ISSN 1725-5198

Il-Ġurnal Uffiċjali tal-Unjoni Ewropea

C 64

Volum 52

Edizzjoni bil-Malti

19 ta' Marzu 2009

Informazzjoni u Avviżi

Avviż Nru	Werrej	Paġna

I *Riżoluzzjonijiet, Rakkomandazzjonijiet u Opinjonijiet*

OPINJONIJIET

Il-Kunsill

II *Komunikazzjonijiet*

KOMUNIKAZZJONIJIET MINN ISTITUZZJONIJIET U KORPI TAL-UNJONI EWROPEA

Il-Kummissjoni

MT

[1] Test b'rilevanza għaż-ŻEE

(Ikompli fil-paġna ta' wara)

MT

(Ikompli fuq il-qoxra ta' wara minn ġewwa)

V *Avviżi*

PROĊEDURI AMMINISTRATTIVI

Il-Kummissjoni

PROĊEDURI GĦALL-IMPLIMENTAZZJONI TAL-POLITIKA TAL-KOMPETIZZJONI

Il-Kummissjoni

MT

(1) Test b'rilevanza għaż-ŻEE

I

(Riżoluzzjonijiet, Rakkomandazzjonijiet u Opinjonijiet)

OPINJONIJIET

IL-KUNSILL

OPINJONI TAL-KUNSILL

tal-10 ta' Marzu 2009

dwar il-programm ta' stabbiltà aġġornat ta' Franza 2008-2012

(2009/C 64/01)

IL-KUNSILL TAL-UNJONI EWROPEA,

Wara li kkunsidra t-Trattat li jistabbilixxi l-Komunità Ewropea,

Wara li kkunsidra r-Regolament tal-Kunsill (KE) Nru 1466/97 tas-7 ta' Lulju 1997 dwar it-tisħiħ tas-sorveljanza ta' pożizzjonijiet tal-baġit u s-sorveljanza u l-koordinazzjoni ta' politika ekonomika ([1]), u b'mod partikolari l-Artikolu 5(3) tiegħu,

Wara li kkunsidra r-rakkomandazzjoni tal-Kummissjoni,

Wara li kkonsulta l-Kumitat Ekonomiku u Finanzjarju,

TA DIN L-OPNJONI:

(1) Fl-10 ta' Marzu 2009 l-Kunsill eżamina l-programm ta' stabbiltà aġġornat ta' Franza, li jkopri l-perijodu bejn l-2008 u l-2012.

(2) Fl-2008, il-kriżi finanzjarja globali amplifikat it-tnaqqis fit-tkabbir permezz tal-fiduċja aktar baxxa tal-konsumaturi u tan-negozji u kondizzjonijiet ta' kreditu aktar stretti. Wara kollass tal-produzzjoni industrijali fl-aħħar tliet xhur tal-2008, il-PDG annwali hu mistenni li jonqos f'daqqa fl-2009. L-isfidi tal-politika prinċipali fil-kriżi ekonomika huma li jiġi stabbilizzat is-settur finanzjarju, terġa' tinbena l-fiduċja tal-konsumaturi u tan-negozji, u jiġi appoġġat l-investiment. Il-kriżi ekonomika ser ikollha impatt sinifikattiv fuq il-finanzi pubbliċi billi l-iżbilanċ qabeż it-3 % tal-PDG fl-2008 kif indikat mill-Ministru Franċiż tal-Ekonomija, l-Industrija u l-Impjiegi, f'ittra indirizzata lill-Kummissarju tal-Affarijiet Ekonomiċi u Finanzjarji fis-6 ta' Frar 2009, u hu mistenni li jaqbeż il-5 % tal-PDG fl-2009 skont it-tbassir proviżorju ta' Jannar 2009 tas-servizzi tal-Kummissjoni. Dan tal-aħħar jirrifletti wkoll l-impatt ta' 0,8 % tal-PGD fuq il-bilanċ tal-baġit tal-pjan ta' rkupru adottat f'Diċembru, li l-miżuri prinċipali tiegħu huma l-antiċipazzjoni ta' investiment pubbliku u l-għoti ta' appoġġ finanzjarju lill-intrapriżi. Il-Gvern implimenta għadd ta' riformi strutturali, li mistennija jkollhom impatt pożittiv fuq it-tkabbir potenzjali tal-ekonomija.

(3) Ix-xenarju makroekonomiku li fuqu huwa msejjes il-programm jipprevedi li t-tkabbir tal-PDG ser ikun pożittiv tul il-perijodu kollu tal-programm. Wara li naqas għal madwar 1 % fl-2008, mistenni li jkompli jonqos għal medda ta' 0,2-0,5 % fl-2009, qabel ma jiżdied għal madwar 2 % fl-2010 u

([1]) ĠU L 209, 2.8.1997, p. 1. Id-dokumenti msemmija f'dan it-test jinsabu fuq il-websajt li ġejja: http://ec.europa.eu/economy_finance/about/activities/sgp/main_en.htm.

ulterjorment għal 2,5 % għall-bqija tal-perijodu tal-programm. Meta jiġi vvalutat skont l-informazzjoni disponibbli attwalment [1], dan ix-xenarju jidher li huwa bbażat fuq suppożizzjonijiet ta' tkabbir konsiderevolment favorevoli. Din l-evalwazzjoni tqis it-tnaqqis serju tal-PDG fl-aħħar tliet xhur tal-2008 u l-prospetti ekonomiċi xejn tajba bbażati fuq l-indikaturi ta' livell baxx ta' fiduċja u t-tnaqqis f'daqqa projettat fl-investiment u fil-kummerċ, iżda wkoll l-impatt fuq it-tkabbir tal-pjan ta' rkupru u l-liġi dwar il-modernizzazzjoni tal-ekonomija [2]. Fid-dawl tal-aħħar żviluppi fil-prezzijiet taż-żejt u l-intensità tal-kriżi ekonomika globali, il-projezzjonijiet tal-programm għall-inflazzjoni jidhru li huma pjuttost għoljin għall-2009, iżda minn hemm 'il quddiem jistgħu jitqiesu realistiċi. Fis-6 ta' Frar l-awtoritajiet Franċiżi informaw lill-Kummissjoni li t-tbassir makroekonomiku u tal-finanzi pubbliċi għandhom jiġu riveduti.

