S. 139) Fundstelle: BayRS IV, S. 664	
Tīmekļa saite uz atbalsta pasākuma pilnu tekstu	http://www.stmas.bayern.de/arbeit/esf2007-2013/programm07-13.pdf	
Pasākuma veids	Shēma	Jā
Spēkā esoša atbalsta pasākuma grozījums	Grozījums	XT 102/08

Ilgums ([3])	Shēma		1.1.2008 līdz 31.12.2013	
Attiecīgās tautsaimniecības nozares	Visas tautsaimniecības nozares, kas ir tiesīgas saņemt atbalstu		Jā	
Saņēmēja veids	MVU		Jā, galvenokārt	
	Lielie uzņēmumi		Jā	
Budžets	Kopējais saskaņā ar shēmu ieplānotais gada budžets ([4])		0,3 miljoni EUR	
Atbalsta instruments (5. pants)	Dotācija		Jā	
Ja atbalsta shēmu līdzfinansē no Kopienas fondiem	Atsauce(-s): ESF – CCI:2007DE052PO002	Kopienas finansējuma summa	5 miljoni EUR gadā	
Vispārēji mērķi	Mērķi		Atbalsta maksimālā intensitāte % vai atbalsta maksimālā summa valsts valūtā	MVU atvieglojumi %
Atbalsts mācībām (38.–39. pants)	Speciālās mācības (38. panta 1. punkts) – nē		0 %	
	Vispārējās mācības (38. panta 2. punkts) – jā		45 %	

([1]) *NUTS* – Teritoriālo vienību nomenklatūra statistikai.
([2]) EK līguma 87. panta 3. punkta a) apakšpunkts, EK līguma 87. panta 3. punkta c) apakšpunkts, jaukti reģioni, reģioni, kas nav tiesīgi saņemt reģionālo atbalstu.
([3]) Periods, kura laikā piešķīrēja iestāde apņemas piešķirt atbalstu.
([4]) Atbalsta shēmas gadījumā norādīt shēmā ieplānoto kopējo budžeta summu gadā vai nodokļu zaudējumu novērtējumu gadā visiem atbalsta instrumentiem, ko aptver šī shēma.

Dalībvalstu sniegtā informācija par valsts atbalstu, kas piešķirts saskaņā ar Komisijas Regula (EK) Nr. 800/2008, kas atzīst noteiktas atbalsta kategorijas par saderīgām ar kopējo tirgu, piemērojot Līguma 87. un 88. pantu (vispārējā grupu atbrīvojuma regula)

(Dokuments attiecas uz EEZ)

(2009/C 149/07)

Valsts atbalsta numurs	X 20/08		
Dalībvalsts	Vācija		
Dalībvalsts atsauces numurs	—		
Reģions	Reģiona nosaukums (*NUTS*) (1) *Šlēsvigas-Holšteinas federālā zeme ar Herzogtum Lauenburg, Pinneberg (bez Helgolandes), Segeberg un Stormarn apriņķiem*		Reģionālā atbalsta statuss (2) *Reģions, kas nav tiesīgs saņemt reģionālo atbalstu*
Piešķīrēja iestāde	*Investitionsbank Schleswig-Holstein*		
	Fleethörn 29-31 24103 Kiel DEUTSCHLAND http://www.ib-sh.de		
Atbalsta pasākuma nosaukums	Investitionsförderung im Hamburg-Rand-Raum		
Valsts līmeņa juridiskais pamats (atsauce uz attiecīgo valsts oficiālo publikāciju)	Richtlinie für die einzelbetriebliche Investitionsförderung im Rahmen des Zukunftsprogramms Wirtschaft aus Mitteln des Europäischen Fonds für Regionale Entwicklung für Vorhaben kleiner und mittlerer Unternehmen im südlichen Schleswig-Holstein („Investitionsförderung im Hamburg-Rand-Raum“), Amtsblatt Schleswig-Holstein 2008., 849. lpp.		
Tīmekļa saite uz atbalsta pasākuma pilnu tekstu	www.ib-sh.de/hamburg-rand		
Pasākuma veids	Atbalsta shēma		Ieguldījumu dotācija MVU
Spēkā esoša atbalsta pasākuma grozījums			Komisijas piešķirtais atbalsta numurs
	Grozījums		XS 62/07
Ilgums (3)	Shēma		30.6.2008. līdz 31.12.2013.
Attiecīgās tautsaimniecības nozares	Visas tautsaimniecības nozares, kas ir tiesīgas saņemt atbalstu		Visas nozares, kurās drīkst piešķirt atbalstu MVU
Saņēmēja veids	MVU		Tikai MVU
Budžets	Kopējais saskaņā ar shēmu ieplānotais budžets (4)		Apmēram 5 miljoni EUR gadā
Atbalsta instruments (5. pants)	Dotācija		Jā
Ja atbalsta shēmu līdzfinansē no Kopienas fondiem	Atsauce(-s): CCI Nr. 2007 DE 162 PO 003	Kopienas finansējuma summa	Apmēram 5 miljoni EUR gadā

Vispārēji mērķi	Mērķi	Atbalsta maksimālā intensitāte % vai atbalsta maksimālā summa valsts valūtā	MVU atvieglojumi %
Atbalsts ieguldījumiem MVU un nodarbinātībai (15. pants)	Pašreizējo darba vietu saglabāšana vai jaunu darba vietu radīšana, sniedzot atbalstu maziem un vidējiem uzņēmumiem viņu ražotņu izveidei, paplašināšanai un modernizācijai	Atbilstoši vispārējā grupu atbrīvojuma regulas 15. pantam resp. 44. panta 2. punktam	

(1) *NUTS* – Teritoriālo vienību nomenklatūra statistikai.
(2) EK līguma 87. panta 3. punkta a) apakšpunkts, EK līguma 87. panta 3. punkta c) apakšpunkts, jaukti reģioni, reģioni, kas nav tiesīgi saņemt reģionālo atbalstu.
(3) Periods, kura laikā piešķīrēja iestāde apņemas piešķirt atbalstu.
(4) Atbalsta shēmas gadījumā norādīt shēmā ieplānoto kopējo budžeta summu gadā vai nodokļu zaudējumu novērtējumu gadā visiem atbalsta instrumentiem, ko aptver šī shēma.

Valsts atbalsta numurs	X 22/08	
Dalībvalsts	Vācija	
Dalībvalsts atsauces numurs	—	
Reģions	Reģiona nosaukums (*NUTS*) (1) Ziemeļreina-Vestfālene	Reģionālā atbalsta statuss (2) EK līguma 87. panta 3. punkta c) apakšpunkts; jaukti reģioni, kas nav tiesīgi saņemt reģionālo atbalstu
Piešķīrēja iestāde	Nosaukums	*NRW.BANK*
	Adrese Tīmekļa vietne	Johanniterstraße 3 48145 Münster DEUTSCHLAND http://www.nrwbank.de
Atbalsta pasākuma nosaukums	Regionales Wirtschaftsförderungsprogramm NRW (RWP.NRW); Richtlinie für die Gewährung von Finanzhilfen zur Förderung der gewerblichen Wirtschaft einschließlich des Tourismusgewerbes vom 12.9.2008	
Valsts līmeņa juridiskais pamats (atsauce uz attiecīgo valsts oficiālo publikāciju)	1. *36. Rahmenplan der Bund/Länder-Gemeinschaftsaufgabe „Verbesserung der regionalen Wirtschaftsstruktur" (BAnz. vom 12. April 2007, Seite 4713), geändert durch den Beschluss des Koordinierungsausschusses vom 10.9.2008 (BAnz. vom 24. September 2008, Seite 3452*). 2. *Landeshaushaltsordnung NRW i. d. F. der Bekanntmachung vom 26. April 1999 (SGV.NRW 630*).	
Tīmekļa saite uz atbalsta pasākuma pilnu tekstu	http://www.nrwbank.de/pdf/dt/RWP_NRW/RWP_Richtlinie_12.09.08.pdf	
Pasākuma veids	Shēma	X
Spēkā esoša atbalsta pasākuma grozījums		Komisijas piešķirtais atbalsta numurs
	Grozījums	XS 26/07 Reģionālās tautsaimniecības veicināšanas programmas pielāgošana Regulai (EK) Nr. 800/2008
Ilgums (3)	Shēma	1.10.2008. līdz 31.12.2013.
Attiecīgās tautsaimniecības nozares	Visas tautsaimniecības nozares, kas ir tiesīgas saņemt atbalstu	Jā, izņemot *RWP NRW* 3.2. punktā nosauktās tautsaimniecības nozares
Saņēmēja veids	MVU	Jā
	Lielie uzņēmumi	Jā, tikai reģionos, kas saskaņā ar 87. panta 3. punkta c) apakšpunktu ir tiesīgi saņemt reģionālo atbalstu