(4) Għall-2008, l-iżbilanċ ġenerali tal-gvern huwa stmat għal 3,2 % tal-PDG fit-tbassir proviżorju tas-servizzi tal-Kummissjoni, li huwa 0,3 % agħar miċ-ċifra li tidher fil-programm iżda kkonfermat mill-ittra msemmija hawn fuq fis-6 ta' Frar [3]. Id-differenza ta' 0,9 % tal-PDG bil-mira mill-aġġornament preċedenti (2,3 % tal-PDG) hija fil-biċċa l-kbira dovuta għal (i) riżultat agħar milli antiċipat fl-2007 (0,3 % tal-PDG), (ii) tkabbir tal-PDG reali fl-2008 notevolment aktar dgħajjef milli mistenni fl-aġġornament preċedenti li naqqas id-dħul mit-taxxi meta mqabbel mal-pjan (b'0,3 % tal-PDG), u (iii) ħlasijiet ogħla ta' interessi li jirriflettu l-impatt ta' inflazzjoni ogħla fl-2008 fuq l-ispejjeż tas-servizz tad-dejn ta' bonds marbutin mal-inflazzjoni (0,2 % tal-PDG).

(5) L-aġġornament jinkludi mira tal-iżbilanċ għall-2009 ta' 3,9 % tal-PDG, meta mqabbla mal-projezzjoni ta' 5,4 % fit-tbassir proviżorju tas-servizzi tal-Kummissjoni. Id-deterjorament fl-iżbilanċ tal-2009 jirrifletti l-funzjonament tal-istabbilizzaturi awtomatiċi b'rispons għall-kriżi ekonomika iżda wkoll l-impatt tal-pakkett ta' stimolu fiskali ta' Diċembru 2008 li jammonta għal 0,8 % tal-PDG. Aktar reċentement, il-Gvern ħabbar mira ta' żbilanċ ogħla ta' 4,4 % tal-PDG [4]. L-iżbilanċ strutturali (jiġifieri l-bilanċ aġġustat ċiklikament nett mill-miżuri ta' darba u miżuri temporanji oħra), skont l-informazzjoni mogħtija fil-programm ta' stabbiltà aġġornat u kkalkolata mill-ġdid mis-servizzi tal-Kummissjoni, hu projettat li jilħaq it-3 % tal-PDG fl-2009, meta mqabbel ma' 2,5 % fl-2008. Din il-qagħda fiskali tista' titqies espansjonarja u tista' tiġi spjegata b'mod sħiħ mill-impuls fiskali assoċjat mal-pakkett ta' stimolu.

(6) L-għan ta' Franza għall-istrateġija baġitarja għall-perijodu medju stipolat fil-programm huwa li tilħaq l-objettiv tal-perijodu medju (MTO) ta' pożizzjoni baġitarja bbilanċjata f'termini strutturali fl-2012. Skont il-projezzjonijiet tal-programm riveduti mill-ittra tas-6 ta' Frar imsemmija hawn fuq, l-iżbilanċ ġenerali tal-gvern mistenni li jkun l-ogħla fl-2009 b'4,4 % tal-PDG (minn 3,9 % tal-PDG) u mbagħad jerġa' jinżel għal 3,1 % tal-PDG fl-2010 (minn 2,7 % tal-PDG) waqt li l-impatt baġitarju tal-pjan ta' rkupru għandu jonqos gradwalment. Dan jikkompara mat-tbassir proviżorju tas-servizzi tal-Kummissjoni, li jipprojetta li l-iżbilanċ ġenerali tal-gvern ser jiżdied għal 5,4 % tal-PDG fl-2009 u mbagħad jilħaq 5,0 % tal-PDG fl-2010. Skont il-projezzjonijiet riveduti mill-ittra msemmija hawn fuq, l-iżbilanċ hu projettat li jkompli jitjieb wara l-2010 biex jilħaq 1,5 % tal-PDG fl-2012. Il-bilanċ primarju jsegwi xejra simili. L-iżbilanċ strutturali hu mistenni li jaqa' għal 3 % tal-PDG fl-2009 u jitjieb b'madwar 1 % tal-PDG fl-2010 u b'0,5 % tal-PDG kull sena matul l-aħħar snin. Minbarra t-tneħħija gradwali tal-pjan ta' rkupru, dan mistenni li jinkiseb permezz ta' trażżin tal-infiq speċifikat. Il-programm aġġornat ibassar li l-proporzjon tad-dejn għall-PGD għandu jiżdied għal 69,1 % fl-2009 u jistabbilizza ruħu kumplessivament għal 69,4 % fl-2010 qabel ma jonqos ftit fis-sentejn ta' wara. Minbarra l-qagħda baġitarja, dan jinkludi l-impatt tar-rikapitalizzazzjonijiet bankarji u l-parteċipazzjoni tal-Fond ta' Investiment Strateġiku [5], li tammonta għal madwar 0,75 % tal-PDG iżda jeskludi obbligi kontinġenti potenzjali li joħorġu mill-iskema ta' garanzija. Skont it-tbassir proviżorju tas-servizzi tal-Kummissjoni, il-proporzjon tad-dejn għandu jilħaq 72,4 % tal-PDG fl-2009 u 76 % tal-PDG fl-2010, filwaqt li d-differenza fir-rigward tal-programm ta' stabbiltà aġġornat tiġi spjegata bit-tkabbir diverġenti u ċ-ċifri tal-iżbilanċ ġenerali tal-gvern.

[1] Il-valutazzjoni tqis notevolment it-tbassir ta' Jannar 2009 tas-servizzi tal-Kummissjoni, iżda wkoll informazzjoni oħra li saret disponibbli minn dakinhar.

[2] Abbażi ta' dan, it-tbassir proviżorju tas-servizzi tal-Kummissjoni jipprojetta li l-PDG jonqos b'1,8 % fl-2009; It-tkabbir tal-PDG hu mistenni li jirkupra għal 0,4 % fl-2010 malli jitjiebu l-kondizzjonijiet u l-fiduċja tas-settur finanzjarju u tirkupra d-domanda globali.

[3] Fid-dawl tal-ksur irrapportat tal-valur ta' referenza tat-Trattat, kif indikat fl-ittra mibgħuta mill-Ministru Franċiż tal-Ekonomija, l-Industrija u l-Impjiegi, il-Kummissjoni ħejjiet fit-18 ta' Frar 2009 rapport skont l-Artikolu 104(3) tat-Trattat.

[4] Fl-ittra mibgħuta fis-6 ta' Frar, il-Ministru Franċiż tal-Ekonomija, l-Industrija u l-Impjiegi stima li l-iżbilanċ ġenerali tal-gvern ser ikun 3,1 % tal-PDG fl-2010.

[5] Il-fondi ta' investiment strateġiku ser jintużaw għall-parteċipazzjoni fil-kapital tal-impriżi.

(7) Ir-riżultati baġitarji huma soġġetti għal riskji negattivi tul il-perijodu kollu tal-programm. L-ewwel nett, dawn għadhom ma jirriflettux l-agħar riżultat fl-2008 (b'0,3 % tal-PDG) li ġie kkonfermat dan l-aħħar permezz tal-ittra msemmija hawn fuq. Dan ir-riżultat jirrifletti wkoll il-fatt li kien hemm nuqqas ta' konsolidazzjoni fiskali fi żminijiet ekonomiċi tajbin/newtrali ([1]) u jispjega parti mir-reviżjoni 'l fuq tal-mira tal-iżbilanċ tal-2009 għal 4,4 % tal-PDG (li tqis ukoll reviżjoni negattiva tat-taxxi korporattivi). Aktar importanti minn hekk, il-perspettiva makroekonomika tal-programm ma tinkludix ir-reċessjoni mistennija għall-2009, u dan jimplika riskji baġitarji sostanzjali, anke għall-aħħar mira ta' żbilanċ imħabbra mill-Gvern. Barra minn hekk, flimkien mal-impatt tal-istabbilizzaturi awtomatiċi, hemm riskji ta' nfiq eċċessiv fil-qasam tal-kura tas-saħħa ([2]). Fl-aħħar nett, fid-dawl tar-riżultati mil-ħuqa fl-imgħoddi mill-awtoritajiet lokali, hemm riskju li l-miri tal-infiq ippjanati ma jintlaħqux. Ir-riskji għax-xenarju tad-dejn huma wkoll pjuttost għoljin, filwaqt li jirriflettu r-riskji għall-bilanċ baġitarju kif ukoll l-effetti possibbli tal-miżuri tal-istabbilizzazzjoni tas-settur finanzjarju.

(8) L-impatt baġitarju tat-tixjiħ għall-perijodu medju huwa ftit inqas mill-medja tal-UE, bl-infiq tal-pensjonijiet juri żieda kemmxejn aktar limitata, b'riżultat tar-riformi tal-pensjonijiet li diġà daħlu fis-seħħ, fosthom ir-riforma tal-hekk imsejħa régimes spéciaux (sistemi speċjali tal-pensjonijiet), immirati li jallinjaw il-perijodu ta' kontribuzzjoni meħtieġ mar-regoli ta' sistemi oħra. Il-pożizzjoni baġitarja fl-2008, kif stmata fil-programm, li hija agħar mill-pożizzjoni tal-bidu tal-programm preċedenti, aggravat l-impatt baġitarju tat-tixjiħ tal-popolazzjoni fuq id-distakk fis-sostenibbiltà. Jekk il-pożizzjoni baġitarja tal-2009 tat-tbassir proviżorju tas-servizzi tal-Kummissjoni tkun ittieħdet bħala l-punt tal-bidu, id-distakk fis-sostenibbiltà jmur għall-agħar b'mod sostanzjali. Il-livell attwali tad-dejn gross huwa ogħla mill-valur ta' referenza tat-Trattat. L-iskemi msemmija hawn għall-istabbiltà tas-settur finanzjarju implimentati minn Franza jista' jkollhom impatt fuq is-sostenibbiltà għall-perijodu twil tal-finanzi pubbliċi, jekk l-ispejjeż tas-sostenn tal-Gvern ma jiġux irkuprati bis-sħiħ fil-futur. L-iżgurar ta' bilanċi favorevoli primarji għoljin għall-perijodu medju, kif diġà previst fil-programm, jikkontribwixxi biex jonqsu r-riskji medji għas-sostenibbiltà tal-finanzi pubbliċi.

(9) Ir-riżultati miksuba fil-passat minn Franza juru li l-infiq eċċessiv ġenerali tal-gvern ma kienx eċċezzjonali matul l-aħħar għaxar snin, u dan jindika d-dgħufijiet fir-regoli baġitarji eżistenti. Ir-riforma tal-Kostituzzjoni adottata fit-23 ta' Lulju 2008 introduċiet objettiv ġenerali ta' baġits ibbilanċjati għall-gvern ġenerali ([3]). Madankollu, in-natura mhux vinkolanti tal-objettiv tal-baġit ibbilanċjat tqajjem il-mistoqsija dwar jekk huwa jistax jiġi kkontrollat b'mod effettiv. Ir-riforma tintroduċi wkoll baġit pluriennali, adottat mill-Parlament, li jibda fl-2009, għall-perijodu 2009-2012, jiġifieri l-istess tul ta' żmien bħal fil-programm ta' stabbiltà. Din ir-riforma għandha tikkontribwixxi għall-ġestjoni aħjar ta' finanzi pubbliċi u tgħin lid-dixxiplina baġitarja.

Barra minn hekk, wara t-tnedija tar-Reviżjoni Ġenerali tal-Politika Pubblika f'nofs l-2007, ittieħdu għadd ta' miżuri biex tiżdied l-effiċjenza fin-nefqa pubblika, inkluż tnaqqis fl-għadd ta' ħaddiema taċ-ċivil. Fl-2008 daħlet fis-seħħ regola ġdida dwar id-dejn, applikata għas-sottosettur tas-sigurtà soċjali ([4]).

(10) B'rispons għall-kriżi finanzjarja, il-Gvern Franċiż implimenta għadd ta' miżuri indirizzati biex jiżguraw l-istabbiltà tas-settur finanzjarju. Sabiex jimmodera l-konsegwenzi tagħha fuq il-kapaċità ta' għoti ta' kreditu tal-banek Franċiżi, il-Gvern iddeċieda ([5]) li jixtri sa EUR 40 biljun dejn subordinat tal-banek mingħajr ma jakkwista d-drittijiet tal-vot. Min-naħa tagħhom il-banek impenjaw ruħhom biex iżidu s-self għall-ekonomija sabiex jiġi garantit livell ta' finanzjament konformi mal-ħtiġijiet tal-aġenti ekonomiċi. Barra minn hekk, ġie awtorizzata bil-liġi fond ta' EUR 320 biljun ([6]) biex jiggarantixxi d-djun

([1]) Il-valutazzjoni dwar jekk l-ekonomija hijiex qed tesperjenza żminijiet tajbin jew ħżiena tiddependi fuq l-analiżi tad-distakk fil-produzzjoni, pożittiva fl-2007 u fl-2008 (li tista' tindika żminijiet ekonomiċi tajbin), iżda timxi fuq valutazzjoni ekonomika globali, bħall-impjiegi, il-konsum privat, l-investiment jew l-iżbilanċi esterni, li jistgħu jimmodifikaw il-konklużjonijiet tal-bidu. Abbażi ta' dan, Franza kellha tgħaddi minn żminijiet ekonomiċi tajbin fl-2007 u newtrali fl-2008. Madankollu, il-bilanċ strutturali ddeterjora b'0,3 punti perċentwali u b'0,2 punti perċentwali tal-PDG fl-2007 u fl-2008, rispettivament, skont it-tbassir proviżorju tas-servizzi tal-Kummissjoni (ara l-valutazzjoni teknika).