Budžets	Kopējais saskaņā ar shēmu ieplānotais budžets (4)	Apmēram 50 miljoni EUR	
Atbalsta instruments (5. pants)	Dotācija	Jā	
Vispārēji mērķi	Mērķi	Atbalsta maksimālā intensitāte % vai atbalsta maksimālā summa valsts valūtā	MVU atvieglojumi %
Reģionālais atbalsts ieguldījumiem un nodarbinātībai (5) (13. pants)	Shēma	15 %	20/10 %
Atbalsts ieguldījumiem MVU un nodarbinātībai (15. pants)		20/10 %	
Atbalsts konsultācijām MVU un to dalībai tirdzniecības izstādēs (26.–27. pants)	Atbalsts konsultācijām MVU (26. pants)	50 %	

(1) *NUTS* – Teritoriālo vienību nomenklatūra statistikai.
(2) EK līguma 87. panta 3. punkta a) apakšpunkts, EK līguma 87. panta 3. punkta c) apakšpunkts, jaukti reģioni, reģioni, kas nav tiesīgi saņemt reģionālo atbalstu.
(3) Periods, kura laikā piešķīrēja iestāde apņemas piešķirt atbalstu.
(4) Atbalsta shēmas gadījumā norādīt shēmā ieplānoto kopējo budžeta summu gadā vai nodokļu zaudējumu novērtējumu gadā visiem atbalsta instrumentiem, ko aptver šī shēma.
(5) Ja *ad hoc* reģionālais atbalsts papildina saskaņā ar atbalsta shēmu(-ām) piešķirto atbalstu, lūdzam norādīt gan saskaņā ar shēmu piešķirtā atbalsta intensitāti, gan *ad hoc* atbalsta intensitāti.

Valsts atbalsta numurs	X 23/08	
Dalībvalsts	Vācija	
Dalībvalsts atsauces numurs	—	
Reģions	Reģiona nosaukums (*NUTS*) (1) Šlēsvigas-Holšteinas federālā zeme ar 1. *Herzogtum Lauenburg apriņķi, Steinburg apriņķa daļu, Plön apriņķi, Rendsburg-Eckernförde apriņķi, Ķīles un Neumünster pilsētām, Lībekas un Flensburgas pilsētu daļām,* 2. *Dithmarschen, Nordfriesland, Schleswig-Flensburg, Ostholstein apriņķiem, Steinburg apriņķa daļu, Lībekas un Flensburgas pilsētu daļām, Pinneberg apriņķi (tikai Helgolandes pagasts)*	Reģionālā atbalsta statuss (2) *Reģions, kas nav tiesīgs saņemt reģionālo atbalstu (tā sauktais GA-D atbalstāmais reģions)* Reģions, kas saskaņā ar EK līguma 88.panta 3.punkta c) apakšpunktu ir tiesīgs saņemt reģionālo atbalstu (t. s. GA-C atbalstāmais reģions)
Piešķīrēja iestāde	*Investitionsbank Schleswig-Holstein*	
	Fleethörn 29-31 24103 Kiel DEUTSCHLAND http://www.ib-sh.de/	
Atbalsta pasākuma nosaukums	Einzelbetriebliche Investitionsförderung im Rahmen des Europäischen Fonds für Regionale Entwicklung	
Valsts līmeņa juridiskais pamats (atsauce uz attiecīgo valsts oficiālo publikāciju)	Ergänzende Grundsätze für die einzelbetriebliche Investitionsförderung im Rahmen der Gemeinschaftsaufgabe „Verbesserung der regionalen Wirtschaftsstruktur“ und des Europäischen Fonds für Regionale Entwicklung, Amtsblatt Schleswig-Holstein 2008., 883. lpp.	
Tīmekļa saite uz atbalsta pasākuma pilnu tekstu	www.ib-sh.de/zuschuss-ga	

Pasākuma veids	Shēma		Ieguldījumu dotācija	
Ilgums (3)	Shēma		1.10.2008. līdz 31.12.2013.	
Attiecīgās tautsaimniecības nozares	Visas tautsaimniecības nozares, kas ir tiesīgas saņemt atbalstu		Neattiecas uz konkrētu nozari	
Saņēmēja veids	MVU		Jā	
	Lielie uzņēmumi		Jā, ja atbalstu sniedz reģionā, kas ir tiesīgs saņemt reģionālo atbalstu	
Budžets	Kopējais saskaņā ar shēmu ieplānotais budžets (4)		Apmēram 15 miljoni EUR gadā	
Atbalsta instruments (5. pants)	Dotācija		Jā	
Ja atbalsta shēmu līdzfinansē no Kopienas fondiem	Atsauce(-s): CCI Nr. 2007 DE 162 PO 003	Kopienas finansējuma summa	Apmēram 15 miljoni EUR gadā	
Vispārēji mērķi	Mērķi		Atbalsta maksimālā intensitāte % vai atbalsta maksimālā summa valsts valūtā	MVU atvieglojumi %
Reģionālais atbalsts ieguldījumiem un nodarbinātībai (5) (13. pants)	Shēma Jā, ja atbalstu sniedz reģionā, kas ir tiesīgs saņemt reģionālo atbalstu (skat. informāciju sadaļā "Reģions", 2. punkts); Pašreizējo darba vietu saglabāšana vai jaunu darba vietu radīšana, sniedzot atbalstu maziem, vidējiem un lieliem uzņēmumiem viņu ražotņu izveidei, paplašināšanai un modernizācijai		Atbilstoši vispārējā grupu atbrīvojuma regulas 9. pantam (tāpat kā atbalsta Aid XR 31/07 gadījumā)	
Atbalsts ieguldījumiem MVU un nodarbinātībai (15. pants)	Jā, ja atbalstu sniedz ārpus reģiona, kas ir tiesīgs saņemt reģionālo atbalstu (skat. informāciju sadaļā "Reģions", 1. punkts); Pašreizējo darba vietu saglabāšana vai jaunu darba vietu radīšana, sniedzot atbalstu maziem un vidējiem uzņēmumiem viņu ražotņu izveidei, paplašināšanai un modernizācijai		Atbilstoši vispārējā grupu atbrīvojuma regulas 15. pantam	

(1) *NUTS* – Teritoriālo vienību nomenklatūra statistikai.
(2) EK līguma 87. panta 3. punkta a) apakšpunkts, EK līguma 87. panta 3. punkta c) apakšpunkts, jaukti reģioni, reģioni, kas nav tiesīgi saņemt reģionālo atbalstu.
(3) Periods, kura laikā piešķīrēja iestāde apņemas piešķirt atbalstu.
(4) Atbalsta shēmas gadījumā norādīt shēmā ieplānoto kopējo budžeta summu gadā vai nodokļu zaudējumu novērtējumu gadā visiem atbalsta instrumentiem, ko aptver šī shēma.
(5) Ja *ad hoc* reģionālais atbalsts papildina saskaņā ar atbalsta shēmu(-ām) piešķirto atbalstu, lūdzam norādīt gan saskaņā ar shēmu piešķirtā atbalsta intensitāti, gan *ad hoc* atbalsta intensitāti.

V

(Atzinumi)

ADMINISTRATĪVAS PROCEDŪRAS

EIROPAS PERSONĀLA ATLASES BIROJS (EPSO)

PAZIŅOJUMS PAR ATKLĀTU KONKURSU EPSO/AST/99/09

(2009/C 149/08)

Eiropas Personāla atlases birojs (EPSO) rīko atklātu konkursu EPSO/AST/99/09 korektoru (AST 3), kuru galvenā valoda ir angļu valoda (EN), pieņemšanai darbā.

Paziņojums par konkursu ir publicēts Oficiālā Vēstneša C sērijā 149 A 2009. gada 1. jūlijā tikai angļu valodā.

Sīkāka informācija atrodama EPSO tīmekļa vietnē http://eu-careers.eu

PROCEDŪRAS, KAS SAISTĪTAS AR KONKURENCES POLITIKAS ĪSTENOŠANU

KOMISIJA

VALSTS ATBALSTS – APVIENOTĀ KARALISTE

Valsts Atbalsts C 14/2008 (ex NN 1/2008) – pārstrukturēšanas atbalsts uzņēmumam Northern Rock

Uzaicinājums iesniegt piezīmes saskaņā ar EK līguma 88. panta 2. punktu

(Dokuments attiecas uz EEZ)

(2009/C 149/09)

Komisija ar 2009. gada 7. maija vēstuli, kas autentiskajā valodā pievienota šim kopsavilkumam, paziņoja Apvienotajai Karalistei par savu lēmumu uzsākt EK līguma 88. panta 2. punktā noteikto procedūru attiecībā uz iepriekšminēto pasākumu.

Ieinteresētās personas viena mēneša laikā pēc šā kopsavilkuma un tam pievienotās vēstules publicēšanas dienas var iesniegt piezīmes par pasākumu, attiecībā uz kuru Komisija uzsāk procedūru, nosūtot tās uz šādu adresi:

European Commission
Directorate-General for Competition
State aid Greffe
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Fakss +32 22961242

Šīs piezīmes paziņos Apvienotajai Karalistei. Ieinteresētā persona, kas iesniedz piezīmes, var rakstveidā pieprasīt, lai tās identitāte netiktu atklāta, norādot šādas prasības iemeslus.