([2]) Meta t-tkabbir fl-infiq tal-kura tas-saħħa f'termini nominali jaqbeż b'aktar minn 0,75 punt l-objettiv (ONDAM) stabbilit mill-Att tal-Finanzjament tas-Sigurtà Soċjali għall-2009, tiġi attivata proċedura ta' allert.

([3]) L-Artikolu 34, ir-raba' paragrafu tal-Kostituzzjoni li għadha kif ġiet adottata: "*Des lois de programmation déterminent les objectifs de l'action de l'État. Les orientations pluriannuelles des finances publiques sont définies par des lois de programmation. Elles s'inscrivent dans l'objectif d'équilibre des comptes des administrations publiques*".

([4]) Il-ħlas mill-ġdid tad-dejn soċjali jsir permezz ta' fond speċjali ("*Caisse d'Amortissement de la Dette Sociale*"). Liġi ġdida (adottata fl-2005) finalment daħlet fis-seħħ fl-2008, u tiddikjara li kull trasferiment ġdid ta' dejn lejn il-fond irid jiġi kkumpensat minn dħul ġdid sabiex ma jiżdiedx id-dewmien tal-CADES.

([5]) Li minnhom il-gvern s'issa ssottometta € 21 biljun lill-Kummissjoni, li awtorizzathom; EUR 10,5 biljun ġew koperti.

([6]) Li minnhom il-gvern s'issa ssottometta EUR 265 biljun lill-Kummissjoni, li awtorizzathom.

tal-banek. L-iskema ta' garanzija hi mmirata li ttejjeb l-aċċess għall-finanzjament tal-banek, fil-kuntest tal-pressjoni serja li kellu jħabbat wiċċu magħha s-suq tas-self interbankarju, sa mill-bidu tal-kriżi finanzjarja. Il-banek ser iħallsu premium għall-garanzija tal-Gvern għas-self tagħhom u ser jipprovdu kollaterali.

(11) B'rispons għall-kriżi ekonomika, il-Gvern Franċiż fl-4 ta' Diċembru ppreżenta pjan ta' rkupru, li jista' jiġi deskritt bħala taħlita bbilanċjata ta' strumenti ta' dħul u ta' nfiq u huwa konformi mal-PERE (Pjan Ewropew ta' Rilanċ Ekonomiku). Il-miżuri tiegħu jinkludu l-investiment pubbliku (prinċipalment lill-intrapriżi pubbliċi, l-infrastrutturi, ir-riċerka u d-difiża), il-miżuri tas-suq tax-xogħol (bħal eżenzjoni totali minn kontribuzzjonijiet tas-sigurtà soċjali fuq impenji ġodda lis-sidien ta' kumpanniji żgħar), is-sostenn għall-impriżi (bħal għajnuna settorjali għall-industrija tad-djar u tal-karozzi kif ukoll aċċelerazzjoni ta' ħlasijiet tal-Gvern lill-intrapriżi, speċjalment l-SMEs) u s-sostenn lill-kapaċità tal-akkwist domestiku (prinċipalment għotjiet ta' EUR 200 f'April 2009 lil familji bi dħul baxx). Il-pakkett jista' jitqies li hu mmirat u f'waqtu. Il-miżuri mħabbra huma temporanji, u għalhekk riversibbli, bl-ebda spiża għall-finanzi pubbliċi lil hinn mill-2010. Il-Gvern qed jimplimenta wkoll għadd ta' riformi strutturali, li mistennija jkollhom impatt pożittiv fuq it-tkabbir potenzjali tal-ekonomija, u, għalhekk, fuq il-finanzi pubbliċi fit-tul. Safejn għandhom x'jaqsmu s-swieq tal-merkanzija u s-servizzi, il-liġi msemmija hawn fuq dwar il-modernizzazzjoni tal-ekonomija timmira li żżid it-tkabbir potenzjali, partikolarment billi tippromwovi l-intraprenditorija individwali u tnaqqas l-ostakli eżistenti għall-kompetizzjoni, inkluż fis-settur tal-bejgħ bl-imnut. Anki fejn għandu x'jaqsam is-suq tax-xogħol ġew adottati liġijiet ġodda, partikolarment fir-rigward tal-flessigurtà. Il-liġi dwar il-modernizzazzjoni tas-suq tax-xogħol, li ġiet adottata f'Ġunju 2008 u tirrappreżenta t-traspożizzjoni tal-ewwel ftehim interprofessjonali bejn l-imsieħba soċjali, timmira li tiżviluppa kuntratti kemm aktar sikuri kif ukoll aktar flessibbli. Ġiet ukoll introdotta riforma importanti tal-proċeduri ta' djalogu soċjali biex tiffaċilita l-ftehim tal-maġġoranza. Il-miżuri huma relatati mal-aġenda ta' riforma għall-perijodu medju u mar-rakkomandazzjonijiet speċifiċi għal pajjiżi li ġew proposti mill-Kummissjoni fit-28 ta' Jannar 2009 skont l-Istrateġija ta' Liżbona għat-Tkabbir u l-Impjiegi.

(12) Wara d-deterjorament tal-finanzi pubbliċi fl-2007 u fl-2008 meta l-kondizzjonijiet ekonomiċi kienu aktar favorevoli, il-qagħda fiskali fl-2009 hija espansjonarja (filwaqt li tirrifletti r-reazzjoni tal-Gvern Franċiż għall-PERE) meta ż-żminijiet huma ħżiena. Minn hemm 'il quddiem, il-finanzi pubbliċi ser jiġu kkonsolidati skont il-programm; madankollu, meta jitqiesu r-riskji sinifikanti għall-miri baġitarji, li jimplikaw żbilanċ ferm ogħla minn 3 % fl-2009 u l-2010, l-MTO ta' baġit ibbilanċjat f'termini strutturali mhuwiex ser jintlaħaq sal-2012.

F'dan il-kuntest, Franza tista' tnaqqas ir-riskju ta' nfiq eċċessiv permezz tal-implimentazzjoni u titjib ulterjuri tal-qafas tagħha tal-finanzi pubbliċi, b'mod partikolari fir-rigward tar-regoli tal-infiq. Fl-aħħar nett, meta jitqiesu r-riskji għall-projezzjonijiet tad-dejn imsemmija hawn fuq, il-proporzjon tad-dejn, li jirrifletti l-qagħda espansjonarja fl-2009, ser ikun għoli u ser tinħtieġ azzjoni deċiżiva matul is-snin li ġejjin biex titbiddel din ix-xejra.