KOPSAVILKUMS

I. PROCEDŪRA

1. Komisija 2008. gada 2. aprīlī uzsāka EK līguma 88. panta 2. punktā paredzēto procedūru attiecībā uz pārstrukturēšanas plānu, ko Apvienotās Karalistes iestādes iesniegušas saistībā ar *Northern Rock* pārstrukturēšanu. Komisija 2008. gada 2. maijā saņēma piezīmes no Apvienotās Karalistes un 2008. gada 15. jūlijā nosūtīja tai pārējo ieinteresēto personu piezīmes. Apvienotās Karalistes iestādes 2008. gada 28. augustā sniedza atbildi uz šīm piezīmēm. Komisija pēc tam vairākkārt saņēma informāciju no Apvienotās Karalistes iestādēm. Apvienotās Karalistes iestādes 2009. gada sākumā informēja Komisiju, ka tās vēlas grozīt pārstrukturēšanas plānu. Informāciju par jauno plānu tās sniedza 2009. gada 20. februārī, 2009. gada 31. martā un 2009. gada 2. aprīlī.

II. FAKTI

2. Atbalsta saņēmējs ir uzņēmums *NR*, kas bija piektā lielākā hipotēku banka Apvienotajā Karalistē ar kopējo bilances vērtību 101 miljards sterliņu mārciņu (31.12.2006). *NR* pamatdarbība ir hipotekāro kredītu izsniegšana mājokļu iegādei. Pēdējo astoņu gadu laikā banka aptuveni trīs reizes palielināja savu tirgus daļu Apvienotās Karalistes hipotekārajā tirgū. *NR* savu kreditēšanas pieaugumu galvenokārt finansēja, izmantojot starpbanku finansējumu un pārvēršot savus aktīvus vērtspapīros. Taču šī pieeja radīja problēmas, jo pasaules finanšu tirgu satricinājumu dēļ praktiski tika slēgti tirgi hipotēku pārvēršanai vērtspapīros un vienlaikus kļuva ļoti sarežģīti iegūt līdzekļus starpbanku naudas tirgū, jo bankas aizvien lielākā mērā nevēlējās izsniegt savstarpējus aizdevumus.

3. Pēc tam, kad Apvienotās Karalistes iestādes bija garantējušas esošos privātpersonu un starpbanku noguldījumus un jaunus privātpersonu noguldījumus un bija *NR* nodrošinājušas likviditātes mehānismu, tās 2008. gada februārī nacionalizēja *NR*. Apvienotās Karalistes iestādes 2008. gada 17. martā paziņoja Komisijai par pārstrukturēšanas plānu, kura būtiskākie elementi ir šādi: i) bilances, kuras vērtība ir 101 miljarda sterliņu mārciņu, samazināšana par aptuveni […] (*) % līdz 2011. gada beigām, ii) bilances stabilizēšana,

(*) Konfidenciāla informācija, iespējamības gadījumā skaitļi ir aizstāti ar intervālu [iekavās].

palielinot privātpersonu noguldījumu daļu, iii) uzņēmējdarbības izbeigšana Dānijā un uzņēmējdarbības turpmāka nepaplašināšana Īrijā un Gērnsijā. Plānu atbalstītu ar pārstrukturēšanas atbalstu, kurš galvenokārt ietvertu glābšanas atbalsta pasākumu termiņa pagarināšanu. Apvienotās Karalistes iestādes bija sagatavojušās veikt vairākus kompensācijas pasākumus, lai ierobežotu konkurences izkropļojumus, tostarp: a) bilances samazināšanu, b) jaunu hipotekāro kredītu apjoma samazināšanu, c) *NR* uzņēmējdarbības izbeigšanu Dānijā un uzņēmējdarbības turpmāku nepaplašināšanu Īrijā un Gērnsijā un d) Konkurences hartas pieņemšanu, kurā noteikts, uz kāda pamata *NR* varētu konkurēt tirgū.

4. Saasinājušās finanšu krīzes un tās negatīvās ietekmes uz *NR* kapitāla pozīciju rezultātā Apvienotās Karalistes iestādes kopā ar *NR* grozīja pārstrukturēšanas plānu. Saskaņā ar jauno plānu *NR* tiktu sadalīta divos uzņēmumos:

i) "BankCo", uz kuru no *Northern Rock* pārvedīs šādus aktīvus: privātpersonu noguldījumu portfeli (aptuveni 19,5 miljardi sterliņu mārciņas), kas atbilst aptuveni […] miljardiem sterliņu mārciņu skaidrā naudā un aptuveni […] miljardiem sterliņu mārciņu *Northern Rock* […] neieķīlātiem hipotekāriem aktīviem. Starpbanku noguldījumi, kuru pašreizējā vērtība ir aptuveni […] miljardi sterliņu mārciņu un kuri ietver skaidras naudas līdzekļus, *Northern Rock* hipotekāros kredītus un pakalpojumu platformu, tās filiāles, attiecīgo personālu un sistēmas un *GIC* kontus ([1]), kas ietver vienādas vērtības skaidras naudas līdzekļus (aptuveni […] miljardi sterliņu mārciņu);

ii) "AssetCo" būs pašreizējais uzņēmums *Northern Rock plc*, un tajā paliks hipotekāro aizdevumu mājokļu iegādei atlikusī daļa un *Northern Rock* starpbanku finansēšanas instrumenti (tā dalība *Granite* pārvēršanas vērtspapīros instrumentā un tā saistības atbilstoši segtajām obligācijām un *EMTN* programmām kopā ar to saistīto riska ierobežošanu) kopā ar saistītajām saistībām. *AssetCo* būs arī atbildīga par valdības pašreizējo aizdevumu *Northern Rock*, kuru palielinās par summu apmērā no […] miljardiem līdz […] miljardiem sterliņu mārciņu (atkarībā no aktīviem un pasīviem bankas sadalīšanas brīdī), lai varētu īstenot pārstrukturēšanu, un tai nodrošinās apgrozāmo kapitālu līdz pat […] miljardu sterliņu mārciņu apmērā, lai nodrošinātu, ka […] laikā tai ir atbilstoša likviditāte. Par šo apgrozāmo kapitālu būs jāmaksā komerclikme.

5. Jaunajā pārstrukturēšanas plānā paredzēti arī kapitāla ieguldījumi *BankCo* un *AssetCo* […] miljardu sterliņu mārciņu apmērā un attiecīgi […] miljardu sterliņu mārciņu apmērā pamatscenārija gadījumā, izmaiņas aizdevumu izsniegšanas stratēģijā, esošās hipotēkas dzēšanas programmas atcelšana un izmaiņas konkurences regulējumā, kas ļauj *NR* palielināt tās aizdevumus 2009. un 2010. gadā kopumā par 14 miljardiem sterliņu mārciņu.

([1]) Tie ir bankas konti saistībā ar *Granite* pārvēršanas vērtspapīros struktūru, kuri atrodas *NR*.

III. **NOVĒRTĒJUMS**

6. Attiecībā uz 2009. gada 31. martā paziņoto pārstrukturēšanas atbalstu Komisija ir nolēmusi uzsākt sīkāku izmeklēšanu turpmāk minēto iemeslu dēļ.

— Pirmkārt, Komisija norāda, ka jaunais pārstrukturēšanas plāns atbrīvos *BankCo* no vajadzības ņemt dārgu finansējumu tirgū, lai segtu zaudējumus, kādus radījuši *NR* riskantie aizņēmumi pagātnē. Tas, šķiet, veido sava veida samazinātas vērtības aktīvu glābšanas pasākumu, jo Apvienotās Karalistes valdība galvenokārt pārņem lielu daļu no *BankCo* samazinātas vērtības aktīviem no *NR* darbības. *BankCo* nav arī jāatmaksā valdības aizdevums, un tā saņem gan *NR* [...] aktīvus, gan ievērojamu skaidras naudas summu. Rezultātā šķiet, ka *BankCo* kļūst par ļoti konkurētspējīgu banku. Nav skaidrs, vai *BankCo* pašas ieguldījumu apmērs atbilst glābšanas un pārstrukturēšanas pamatnostādņu principiem. Tāpēc Komisija apšauba, ka atbalsts ir ierobežots līdz minimumam un *BankCo* pašas ieguldījumi ir bijuši atbilstoši.

— Otrkārt, Komisija apšauba, ka pasākumu negatīvā papildu ietekme uz konkurentiem ir samazināta līdz minimumam. Kā minēts iepriekš, šķiet, ka *BankCo* pārstrukturēšanas rezultātā ir kļuvusi ļoti konkurētspējīga un ar kapitālu nodrošināta banka. Atbalsta rezultātā *BankCo* var potenciāli palielināt savu hipotekāro kredītu apjomu un pēc tam palielināt savu dalību tirgū uz citu konkurentu rēķina, jo pretstatā tiem tai nav jāuzņemas slogs saistībā ar aktīvu zaudējumiem. Komisija arī piezīmē, ka *BankCo* turpinās pārvaldīt *AssetCo* aizdevumus, kas nozīmē, ka tai ir vēl viena priekšrocība – uzturēt kontaktus ar pašreizējiem klientiem. Ņemot vērā atbalsta summu, Komisija apšauba, ka konkurences izkropļojumus var pietiekami kompensēt ar pasākumiem, kuru mērķis it ierobežot konkurences izkropļojumus.