(13) Fir-rigward tar-rekwiżiti tad-data speċifikati fil-kodiċi ta' kondotta għal programmi ta' stabbiltà u konverġenza, il-programm jipprovdi d-data meħtieġa kollha u l-parti l-kbira ta' dik fakultattiva ([1]).

Il-konklużjoni globali hija li l-progress insuffiċjenti meta l-kondizzjonijiet ekonomiċi kienu aktar favorevoli u d-deterjorament tal-qagħda ekonomika, speċjalment matul l-aħħar tliet xhur tal-2008, wasslu għal żbilanċ ftit ogħla minn 3 % tal-PDG fl-2008. Sabiex jiġġieled il-kriżi ekonomika qawwija l-gvern adotta pjan ta' rilanċ f'konformità mal-PERE li huwa mmirat sewwa, temporanju u f'waqtu. Din l-espansjoni fiskali temporanja, flimkien mal-kriżi ekonomika qawwija ser twassal biex l-iżbilanċ tal-gvern ikompli jitwessa' fl-2009. Minn hemm 'il quddiem, il-programm jipprevedi konsolidazzjoni tal-finanzi pubbliċi permezz ta' qagħda restrittiva, speċjalment fl-2010. Ir-riskji huma marbuta, b'mod partikolari, mas-suppożizzjonijiet makroekonomiċi konsiderevolment favorevoli fil-programm u mal-ambjent inċert attwali, iżda jirriflettu wkoll in-natura mhux vinkolanti tar-regoli tal-infiq. Għaldaqstant, jistgħu jkunu meħtieġa sforzi ta' konsolidazzjoni ulterjuri matul l-aħħar snin hekk kif tissaħħaħ l-ekonomija. Ir-riformi strutturali diġà adottati mistennija li jikkontribwixxu għaż-żieda fit-tkabbir potenzjali, għat-titjib tal-kompetittività u għas-sostenn tal-proċess ta' konsolidazzjoni.

([1]) Is-suppożizzjonijiet dwar ir-rati tal-interessi għall-perijodu qasir u twil mhumiex mogħtija.

Fid-dawl tal-valutazzjoni ta’ hawn fuq, Franza hi mistiedna biex:

(i) timplimenta l-miżuri fiskali fl-2009 kif ippjanat, inklużi l-miżuri ta’ stimolu f’konformità mal-PERE u fil-qafas tal-SGP filwaqt li jinżamm l-objettiv li jiġi evitat deterjorament ulterjuri tal-finanzi pubbliċi;

(ii) fid-dawl tar-rilanċ previst tal-attività ekonomika, tagħmel sforz għal konsolidazzjoni fl-2010 u ssaħħaħ il-pass tal-aġġustament minn hemm ’il quddiem sabiex tiżgura li l-iżbilanċ jitniżżel malajr għal taħt il-valur ta’ referenza, u b’hekk tistabbilixxi l-proporzjon tad-dejn għall-PDG b’xejra għan-niżla;

(iii) tinforza b’mod effettiv ir-regoli eżistenti tal-infiq u tieħu aktar passi biex tiggarantixxi r-rispett tal-miri pluriennali tat-tnaqqis tal-infiq tal-gvern ġenerali fis-sottosetturi kollha u tkompli timplimenta miżuri fil-kuntest tar-Reviżjoni Ġenerali tal-Politika Pubblika. Timplimenta l-programm ta’ riforma strutturali, b’mod partikolari fir-rigward tas-sostenibbiltà tas-sistema tal-pensjonijiet.

Tqabbil tal-projezzjonijiet makroekonomiċi u baġitarji ewlieni

		2007	2008	2009	2010	2011	2012
PDG reali (% bidla)	PS Diċ 2008	2,2	1,0	0,2– 0,5	2,0	2,5	2,5
	COM Jan 2009	2,2	0,7	– 1,8	0,4	m.d.	m.d.
	PS Nov 2007	*2– 2,5*	*2– 2,5*	*2,5*	*2,5*	*2,5*	*2,5*
Inflazzjoni HICP (%)	PS Diċ 2008	1,6	3,3	1,5	1¾	1¾	1¾
	COM Jan 2009	1,6	3,2	0,8	1,5	m.d.	m.d.
	PS Nov 2007	*1,4*	*1,7*	*1,6*	*1,6*	*1,6*	*1,6*
Distakk fil-produzzjoni ([1]) (% tal-PDG potenzjali)	PS Diċ 2008	0,4	– 0,6	– 1,8	– 1,6	– 1.1	– 0.4
	COM Jan 2009 ([2])	1,8	1,0	– 1,7	– 2,3	m.d.	m.d
	PS Nov 2007	*– 0,8*	*– 0,8*	*– 0,6*	*– 0,5*	*– 0,3*	*0,0*
Self nett fir-rigward tal-bqija tad-dinja (% tal-PDG)	PS Diċ 2008	– 2,8	– 3,4	– 2,6	– 2,5	– 2,4	– 2,4
	COM Jan 2009	– 2,8	– 3,8	– 4,0	– 3,9	m.d	m.d
	PS Nov 2007	*– 2,3*	*– 2,5*	*– 2,3*	*– 2,2*	*– 2,1*	*– 2,0*
Dħul ġenerali tal-gvern (% tal-PDG)	PS Diċ 2008	49,7	49,8	49,6	50,0	50,0	50,2
	COM Jan 2009	49,7	49,6	49,4	49,9	m.d	m.d
	PS Nov 2007	*50,7*	*50,4*	*50,1*	*50,0*	*50,0*	*50,0*
Infiq ġenerali tal-gvern (% tal-PDG)	PS Diċ 2008	52,4	52,7	53,5	52,7	52,0	51,3
	COM Jan 2009	52,4	52,7	54,9	54,9	m.d	m.d
	PS Nov 2007	*53,2*	*52,6*	*51,9*	*51,2*	*50,6*	*49,9*
Bilanċ ġenerali tal-gvern (% tal-PDG)	PS Diċ 2008	– 2,7	– 2,9	– 3,9	– 2,7	– 1,9	– 1,1
	p.m. MoF[4]	– 2,7	– 3,2	– 4,4	– 3,1	– 2,3	– 1,5
	COM Jan 2009	– 2,7	– 3,2	– 5,4	– 5,0	m.d	m.d
	PS Nov 2007	*– 2,4*	*– 2,3*	*– 1,7*	*– 1,2*	*– 0,6*	*0,0*

		2007	2008	2009	2010	2011	2012
Bilanċ primarju (% tal-PDG)	PS Diċ 2008	0,1	0,0	− 1,1	0,1	0,9	1,7
	COM Jan 2009	0,1	− 0,3	− 2,6	− 2,1	m.d	m.d
	PS Nov 2007	*0,2*	*0,5*	*0,9*	*1,4*	*2,0*	*2,5*
Bilanċ aġġustat ċiklikament (1) (% tal-PGD)	PS Diċ 2008	− 2,9	− 2,6	− 3,0	− 1,9	− 1,4	− 0,9
	COM Jan 2009	− 3,5	− 3,7	− 4,6	− 3,8	m.d	m.d
	PS Nov 2007	*− 2,0*	*− 1,9*	*− 1,4*	*− 1,0*	*− 0,4*	*0,0*
Bilanċ strutturali (3) (% tal-PDG)	PS Diċ 2008	− 2,9	− 2,6	− 3,0	− 1,9	− 1,4	− 0,9
	COM Jan 2009	− 3,6	− 3,8	− 4,6	− 3,8	m.d	m.d
	PS Nov 2007	*− 2,0*	*− 1,9*	*− 1,4*	*− 1,0*	*− 0,4*	*0,0*
Dejn gross tal-gvern (% tal-PDG)	PS Diċ 2008	63,9	66,7	69,1	69,4	68,5	66,8
	COM Jan 2009	63,9	67,1	72,4	76,0	m.d	m.d
	PS Nov 2007	*64,2*	*64,0*	*63,2*	*61,9*	*60,2*	*57,9*

Noti:

(1) Distakk fil-produzzjoni u bilanċi aġġustati ċiklikament mill-programmi kif ikkalkolati mill-ġdid mis-servizzi tal-Kummissjoni fuq il-bażi tal-informazzjoni fil-programmi.

(2) Ibbażat fuq it-tkabbir potenzjali stmat ta' 1,6 %, 1,4 %, 0,9 % u 1,0 % rispettivament fil-perijodu 2007-2010.

(3) Bilanċ aġġustat ċiklikament għajr miżuri ta' darba biss u oħrajn temporanji. Il-miżuri ta' darba biss u oħrajn temporanji huma nulli tul il-perijodu kollu kopert (2007-2012) skont l-aktar programm reċenti u huma 0,1 % tal-PDG fl-2007, 0,1 % fl-2008, li kollha jnaqqsu l-iżbilanċ u nulli fl-2009 u fl-2010 skont it-tbassir proviżorju ta' Jannar 2009 tas-servizzi tal-Kummissjoni.

Sors:

Programm ta' Stabbiltà (PS); Tbassir proviżorju ta' Jannar 2009 tas-servizzi tal-Kummissjoni(COM); Kalkoli tas-servizzi tal-Kummissjoni.

OPINJONI TAL-KUNSILL

tal-10 ta' Marzu 2009

dwar il-programm ta' stabbiltà aġġornat tal-Greċja 2008-2011

(2009/C 64/02)

IL-KUNSILL TAL-UNJONI EWROPEA,

Wara li kkunsidra t-Trattat li jistabbilixxi l-Komunità Ewropea,

Wara li kkunsidra r-Regolament tal-Kunsill (KE) Nru 1466/97 tas-7 ta' Lulju 1997 dwar it-tisħiħ tas-sorveljanza ta' pożizzjonijiet ta' budget u s-sorveljanza u l-koordinazzjoni ta' politika ekonomika ([1]), u b'mod partikolari l-Artikolu 5(3) (għall-SP) tiegħu,

Wara li kkunsidra r-rakkomandazzjoni tal-Kummissjoni,

Wara li kkonsulta lill-Kumitat Ekonomiku u Finanzjarju,

TA DIN L-OPINJONI:

(4) Fl-10 ta' Marzu 2009 l-Kunsill eżamina l-programm ta' stabbiltà aġġornat tal-Greċja, li jkopri l-perijodu bejn l-2008 u l-2011 ([2]).

(5) Il-Greċja esperjenzat tkabbir ekonomiku qawwi ta' 4 % fis-sena matul dan id-deċennju. B'mod parallel, l-iżbilanċi makroekonomiċi domestiċi u esterni twessgħu konsiderevolment, li wassal għal akkumulazzjoni ta' malajr tad-dejn barrani waqt li d-dejn pubbliku baqa' f'livelli għoljin. Fid-dawl tal-impatt tal-kriżi ekonomika u finanzjarja globali li għaddejja fuq l-ekonomija Griega, ir-riapprezzament implikat jitfa' aktar pressjoni fuq il-piż tad-dejn.

Skont it-tbassir interim tas-servizzi tal-Kummissjoni ta' Jannar 2009, it-tkabbir tal-PDG naqas fl-2008, għal 2,9 % f'termini reali u huwa mistenni jkompli jonqos bil-qawwi fl-2009, imma jibqa' pożittiv. Bl-iżbilanċ ġenerali tal-gvern li baqa' ogħla minn 3 % tal-limitu tal-PDG sa mill-2007 ([3]), u wieħed mill-ogħla proporzjonijiet ta' djun pubbliċi fl-UE, il-Greċja m'għandhiex spazju għal stimolu fiskali, ħalli ma tipperikolax iktar is-sostenibilità għall-perijodu fit-tul tal-finanzi pubbliċi u l-pożizzjoni kompetittiva tal-pajjiż. Bħala riżultat, mhuwa maħsub li ma jkun hemm l-ebda pakkett ta' stimolu. L-awtoritajiet Griegi ressqu xi miżuri fil-liġi tal-baġit tal-2009, bl-għan li jissalvagwardjaw il-koeżjoni soċjali, inklużi l-benefiċċji għal familji bi dħul baxx. Il-Greċja qiegħda tiffaċċja l-isfida li tikseb konsolidazzjoni fiskali sostanzjali, filwaqt li ttejjeb il-kwalità tal-finanzi pubbliċi u tikkoreġi l-fatturi wara l-iżbilanċi domestiċi u esterni kbar tal-ekonomija.

(3) Ix-xenarju makroekonomiku li fuqu huwa bbażat il-programm jipprevedi li t-tkabbir reali fil-PDG ser jinżel minn 3 % fl-2008 għal 1,1 % fl-2009 qabel ma jerġa' jitla' għal 1,75 % bħala medja matul il-bqija tal-perijodu tal-programm. Meta vvalutata mal-informazzjoni disponibbli bħalissa ([4]), dan ix-xenarju makroekonomiku hu bbażat fuq suppożizzjonijiet favorevoli ta' tkabbir għall-2009 u minn hemm 'il quddiem. B'mod partikolari, il-konsum privat u b'mod inqas it-tkabbir fl-investiment fil-programm huma proġettati li jibqgħu robusti, grazzi għal tkabbir favorevoli fl-impjiegi u valutazzjoni ottimista tal-impatt ta' inizjattivi reċenti biex ikun appoġġat l-investimenti u jissaħħaħ l-assorbiment

([1]) ĠU L 209, 2.8.1997, p 1. Id-dokumenti msemmija f'dan it-test jinsabu fuq il-websajt li ġejja: http://ec.europa.eu/economy_finance/about/activities/sgp/main_en.htm.