VĒSTULES TEKSTS

"The Commission wishes to inform the United Kingdom that, having examined the revised restructuring plan such as notified by your authorities regarding the case referred to above, it has decided to extend the procedure laid down in Article 88(2) of the EC Treaty which was opened by decision C(2008)1210 final of 2 April 2008 ("the opening decision").

1. **PROCEDURE**

(1) On 17 March 2008, the UK authorities submitted to the Commission a restructuring plan for Northern Rock ("NR") and notified the State aid measures which would accompany that plan to enable it to be implemented. On 2 April 2008, the Commission opened a formal investigation procedure pursuant to Article 88(2) EC Treaty regarding the restructuring aid planned to be granted to Northern Rock. By letter of 2 May 2008, the UK responded to the opening decision.

(2) By letter of 25 April 2008, the Commission sent questions regarding the restructuring plan submitted on 31 March 2008, which was a slightly amended version of the plan notified on 17 March 2008. The UK provided answers by letter of 6 June 2008. On 30 June 2008, a meeting was held between the Commission services and the UK authorities. Following that meeting, the UK authorities provided additional information by letter of 13 August 2008. The UK authorities also provided information by letter of 8 July 2008.

(3) The opening decision was published in the *Official Journal of the European Union* ([1]). The Commission invited interested parties to submit their comments on the aid. The Commission has received comments from interested parties. By letter of 15 July 2008, received on 31 July 2008, it has forwarded them to the UK, which was given the opportunity to react; its comments were received by letter of 29 August 2008.

(4) On 5 August 2008, the UK government announced that it intended to convert up to 3 billion pounds of loans to Northern Rock into equity.

(5) On 11 November 2008, 15 January 2009 and 4 February 2009, the UK authorities informed the Commission that it was considering plans for restructuring NR which significantly differed from the ones notified in March 2008 and outlined these plans.

(6) On 20 February 2009, the UK authorities provided additional information on the intention to split the NR in two. A more detailed plan was notified by letter of 31 March 2009 and 2 April 2009.

2. DESCRIPTION

2.1. The beneficiary and its difficulties

(7) Before the difficulties started in the second half of 2007, NR was the 5th biggest UK mortgage bank with a balance-sheet total of GBP 113,5 billion on 30 June 2007. In 2006, its interest income represented GBP 5 billion, with a profit of GBP 443 million. The bank had a staff of 6 000 persons. NR has 77 branches throughout the UK and was present in Ireland, Denmark and Guernsey. Residential mortgage lending was NR's core activity. It represented more than 90 % of all outstanding loans to customers. In the first half of 2007, the bank had a market share of UK gross mortgage lending of 9,7 % and of net mortgage lending of 18,9 % ([2]). NR financed the majority of its long-term mortgage loans by issuing securitised notes. In March 2001 NR established a "master trust" securitisation structure known as "Granite" of which it has made extensive use. NR also funded itself through the issue of "covered bonds".

(8) In section 2.1 of the first opening decision, the Commission provided more information on the beneficiary. Section 2.2 of the opening decision described the difficulties it encountered, which led the UK authorities to provide loans and guarantees, which were approved as rescue aid by the Commission Decision of 5 December 2007 ([3]). Some of the loans were initially granted by the Bank of England ("BoE") and counter-guaranteed by the State. All the loans granted by BoE were novated on 28 August 2008 to HM Treasury. Section 2.3.1 of the opening decision described the circumstances which led the State to provide additional state guarantees on 18 December 2007. (In section 4.5.2 of the opening decision, the Commission concluded that these additional guarantees constituted compatible rescue aid.) Sections 2.3.2 and 2.3.3 of the opening decision described respectively the attempts by NR and the UK authorities to find a private sector solution and the restructuring plans submitted to the government by Virgin and by NR's management. Section 2.3.4 indicated that NR was nationalised on 22 February 2008 on the basis of legislation introduced the preceding days.

2.2. The restructuring plan notified on 17 March 2008

(9) The restructuring plan notified on 17 March 2008 was described in section 2.3.5 of the first opening decision. The main elements of this plan are summarised once more here below, in order to facilitate the comparison with the new restructuring plan.

(10) As regards the size of the balance sheet, the plan notified on 17 March 2008 envisaged that the NR balance sheet would contract in the first five years of the plan from about GBP 107 billion in 2007 to about GBP 48-53 billion at the end of 2011. This would be achieved through an active retail mortgage redemption programme with the aim of encouraging at least 60 % of customers with maturing products (i.e. maturing from product deals) to remortgage with another lender; and exiting all new commercial lending and new standalone unsecured lending. NR would also continue to conduct limited levels of new lending over this period (in the base case about 18-23 billion in total for the four years from 2008 to 2011 compared with more that GBP 30 billion in 2007). This new lending would be offered predominantly to high credit quality new customers.

(11) As to the structure of funding and limiting maturity mismatch, the plan envisaged that the proportion of retail funding to total funding would increase from 15-20 % in 2008 to about […] ([4]) in 2011 and about […] in 2012, re-balancing the balance sheet. This would be reflected in a decrease in total funding and an increase in retail deposits from GBP 10,5 billion at the end of 2007 (i.e. after the bank run) to about GBP […] billion in 2011, which remains below the pre-crisis level of GBP 24 billion. The projected growth in the deposit base represented a moderate increase in the share of the total market compared to levels prevailing at the time (about 1,2-1,5 % compared to 0,8 %) and below the pre-crisis share of 1,9 % for the duration of the restructuring period.

(12) As regards overseas activities, NR proposed that its Danish operations would be closed and a small capability would be retained in Ireland and Guernsey to maintain some diversification of the funding base.

([1]) OJ C 135, 3.6.2008, p. 21.
([2]) Gross lending is total advances, and net lending is advances less redemptions and repayments.
([3]) OJ C 43, 16.2.2008.
([4]) Business secret, where possible, figures have been replaced by ranges in [brackets].

(13) As regards the BoE facilities, the plan's priority was their rapid repayment. The plan envisaged that these facilities would be fully repaid around […] 2010 in the base case, although there would be a BoE/Treasury liquidity facility that might remain in place until about the end of […].

(14) As regards the State guarantees, the plan envisaged, in the base case, the removal of all guarantees by the end of 2011. There would be a staggered release. As regards the retail funding guarantee arrangements (which cover all new and existing retail deposits) in the base case, the indicative earliest release date for new retail deposits would be […]. The indicative earliest release date for existing retail deposits would be the […]. For non-retail deposits, the indicative date for removal of the guarantees in the base case would be during […]. Under the recession case scenario, the guarantee arrangements would be required until about 2013. The precise timing of the release of the guarantee arrangements would be driven by capital requirements and market conditions.

(15) As regards management, there was a significant change in the composition of the board with the appointment of a new executive Chairman, a new Chief Financial Officer, and three new non-executive directors appointed by the Government.

(16) As regards compensatory measure, the Government was prepared to commit to the following specific measures:

(i) A targeted reduction in the balance sheet by over […] % to about GBP 48-53 billion by 2011.

(ii) A reduction of new residential mortgage origination from (in the base case) over GBP 30 billion in 2007 to about GBP 18-23 billion in total for the four years from 2008 to 2011, and in any event within the limits of the market share cap on gross new lending.

(iii) A commitment to an aggressive redemption policy including the active encouragement of redeeming customers to move to competitors.

(iv) Closure and run-off of NR's operations in Denmark in 2008 and a commitment not to expand in other EU markets before 2011.

(v) A commitment to a "Competitive Charter", which would notably include commitments that:

(i) NR would not promote its Government backing in any market;

(ii) NR would not allow its share of retail deposit balances to exceed 1,5 % in the UK and [0,8-1 %] in Ireland;

(iii) NR would limit its share of gross new mortgage origination to below 2,5 % in any calendar year;

(iv) NR would ensure that it would not rank within the top positions in the defined 15 Moneyfacts retail deposit categories for the remainder of 2008;

(vi) A commitment to withdraw from unsecured personal lending and commercial lending for the restructuring period.

(vii) A commitment not to increase the overall number of branches in the UK.

(17) The plan envisaged that these compensatory measures, unless otherwise specified above, would remain in place until such time as the BoE/Treasury financial assistance has been fully repaid (and the liquidity facility transferred to a third party provider) and the balance sheet guarantee arrangements have been released in full.

2.3. **The new restructuring plan notified on 2 April 2009**

(18) From December 2007 onwards, Northern Rock's capital position has deteriorated significantly. By December 2008 Core Tier 1 capital had fallen to -GBP 17,1 million and total Tier 1 capital (after deductions) to -GBP 110,4 million due to severe losses incurred by Northern Rock as a result of the global financial crisis. [1] In addition the reduction in the company's balance sheet in accordance with the original restructuring plan, combined with the effects of the financial crisis has led to an increase in the risk weighting of assets in the short to medium term as the credit quality of the remaining book decreased, leading to an effective increase in Tier 1 capital requirements. Revised projections now indicate that up to GBP […] billion of additional capital would be required under the plan of March 2008 if the deterioration of the book continues.

(19) Given the significant interest rate cuts as a result of the financial crisis and the consequential reduction of Northern Rock's SVR [2], the company also anticipates a significant reduction in the rate of mortgage redemptions in 2009. In the restructuring plan that was notified in March 2008, it was expected that 60 % of customers maturing from product deals would redeem in 2009. This is now expected to reduce to around [30 %-40 %].

(20) In light of these concerns, the Government and Northern Rock have agreed a number of modifications to the restructuring plan as originally set out in March 2008 in order to recognise the significant change in market conditions over this period, address the capital position, and support the wider initiatives that the Government is taking to support the UK economy.

2.3.1. *The split of the bank in a bad bank and a good bank*

(21) The core proposal is that there will be a restructuring of the business so that the majority of the back book of mortgages, and Northern Rock's existing wholesale funding arrangements, will be managed separately from its other businesses. Northern Rock will be divided into:

[1] NR has registered a pre-tax loss of approximately GBP 1,4 billion over 2008 and the reserves decreased significantly if compared to the end of 2007 as stated in its 2008 annual accounts http://companyinfo.northernrock.co.uk/downloads/2008_annual_report.pdf

[2] UK term for each lender's standard variable mortgage lending rate.

(i) "BankCo" which will be a new company authorised by the FSA as a deposit taker. Assets will be transferred from Northern Rock to BankCo by order under the Banking (Special Provisions) Act 2008. These are expected to include the retail deposit book, currently standing at approximately GBP 19,5 bn, matched with approximately GBP […] billion of cash assets and approximately GBP […] billion of Northern Rock's […] unencumbered mortgage assets. Wholesale deposits, currently totalling approximately GBP […] billion, will also be transferred to BankCo, matched by cash assets of an equal value. ([1]) BankCo will also contain the Northern Rock mortgage origination and servicing platform, its branches (including the branch in Ireland and the Guernsey subsidiary), relevant staff and systems. In addition, the intention is that the GIC accounts ([2]) will be transferred to BankCo, matched by cash assets of an equal value (approximately GBP […] billion); this is likely to be dependent on the company's rating and the decision of Granite's trustees.

(ii) "AssetCo" which will be the existing company, Northern Rock plc. The intention is that AssetCo will be left with the remaining pool of residential mortgages and Northern Rock's wholesale funding instruments (principally its interest in the Granite securitisation vehicle and its liabilities under the covered bond and EMTN programmes, together with associated hedging) together with the associated liabilities. AssetCo will also retain the liability for the existing Government loan to Northern Rock, which will be increased by between GBP […] and GBP […] billion (exact amount to be set depending on the assets and liabilities that exist at the time of the split) to enable the implementation of the restructuring. In addition, the Government will provide AssetCo with a working capital facility of up to GBP […] billion to ensure that it has adequate liquidity during the course of its […]. A commercial rate will be charged for this facility.

(22) There will be a service agreement between the two companies under which BankCo is likely to manage AssetCo's mortgage book and its other remaining assets and liabilities. It is envisaged that any regulated activities that AssetCo would otherwise need to perform will be carried out by BankCo under the service agreement. FSA approval of these arrangements will be required in order to enable the two entities to be capitalised separately.

(23) The current assumption is that AssetCo will be wound down […]. To the extent that AssetCo's assets are not sufficient to fund repayment of its liabilities […], further Government support may be required to permit a […].

(24) In the immediate future both BankCo and AssetCo will remain wholly owned by the Government. However, it is intended that the implementation of this structure will also assist in facilitating a return of BankCo to the private sector, and to independent operation, at an earlier date than would otherwise be the case.

([1]) The total cash transfer that is necessary to ensure that the value of the liabilities transferred to BankCo does not outweigh the value of the assets transferred will be funded principally through the extension of the current loan to Northern Rock (liability for which will rest with AssetCo).

([2]) These are bank accounts in the name of the Granite securitisation structure that are held with NR.

2.3.2. *Capital structure*

(25) In order to address the negative evolution of Northern Rock's regulatory capital base the Government had previously agreed in August 2008 to convert GBP 400 million of preference shares, and up to GBP 3 billion of the loan from the Government into ordinary shares of the company. In light of the proposed restructuring these proposals will not be implemented in this form, but as follows:

— BankCo will need to be capitalised by the Government with equity and, potentially, subordinated or other forms of long term debt in order to meet its regulatory capital requirements in a central and stress case scenario. In a stress case scenario its total capital requirement is expected to be up to GBP […] billion.

— AssetCo is currently expected to be subject to a regulatory capital requirement of 1 % in the medium term, reflecting its activities as a […]. In the medium to long term, the intention is that AssetCo will reduce its activities such that it falls outside the scope of the FSA. However, in the short term, it will need to satisfy FSA requirements before its capital requirements are reduced. In a central case AssetCo is not expected to require any capital support from the Government. However, in a stress scenario (and based on a 1 % regulatory capital requirement) AssetCo could require support of around GBP […] billion to cover a capital shortfall in 2010-11, although capital is forecast to recover to a positive position in […]. The current intention of the Government is to ensure AssetCo is able to fund repayment of its liabilities as they fall due and its ongoing operations should its assets not be sufficient.

(26) The capital requirements in a stress scenario under the revised structure therefore total approximately GBP […] billion (in line with the August 2008 proposals). The reason for the lower capital requirements is that under the revised structure the bulk of the assets that are the most capital-absorptive are held in run-off in an entity which, in the medium to long term, and subject to AssetCo falling outside the scope of the FSA's remit, is expected to have no regulatory capital requirement.

(27) Northern Rock's capital position has been addressed to date through a continuation of the interim arrangements that were set up at the same time as the August 2008 proposals. At the company's request, the FSA agreed to waive the limits on use of Tier 2 capital that would otherwise have applied as a result of the reduction in the level of total Tier 1 resources. This means that all available Tier 2 capital can be included within the capital resources of the company for the purposes of meeting the Company's minimum regulatory requirements. These arrangements were implemented on a temporary basis until the earlier of the recapitalisation of the Company or 31 December 2008. The arrangements were subsequently renewed […].

2.3.3. *Amendments to Government loan*

(28) In addition to the increase, described above, in the existing loan to Northern Rock, there will also be an adjustment to the terms of the loan. This will extend final repayment of the loan to beyond […] (or to the liquidation of AssetCo if earlier). The rate of interest will also be reviewed and a new future rate will be agreed between the Government and the company. Northern Rock plc currently pays interest at Bank of England base rate plus […] bps. As set out in the loan agreement, this will revert to […] plus […] bps when state aid approval is granted, backdated to […]. The future rate of interest to be charged on the loan is not yet fixed but will be at least […].

2.3.4. *Amendments to lending strategy*

(29) On 19 January 2009 the Government announced a series of measures designed to reinforce the stability of the financial system, increase capacity and confidence to lend, and in turn to support the recovery of the UK economy. This included an announcement that Northern Rock would no longer actively pursue a policy of rapidly reducing its mortgage book. On 23 February 2009 a further press release confirmed that Northern Rock would be increasing mortgage lending by up to GBP 14 billion over the next two years (GBP 5 billion in 2009 and up to GBP 9 billion in 2010) on a range of products. Existing customers will also no longer be actively encouraged to leave Northern Rock when their mortgage arrangements become freely renewable. The new lending will be subject to market demand and will take place on commercial terms. The new lending will be funded from the opening cash transferred to the BankCo business, deposits with BankCo, and repayments on its loan book.

2.3.5. *[…] guarantee arrangements*

(30) The March 2008 business plan envisaged the release of all guarantees by the end of 2011 (in the base case). This date was conditional on a number of factors, including repayment of the Government loan and a robust capital position ([…]). […].

(31) […]. All guarantee arrangements are subject to a minimum period of three months between the Government giving notice and guarantees being lifted. However, some products (such as fixed term bonds) are guaranteed for their term, so in these instances guarantees will roll off as the products expire.

(32) […]. It is likely that BankCo will need to achieve an A-long term rating from credit rating agencies in order to be able to access the wholesale markets. […]. The wholesale guarantee arrangements for AssetCo are likely to remain in place until exit or liquidation.

2.3.6. *Revised Competitive Framework*

(33) NR has operated within the terms of the Competitive Framework to date. It is proposed that the Competitive Framework will continue to restrict the activities of BankCo for 12 months […], although there will be some adjustments required to accommodate the revised lending strategy. More specifically:

— BankCo will limit its new mortgage lending to GBP 5 billion in the UK in 2009 and GBP 4,5 billion in the first half of 2010.