([2]) Fis-6 ta' Frar 2009 l-awtoritajiet Griegi ppreżentaw addendum għall-programm, li jipprovdi kjarifiki dwar il-bildiet għall-miżuri baġitarji li jtejbu t-taxxa u għar-riforma ppjanata tal-proċess baġitarju. L-addendum ma introduċa l-ebda bidla fl-istrateġija fiskali ppreżentata fil-programm ta' stabbiltà, waqt li kemm ix-xenarju makroekonomiku u l-projezzjonijiet baġitarji baqgħu ma nbidlux.

([3]) Skont id-data notifikata mill-awtoritajiet Griegi f'Ottubru 2008 u vvalidata mill-Eurostat, l-iżbilanċ ġenerali tal-gvern laħaq it-3,5 % tal-PDG fl-2007, b'hekk jaqbeż it-3 % tal-valur ta' referenza tal-PDG. Fid-dawl tal-ksur rappurtat tal-valur ta' referenza tat-Trattat, fit-18 ta' Frar 2009 l-Kummissjoni ħejjiet rapport skont l-Artikolu 104,3(3) tat-Trattat.

([4]) Din il-valutazzjoni tieħu kont b'mod speċjali tal-previżjoni interim tal-2009 tas-servizzi tal-Kummissjoni, iżda wkoll informazzjoni oħra li saret disponibbli minn dak iż-żmien 'il hawn.

tal-Fondi Strutturali tal-UE. Barra minn hekk, il-waqgħa fl-attività ekonomika tas-sħab kummerċjali tal-Greċja u l-prospetti kummerċjali internazzjonali li qegħdin dejjem jiddgħajfu jġibu magħhom riskji negattivi konsiderevoli għax-xenarju makroekonomiku tal-programm, li jirrifletti l-iktar il-vulnerabilità tas-setturi tat-trasport marittimu u tat-turiżmu għall-kriżi ta' bħalissa. Il-projezzjonijiet tal-programm għall-inflazzjoni jidhru li huma realistiċi, filwaqt li l-evoluzzjoni tal-iżbilanċi esterni fil-medda medja hija pjuttost favorevoli.

(4) Għall-2008, l-iżbilanċ ġenerali tal-gvern hu stmat għal 3,7 % tal-PDG fl-aġġornament (inklużi 0,4 % tal-PDG miżuri ta' darba li jnaqqsu l-iżbilanċ), li huwa 0,25 % ogħla mill-projezzjoni tas-servizzi tal-Kummissjoni fit-tbassir interim ta' Jannar 2009. Dan jaqbel ma' mira ta' 1,6 % tal-PDG stabbilit fl-aġġornament preċedenti. Din id-devjazzjoni ta' żewġ punti perċentwali tirrifletti kemm in-nuqqasijiet fid-dħul kif ukoll fl-infiq aktar milli previst. B'mod partikolari, id-dħul huwa stmat b'madwar punt perċentwali tal-PDG inqas milli bbaġitjat, li ġej l-iżjed mir-rendita aktar baxxa milli mistennija tal-miżuri li jsaħħu d-dħul implimentati fl-2008. Iż-żejjed fl-infiq jammonta għal madwar punt perċentwali tal-PDG, li jirriżulta l-iktar minn eċċedenzi fl-infiq kurrenti primarju u, b'mod partikolari, konsum pubbliku u pagi ogħla milli mistennija.

(5) Skont l-aġġornament, il-mira tal-iżbilanċ għall-2009 hija stabbilita għal 3,7 % tal-PDG (inkluż 0,5 % tal-PDG miżuri ta' darba li jnaqqsu l-iżbilanċ), b'konformità mat-tbassir interim tas-servizzi tal-Kummissjoni. Meta mqabbel mal-mira baġitarja stabbilita fil-liġi tal-baġit tal-2009, approvata mill-Parlament fil-21 ta' Diċembru 2008, hija tirrappreżenta reviżjoni 'l fuq ta' 1,75 punt perċentwali tal-PDG. Il-mira baġitarja l-ġdida tqis ir-riżultat baġitarju agħar milli mistenni fl-2008. Hija tirrifletti wkoll proġettazzjoni iktar prudenti għad-dħul totali, li huwa rivedut 'l isfel b'punt perċentwali tal-PDG, filwaqt li l-infiq pubbliku huwa rivedut 'il fuq b'0,4 punt perċentwali tal-PDG. Madankollu, il-proporzjon ta' dħul xorta għadu proġettat li jikber għal kważi punt perċentwali tal-PDG fl-2009, grazzi għall-pakkett ta' tisħiħ tad-dħul mit-taxxi adottat f'Settembru 2008 u inkluż fil-liġi tal-baġit tal-2009. Biex jiġi żgurat l-ilħuq tal-miri riveduti, l-aġġornament jipprevedi għadd ta' miżuri, apparti dawk inklużi fil-liġi tal-baġit tal-2009, bil-mira li jitrażżan l-infiq pubbliku primarju u l-irrazzjonalizzar tal-ġestjoni tal-infiq pubbliku. Dawn il-miżuri l-ġodda, li għandhom jiġu adottati matul l-2009, mhumiex dettaljati b'mod ċar fil-programm. Il-qagħda kumplessiva tal-politika fiskali fl-2009 ser tkun fil-parti l-kbira tagħha newtrali.

(6) L-istrateġija baġitarja ppreżentata fil-programm għandha l-mira li tnaqqas l-iżbilanċ strutturali minn 4,5 % tal-PDG fl-2008 għal 4,3 % fl-2009 u 2,2 % sal-2011, filwaqt li l-objettiv għall-perijodu medju (MTO) ta' baġit ibbilanċjat f'termini strutturali (jiġifieri f'termini aġġustati ċiklikament nett ta' miżuri ta' darba u oħrajn temporanji) mhux ipproġettat li jinkiseb fil-perijodu ta' riferiment tal-programm. Wara l-mira ta' 3,7 % tal-PDG fl-2009, l-iżbilanċ nominali se jonqos matul il-perijodu tal-programm għal 3,2 % tal-PDG fl-2010 u 2,6 % sal-2011. Bl-istess mod, il-bilanċ primarju ser jilħaq bilanċ favorevoli ta' 1,7 % tal-PDG sal-2011, li jitqabbel ma' 0,8 % fl-2009. F'termini strutturali, dan ikun jammonta għal titjib ta' 0,75 ta' punt perċentwali tal-PDG bħala medja. Il-konsolidazzjoni baġitarja fl-2010 u l-2011 hija bbażata l-iktar fuq tnaqqis ambizzjuż fl-infiq li, madankollu, mhuwiex sostnut għal kollox minn miżuri konkreti. Id-dejn gross tal-gvern, stmat bħala 94,6 % tal-PDG fl-2008, huwa prġoettat li jaqbeż is-96 % tal-PDG fl-2009 u l-2010, qabel ma jirritorna għal 94,75 % fl-2011. Minbarra ż-żieda fl-iżbilanċ u l-waqgħa fit-tkabbir tal-PDG, aġġustament fil-flussi/stock ikkontribwixxa għaż-żieda fil-proporzjon tad-dejn fl-2009.