— It will also restrict the level of total retail deposit balances to no more than GBP 21 billion at any stage prior to 30 June 2010 (current retail balances amount to GBP 19,5 billion). The effect of this will be an earlier increase in the level of retail deposits than forecasted in the original plan. The March 2008 plan envisaged retail deposits of GBP 15 billion in 2009 growing to approximately GBP 26 billion in 2013. These will now be approximately GBP […] billion in 2009 […] growing to an indicative figure of GBP 25 billion by 2013.

— BankCo would also continue to follow the previous commitments to not promoting its Government backing.

(34) Modified commitments in the Competitive Charter have been framed in terms of absolute numbers, rather than market shares as this is more predictable and easier to assess given the volatility in the size and composition of the market.

3. POSITION OF THE UK

(35) The UK Government recalls that since the notification of the restructuring plan in March 2008, the situation of the world financial market and the UK economy has dramatically worsened. Several financial institutions which were present in the UK have withdrawn from the country and some of the largest UK banks are facing extreme difficulties which causes them to reduce their lending (and risk weighted assets) in order to reduce their capital requirements and improve their solvency ratios. As a consequence, the supply of mortgage loans has been severely reduced, especially for loans with high loan-to-value ratios (LTV). House prices in the UK have already declined by around 20 % compared to their highest level. Each additional decline is creating additional losses for banks, which further depletes their capital, and is increasing the risk weighting of their existing loans. Consequently, the banks further reduce new lending, which in turn contributes to reduce the demand for houses and increases downwards pressure on house prices, thus creating a downwards spiral.

(36) In response to this crisis, the Government has introduced new measures [1] and granted aid to several banks.

(37) The UK authorities recall that Northern Rock has made significant progress in repaying the Government loan to date, primarily as a result of its mortgage redemption programme under which it provides assistance to customers to access new products with alternative lenders. From a peak of approximately GBP 27 billion at the end of December 2007, Northern Rock had repaid GBP 12,5 billion on a gross basis by the end of March 2009 and remains ahead of schedule on its loan repayments. The company has also been successful in implementing other elements of the plan, including a significant reduction in its balance sheet from GBP 107 billion as at December 2007 to GBP 93 billion as at 31 December 2008 (excluding the fair value of derivatives)

[1] Aid to Bradford & Bingley in late September 2008, introduction of a recapitalisation scheme and a of a credit guarantee scheme in October 2008, announcement of an asset protection scheme on 19 July 2009.

and an increase in its level of retail funding from 10 % (at year end 2007) to 20 % (at year end 2008), withdrawal from the Danish market and from its unsecured lending business, and full compliance with the market share caps and pricing restrictions set out in its Competitive Framework. This has required Northern Rock to forego significant commercial opportunities, including giving up a large number of high credit quality profitable customers through its active mortgage redemption programme.

(38) The Government takes the view that the amendments that are proposed to the Northern Rock plan do not materially change the analysis of these arrangements under the rescue and restructuring guidelines. In particular:

— The increase in mortgage lending is consistent with the strong progress that the company has made to redeem its existing mortgage book and repay Government lending. It should also be regarded as a measure in support of wider Government intervention to address concerns about the impact of the financial crisis on the wider economy.

— Although retail deposits will increase sooner than previously envisaged, they will remain within the limits set out in the revised Competitive Framework and by 2013 the level of deposits is forecast to be less than the March 2008 business plan.

— The restructuring proposals will assist in minimising the overall level of aid to Northern Rock by reducing the overall regulatory capital requirement of the two businesses.

— […].

— The company has made a significant contribution to the costs of the restructuring in the form of the sale of the Herm portfolio and the accelerated monetisation of assets to date as described in the March 2008 plan as well as the closure of Northern Rock's branch in Denmark in June 2008.

— The Competitive Framework will continue to restrict the activities of BankCo for 12 months […], although there will be some adjustments required to accommodate the revised lending strategy. Distortions of competition as a result of the aid will therefore continue to be minimised, and in reality the competitive impact of the arrangements in relation to Northern Rock are in any event likely to be eclipsed by the wider dislocations in the market for some time.

4. ASSESSMENT

4.1. Existence of aid

(39) The Commission must assess whether the measures introduced or modified by the new restructuring plan constitute State aid. Article 87(1) EC lays down that 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 is, insofar as it affects trade between Member States, incompatible with the common market.

(40) The UK Government intends to introduce new measures and to amend existing ones in favour of AssetCo and BankCo. As such, all measures described below (increased amount of government loans, working capital facility, guarantees and capital injections in favour of AssetCo and asset relief measure in favour of BankCo, see paragraph (45)) are financed through State resources. Before individually describing these measures in more detail and assessing whether they confer a selective advantage on AssetCo and BankCo, the Commission will first assess whether State support is able to distort competition and affect trade between the Member States.

(41) Under the new plan, AssetCo will presumably not carry out any economic activities on markets where it will be in competition with other banks. It will not collect any new deposits and will not make any new loans. Instead, it will, according to the UK authorities, only realise its assets as they mature and use the proceeds of these to repay its debts as they become due and fund its ongoing operational requirements as well as any retained historic liabilities.

(42) The Commission considers that this fact does however not entail that the State measures in favour of AssetCo do not distort competition. Indeed, all the notified State measures in favour of AssetCo allow a […] of the latter, meaning that the creditors of AssetCo will be repaid […]. If the State were not to ensure the […] of AssetCo, the creditors of AssetCo would not allow the transfer of the […] assets and […] liabilities to BankCo as it would reduce their chances of obtaining repayment of their claims by AssetCo. The notified State aids which are in favour of AssetCo are therefore necessary to facilitate the transfer to BankCo of AssetCo/NR's retail deposits, mortgage writing platform and some of its good quality mortgages in order for it to continue to operate on the market [1].

(43) The Commission therefore considers that the State measures ensuring a […] of AssetCo are also directly benefiting BankCo, as it will be able to continue its activities relatively unburdened by possible impairments on the lower quality assets, since they would have been transferred to AssetCo. As a result, BankCo has an advantage over its competitors that are faced with impairments on lower quality assets, which they have to absorb, limiting the funds available for new lending. This leads to a distortion of competition.

[1] This is consistent with the Commission's analysis in the Bradford and Bingley decision, NN41/2008, *Bradford and Bingley*, OJ C 290 13.11.2008, p. 1.

(44) It observes that BankCo will be a bank competing among others on the UK retail deposit market and on the UK mortgage lending market. In these two markets, some competitors are subsidiaries of foreign banks. The Commission concludes that since the State measures favouring AssetCo also directly favour BankCo, they distort competition and affect trade between Member States.

(45) The State measures which confer a selective advantage on AssetCo are the following ones:

(i) The State plans to inject up to GBP […] billion in AssetCo (in a stress case scenario). The Commission considers that the private investor test is not applicable to this capital injection since this transaction follows several aid measures in favour of NR/AssetCo and is implemented in parallel with several additional aid measures ([1]). In addition, if it were applicable, this test would not be fulfilled since AssetCo's assets will be made of NR's […] mortgage loans, unsecured personal loans and commercial loans, which are all likely to show a significant rate of default in this period of severe recession. It is therefore unlikely to be profitable for a private investor to provide capital to AssetCo. This measure favours AssetCo by allowing it to have sufficient capital to meet the FSA requirement. This allows a […] of AssetCo and therefore favours also BankCo, as explained above. On that basis, the Commission concludes that this measure constitutes aid and invites the UK authorities to provide more information on the size of the capital injection and its terms.

(ii) The State guarantees covering the wholesale liabilities of AssetCo are likely to remain in place until State exit or liquidation. The Commission already concluded that these arrangements are State aid in the opening decision. The UK authorities are invited to provide details on the total exposures covered by these guarantee arrangements and their anticipated amortisation over time under the new plan. These State guarantees allow a […] of AssetCo and therefore favour BankCo. On that basis, the Commission concludes that these measures constitute aid.

(iii) Government will provide AssetCo with a working capital facility of up to GBP […] billion to ensure that it has adequate liquidity during the course of its […]. The Commission invites the UK authorities to provide it with more information on this facility. More generally, the UK authorities intend to ensure a […] of AssetCo and therefore intend to commit to provide any additional support necessary to AssetCo to allow it to […]. This working capital facility and this State commitment of providing further aid if necessary allows a […] of AssetCo. As explained above, this favours BankCo. On that basis, the Commission concludes that these State measures constitute aid.

(iv) The State will increase the overall level and duration of its lending to NR/AssetCo. It will increase by between GBP […] and GBP […] billion and ultimate repayment will be deferred to beyond […]. The delayed reimbursement allows a […] of AssetCo. The increased lending allows AssetCo to transfer billions of cash to BankCo. It is therefore clear that the new tenor and amount of the State lending favour also BankCo. On that basis, the Commission concludes that these State measures constitute aid and requests the UK authorities to submit more information on these measures.

(46) As indicated above, all the State measures ensuring a […] of AssetCo allow the separation of AssetCo/NR branches, its mortgage writing platform, some of its […] mortgage loans and the retail deposits into BankCo. Taking into account all the above considerations, the Commission considers that the effect of the measures in favour of AssetCo is equivalent, from an economic point of view, to a purchase of the assets of Northern Rock by the State for the following reasons. Firstly, a private operator would not have been able to structure such an operation. Indeed, it seems that the State had to make use of its prerogative powers to structure this operation. Indeed, any private operators placed in a similar situation as NR would not have been able to separate the good assets from the bad and to maintain NR economic activity without a significant capital increase. Secondly, the operation of the State […] of AssetCo's liabilities can be considered from an economic point of view to be equivalent to a purchase of non-performing assets of NR, which would allow BankCo to continue to pursue NR's economic activities. Indeed, the Commission considers that, although BankCo is newly created, it continues NR's economic activities since it provides services to the whole existing back book of NR before the operation. In particular, the customer relationship and the management of performing assets are all confined to BankCo. As confirmed by the reduced capital required by the FSA, the Commission considers that AssetCo could be seen as a State-owned vehicle whose aim is to reduce the capital requirements for BankCo pursuing NR's economic activities. Finally, the Commission considers that the State aid in the present case is not aimed at liquidating a financial institution in difficulty and limiting the State exposure by auctioning the economic activity and/or financial institution's assets on the market, but at reducing the capital injection that the State would have had to carry out otherwise as the unique shareholder of NR.

Aid at the level of BankCo

(47) Taking into account the above considerations, BankCo is a "good bank" which will operate the healthy assets of NR and will be freed from all the bad assets of NR. Under the Communication from the Commission on the *Treatment of Impaired Assets in the Community Banking Sector* ([2]) ('the Impaired Assets Communication'), the aid element in such a transaction is the difference between the market

([1]) Since AssetCo is the existing company Northern Rock plc, the Commission can at this stage not exclude that the injection of capital into AssetCo is the implementation of the commitment made by HM Treasury that it will ensure that NR will operate above the minimum capital requirements (this commitment was discussed in paragraph 91 of the opening decision). The Commission invites the UK authorities to provide their comments on that issue. If this capital injection is the implementation of the prior commitment, this would entail that the aid was granted already at that date but this would not affect the qualification of the measure as constituting aid or not.

([2]) OJ C 72, 26.3.2009, p. 1.

value of the assets guaranteed or purchased by the State and the price at which these assets have been guaranteed or purchased. In the present case, the aid element to BankCo is therefore the difference between the market value of the assets remaining in AssetCo and their value in the books of AssetCo [1]. The Commission therefore invites the UK authorities to provide this information.

(48) In addition to the foregoing measures granted to AssetCo, the Government also intends to inject up to GBP […] billion (in a stress case scenario) of capital in BankCo. It is not excluded that BankCo will be a profitable company, since it will have a portfolio of good quality mortgages and a lot of cash to make new lending. It is therefore possible that this investment will be profitable and that even a private investor could have done such investment. However, the Commission considers that the private investor test is not applicable to this capital injection since this transaction follows several aid measures in favour of NR [2] and is implemented in parallel with several additional aid measures. The measure can therefore not be assessed separately from the rest of the state interventions in favour of NR/AssetCo, which allows the transfer to BankCo of the good assets and liabilities of NR and a significant amount of cash. The selective measures in favour of BankCo therefore constitute aid.

(49) Finally, in order for the Commission to properly assess the aid measures, the UK authorities are invited to present, in addition to the information on the notified measures, a full list of the measures already granted or planned to be granted to Northern Rock under any existing aid scheme.

4.2. **Compatibility of the aid**

4.2.1. *The legal basis for the compatibility assessment of the aid*

(50) In its first opening decision of 2 April 2008, the Commission's position was that the measure could at that stage not be found compatible with the common market pursuant to Article 87(3)(b) EC, because the aid did not seem to tackle a disturbance in an entire Member State, but instead aimed to address individual problems specific to the situation of NR. [3] In particular, the Commission observed in the opening decision that, although a bankruptcy of NR would have had negative spill-over effects for other banks, the information provided by the UK had not convinced it at that point in time that these negative consequences could have reached a size constituting a serious disturbance in the economy of the UK within the meaning of Article 87(3)(b) EC.

(51) In the meantime, the Commission has acknowledged in its three Communications [4] and in its various approvals of the measures undertaken by the UK to combat the financial crisis [5], that there is serious disturbance in the UK economy and that measures supporting banks are apt to remedy serious disturbance in the UK economy. Therefore the legal basis for the assessment of the aid measures shall be Article 87(3)(b) EC.

(52) As the Commission has set out in the three Communications adopted in the context of the current financial crisis [6], aid measures granted to banks in the context of the ongoing financial crisis should be assessed in line with the principles of the rescue and restructuring aid Guidelines, while taking into consideration the particular features of the systemic crisis in the financial markets [7]. That means that the principles of the rescue and restructuring aid Guidelines may have to be adapted when applied to the restructuring of Northern Rock in the present crisis, which is assessed on the basis of Article 87(3)(b) EC. Within this context attention should be given to the rules set out in the rescue and restructuring aid Guidelines for own contribution. Given the fact that the external financing for Northern Rock has dried up and that the 50 % requirement set in rescue and restructuring aid Guidelines appears unfeasible in the current economic setting, the Commission accepts that during the crisis in the financial markets it may not be appropriate to request that the own contribution represents a predefined proportion of the costs of restructuring. Furthermore the design and implementation of measures to limit distortion of competition may also need to be reconsidered in so far as Northern Rock may need more time for their implementation due to the current market circumstances.

(53) As the Commission has indicated in previous guidance, the depth of restructuring required to return to viability should at least be in direct proportion on the one hand to the scope and volume of the aid provided to NR and on the other to the fragility of its business model.

4.2.2. *Compatibility assessment under Article 87(3)(b) EC*

(54) In view of the above it follows that in order to assess the compatibility of the aid to NR on the basis of Article 87(3)(b) EC, the Commission has to assess (i)

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(1) Indeed, AssetCo will be financed, capitalised and guaranteed by the State. In other words, any loss incurred on the assets of AssetCo compared to the current book value will be supported by the State. The Commission therefore considers the transfer value in the meaning of the Impaired Asset Communication to be the current book value of the assets of AssetCo.

(2) It is recalled that BankCo will be created on the basis of the retail deposit balances and the mortgage lending platform of NR.

(3) Paragraphs 100 and 101 of the first opening decision.

(4) Banking Communication, OJ C 270, 25.10.2008 p. 8, Recapitalisation Communication, OJ C 10, 15.1.2009 p. 2, and Impaired Assets Communication (see footnote 7 above).

(5) See amongst others Commission Decisions regarding: Financial support measures to banking sector in the UK (N 507/2008), OJ C 290 13.11.2008 p. 1 and the Working Capital Guarantee Scheme (N 111/2008) to be published in OJ.

(6) Communication from the Commission — Application of the State Aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis, OJ C 270, 25.10.2008, p. 8. points 10, 32, 42; Communication from the Commission — Recapitalisation of financial institutions in the current financial crisis: limitation of aid to the minimum necessary and safeguards against undue distortions of competition, OJ C 10, 15.1.2009, p. 2, point 44. Communication from the Commission on the Treatment of Impaired Assets in the Community banking sector, OJ C 72, 26.3.2009, p. 1, point 17 and 58 et seq.

(7) See explicitly the Banking Communication — Application of the State Aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis, OJ C 270, 25.10.2008, p. 8. point 42.

whether the restructuring plan is able to restore the long-term viability, (ii) whether the aid is limited to the minimum and (iii) whether the negative spill-over effects of the aid is limited.

(55) More generally, and in line with paragraph (47) above, the Commission invites the UK authorities to present all the necessary information justifying that the measure is consistent with the guidance set out in the Impaired Assets Communication. In particular, the UK authorities are invited to present more information on the national legal basis of the measure, whether the assets retained in AssetCo fulfilled the eligibility conditions and whether the valuation and pricing of the measure is consistent with these requirements.

(i) Restoration of long-term viability

(56) With regard to the restoration of long term viability, the new restructuring plan seems to ensure the long term viability of BankCo. Indeed under the plan BankCo will not inherit the problems of NR. […] loans of NR will remain with AssetCo. In addition, BankCo will initially have a very liquid balance sheet thanks to large amounts of cash received from AssetCo. Moreover, the about […] % of the funding will come from retail deposits, thereby diversifying the sources of liquidity.

(57) It would seem therefore that BankCo, as a result of these measures, does not risk encountering the same liquidity problems as faced by NR due to its high dependence on wholesale funding combined with long term assets. Nevertheless, the Commission observes that the UK authorities have not provided a detailed business plan that explains how BankCo will become a viable entity on a sustainable basis over the medium to long term. At this stage, viability of BankCo therefore has not been demonstrated. The Commission therefore invites the UK authorities and third parties to comment on this issue.

(ii) Aid limited to the minimum/own contribution

(58) As regards the limitation of the aid to the minimum, the Commission observes that the aid is of such a type and quantity that it would allow BankCo to be freed of having to obtain expensive funding on the current market in order to absorb the losses on a large majority of high risk loans made by NR in the past. Therefore, it would not have to support the losses on these loans. Also, BankCo would be freed from having to pay back the government loans, as they would be transferred to AssetCo. BankCo would […] receive the […] assets of NR and will initially have a lot of cash. In other words, the aid seems to allow the creation of a very competitive new bank, instead of only restoring the long term viability of the existing bank. The Commission therefore strongly doubts that the aid is limited to the minimum. It seems that recapitalising NR would have requested less aid and of a much shorter duration.

(59) As regards the limitation of the aid to the minimum, the Commission also notes that according to the Impaired Assets Communication, the State should guarantee or purchase impaired assets at a value not exceeding their real economic value. In the present case, the State accepts to fully finance and support the losses of the assets of AssetCo, whereas their book value seems significantly higher than their real economic value, since this book value does not take into account future losses on these risky loans which will be caused by the current recession. This seems to be an additional indication that the aid is above the minimum necessary and that there is no adequate burden sharing as requested in paragraph 5.2 of the Impaired Assets Communication.

(60) Furthermore, the Commission's doubts as regards the own contribution of NR to the restructuring have not been allayed by the UK authorities. The Commission observes that the restriction on new lending and the active redemption policy, which had allowed the accelerated redemption of the State loan in the last quarter, as planned in the original restructuring plan, has been abandoned and even reversed. Indeed, the AssetCo will draw additional resources under the loan facility. The Commission therefore doubts that the own contribution is sufficient and invites the UK authorities and third parties to comment on this issue.

(iii) Limiting negative spill-over effects and undue distortion competition/measures which limit the distortion of competition

(61) The funding provided to BankCo for the mortgage lending through the split-up of NR into BankCo and AssetCo could have negative spill-over effects on competitors. As a result of the funding, BankCo could increase its mortgage lending and consequently potentially increase its presence on that market at the expense of other competitors. The limits imposed by the Competitive Framework, as mentioned above, could contribute to limiting these negative spill-over effects. The Commission is interested to receive comments regarding this issue.

(62) As regards the avoidance of undue distortions of competition, the Commission strongly doubts that sufficient measures are taken to offset the negative effects of the aid. Indeed, under the new plan, AssetCo will receive a very large amount of aid which will allow it to retain the large majority of NR's assets on a solvent basis and to transfer to BankCo all the […] assets and liabilities of NR. It will also transfer to it a large amount of cash. As a consequence of all this aid, it seems that BankCo will be a very competitive firm. This bank will not have to support the losses due to all the risky lending made by NR in the past. In addition, it will not have to finance these loans, which is difficult to do on a profitable basis due to increased borrowing costs on the financial markets. Conversely, under the service agreement with AssetCo, it will manage the loans of AssetCo. In other words, it will not have to support the disadvantages of the loans made by NR in the past, but will keep the advantages, namely the contacts with the existing clients. In this sense, it is doubtful that the fact that BankCo will have a small balance sheet is really a measure limiting its market presence and can be considered as a measure which limits the distortion of competition. The Commission would therefore also welcome comments on this point.

(63) The Commission in this context also observes that the amount of aid received by NR is so large that it is not certain that sufficient measures […] implemented to avoid undue distortion of competition, […]. […].

(64) Furthermore, the Commission observes that some of the most relevant measures which aim to limit the distortion of competition proposed in the original restructuring plan have been amended. Under the new plan, aid is granted to allow the bank to make new loans of GBP 5 billion in 2009 and GBP 9 billion in 2010 (compared to GBP 5 billion each year in the original plan). In addition, NR has ceased the active redemption of maturing mortgages under its redemption programme. This programme, which has been operated by NR since 2008, has had the effect of further reducing the net supply of mortgage loans by NR.

(65) The Commission acknowledges that in the context of the current financial crisis, a severe reduction of NR's offer of new mortgage loans combined with its active retail mortgage redemption programme, in a period when there is already a general reduction of the supply of loans due to the other banks' difficulties may increase a risk that NR contributes to worsen the situation. However, this does not release NR from the obligation to enact measures which aim to limit the distortion of competition to offset the distortions of competition. The Commission invites the interested parties to comment on this issue and to indicate to what extend a reduction in NR's mortgage lending, taking into account its market share and presence, contributes to the problems on mortgage lending and until when they expect supply of mortgage loans to be constrained. Also, the Commission invites the UK to provide evidence concerning the problems regarding the supply of mortgages to the market.

5. CONCLUSION

(66) The Commission doubts at this stage that the aid measures included in the new restructuring plan are compatible with the common market. In particular, on the basis of the information available to it, the Commission cannot ascertain whether the notified aid is limited to the minimum necessary and the distortions of competition outweigh the positive effects of the aid.

DECISION

In the light of the foregoing considerations, the Commission has decided to extend the procedure laid down in Article 88(2) of the EC Treaty with respect to the measures notified on 2 April 2009. The Commission requires the UK, within one month of receipt of this letter, to provide in addition to all documents already received, all the relevant information and data needed for the assessment of these measures.

In particular, the Commission would wish to receive comments on the points on which it raised doubts. The UK is requested to forward a copy of this letter to the potential recipient of the aid immediately.

The Commission wishes to remind the UK 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.

The Commission warns the UK that it will inform interested parties by publishing this letter and a meaningful summary of it in the *Official Journal of the European Communities*. It will also inform interested parties in the EFTA countries which are signatories to the EEA Agreement, by publishing a notice in the EEA Supplement to the *Official Journal of the European Communities*, 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."

Iepriekšējs paziņojums par koncentrāciju

(Lieta COMP/M.5551 – F2i/Finavias/ERG)

Lieta, kas pretendē uz vienkāršotu procedūru

(Dokuments attiecas uz EEZ)

(2009/C 149/10)

1. Komisija 2009. gada 23. jūnijā saņēma paziņojumu par ierosinātu koncentrāciju, ievērojot Padomes Regulas (EK) Nr. 139/2004 ([1]) 4. pantu, saskaņā ar kuru uzņēmumi undertakings F2i Fondi Italiani per le Infrastrutture S.G.R. S.p.A. ("F2i", Itālija) un Finavias S.à.r.l. ("Finavias", Luksemburga, uzņēmums, kura netiešais īpašnieks ir AXA Group) Padomes regulas 3. panta 1. punkta b) apakšpunkta nozīmē kopīgi iegūst akciju vairākumu uzņēmumā ENEL Rete Gas S.p.A. ("ERG", Itālija), iegādājoties tā akcijas.

2. Attiecīgie uzņēmumi veic šādu uzņēmējdarbību:

— F2i: savstarpējo ieguldījumu fonds ar specializāciju infrastruktūras nozarēs,

— Finavias: pašu kapitāla un aktīvu pārvaldība,

— ERG: gāzes izplatīšana zema un vidēja spiediena gāzes vados.

3. Iepriekšējā pārbaudē Komisija konstatē, ka uz paziņoto darījumu, iespējams, attiecas Regulas (EK) Nr. 139/2004 darbības joma. Tomēr galīgais lēmums šajā jautājumā netiek pieņemts. Ievērojot Komisijas paziņojumu par vienkāršotu procedūru noteiktu koncentrācijas procesu izskatīšanai saskaņā ar Padomes Regulu (EK) Nr. 139/2004 ([2]), jānorāda, ka šī lieta ir nododama izskatīšanai atbilstoši paziņojumā paredzētajai procedūrai.

4. Komisija aicina ieinteresētās trešās personas iesniegt tai savus iespējamos novērojumus par ierosināto darbību.

Novērojumiem jānonāk Komisijā ne vēlāk kā 10 dienas pēc šīs publikācijas datuma. Novērojumus Komisijai var nosūtīt pa faksu (+32 2 2964301 vai 2967244) vai pa pastu ar atsauces numuru COMP/M.5551 – F2i/Finavias/ERG uz šādu adresi:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

([1]) OV L 24, 29.1.2004., 1. lpp.
([2]) OV C 56, 5.3.2005., 32. lpp.

PROCEDŪRAS, KAS SAISTĪTAS AR KONKURENCES POLITIKAS ĪSTENOŠANU

Komisija

2009/C 149/09 Valsts atbalsts – Apvienotā Karaliste – Valsts Atbalsts C 14/2008 (ex NN 1/2008) – pārstrukturēšanas atbalsts uzņēmumam Northern Rock – Uzaicinājums iesniegt piezīmes saskaņā ar EK līguma 88. panta 2. punktu ([1]) 16

2009/C 149/10 Iepriekšējs paziņojums par koncentrāciju (Lieta COMP/M.5551 – F2i/Finavias/ERG) – Lieta, kas pretendē uz vienkāršotu procedūru ([1]) 27

LV

([1]) Dokuments attiecas uz EEZ

Abonementa cenas 2009. gadā (bez PVN, ieskaitot sūtīšanas izdevumus)

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