(7) Ir-riżultati baġitarji huma soġġetti għal riskji negattivi sinifikanti. B'mod partikolari, ix-xenarju makroekonomiku sottostanti huwa bbażat fuq suppożizzjonijiet ta' tkabbir favorevoli. Ir-riskji fl-2009 huma marbuta wkoll ma' eċċedenzi possibbli fl-implimentazzjoni tal-mira baġitarja riveduta tal-2009, speċjalment meta jitqies passat ta' nuqqasijiet fis-superamenti fl-infiq u fin-nuqqasijiet fid-dħul. Mill-2010 'l quddiem, hemm riskji ġejjin min-nuqqas ta' informazzjoni dwar il-miżuri biex jappoġġaw il-konsolidazzjoni maħsuba, b'mod partikolari fuq in-naħa tal-infiq. Barra minn hekk, il-qtugħ previst f'ċerti kategoriji ta' nfiq jidher, prima facie, ambizzjuż. Ir-riskji assoċjati mal-evoluzzjoni proġettata tal-proporzjon tad-dejn mal-PDG jidhru li qed jiżdiedu wkoll, għax jirriżultaw mir-riskji mehmuża mal-projezzjonijiet tal-iżbilanċ. Dawn ir-riskji jistgħu jkunu aggravati minn inċertezza dwar l-aġġustamenti tal-flussi/stock li dwarhom, bħal fil-passat, il-programm ma jipprovdix informazzjoni dwar il-komponenti. Barra minn hekk, it-transazzjonijiet finanzjarji li possibbilment jistgħu jżidu d-dejn fil-qafas tal-pakkett ta' appoġġ tas-settur finanzjarju jistgħu jitfgħu aktar pressjoni 'l fuq fuq il-proporzjon tad-dejn mal-PDG. Il-programm ma jinkludix l-impatt potenzjali ta' dan il-pakkett finanzjarju fuq l-iżviluppi tad-dejn.

(8) Il-projezzjonijiet fit-tul tal-infiq tal-pensjoni skont il-metodu maqbul komunement jinsabu f'fażi ta' preparazzjoni; l-impatt baġitarju għall-perijodu fit-tul tal-popolazzjoni li qed tixjieħ huwa probabbli li jkun sew 'il fuq mill-medja tal-UE. Il-pożizzjoni baġitarja fl-2008 kif stmata fil-programm, li hija agħar mill-pożizzjoni tal-bidu tal-aġġornament preċedenti, taggrava l-impatt baġitarju għall-perijodu fit-tul ta' popolazzjoni li qed tixjieħ. Barra minn hekk, il-livell attwali tad-dejn gross huwa ferm ogħla mill-valur ta' referenza tat-Trattat. Biex jitnaqqas jeħtieġ li jinkisbu bilanċi favorevoli primarji għolja għal perijodu twil. Iż-żamma ta' bilanċi favorevoli primarji għoljin għall-perijodu medju u aktar riforma tas-sistema tal-pensjonijiet bil-mira li jrażżnu ż-żieda sinifikanti fl-infiq marbut mal-età għandhom jikkontribwixxu biex jitnaqqsu r-riskji għolja għas-sostenibilità għall-perijodu fit-tul tal-finanzi pubbliċi. Ir-riskji msemmija hawn fuq mill-iskemi ta' stabbilizzazzjoni tas-settur finanzjarju stabbiliti mill-Greċja jista' jkollhom impatt negattiv potenzjali fuq is-sostenibilità għall-perijodu fit-tul tal-finanzi pubbliċi, primarjament permezz tal-impatt tagħhom fuq id-dejn tal-gvern, għalkemm xi ftit mill-ispiża tal-appoġġ tal-gvern fil-futur tista' tiġi rkuprata.

(9) Il-qafas baġitarju għall-perijodu medju jibqa' dgħajjef, ikkaratterizzat minn passat medjokri. L-iżviluppi fiskali fil-Greċja jirriflettu kontroll insuffiċjenti tal-infiq pubbliku, filwaqt li l-projezzjonijiet dwar id-dħul urew li huma sistematikament ottimisti. Barra minn hekk, u minkejja xi progress irreġistrat f'dawn l-aħħar snin, il-problemi strutturali u endemiċi relatati mar-reġistrazzjoni tal-kontijiet tal-gvern Grieg kienu wkoll ta' detriment għal kontroll f'waqtu u effettiv tad-dħul u l-infiq. Il-programm jipprevedi l-kontinwazzjoni tar-riforma baġitarja li għaddejja u aktar progress fl-implimentazzjoni ta' bbaġitjar tal-programm, bil-ħsieb li jittejbu l-monitoraġġ u l-ġestjoni tal-infiq pubbliku, tiżdied it-trasparenza u li fil-proċess baġitarju tiġi introdotta perspettiva ta' ppjanar pluriennali. L-implimentazzjoni sħiħa tar-riforma tal-proċess baġitarju, madankollu, hija skedata għall-2012.

(10) B'reazzjoni għall-kriżi finanzjarja, il-gvern Grieg adotta għadd ta' miżuri biex tiġi żgurata l-istabilità tas-settur finanzjarju, inkluża l-miżura ta' garanziji tad-depożiti sa EUR 100 000. Il-pakkett tal-miżuri jikkonsisti fi skema ta' rikapitalizzazzjoni, li tagħmel disponibbli kapital ġdid għall-istituzzjonijiet ta' kreditu bi skambju ma' ishma preferenzjali, skema ta' garanzija li tkopri dejn ġdid b'maturità ta' bejn tliet xhur u tliet snin, u skema ta' titoli li tipprovdi bonds tal-gvern lil istituzzjonijiet ta' kreditu eliġibbli u ssaħħaħ l-aċċess tagħhom għal-likwidità, b'mod partikolari mal-BĊE. L-ammont kumplessiv tal-pakkett hu ta' EUR 28 biljun (madwar 10 % tal-PDG).

(11) Skont il-programm, il-politika fiskali hija mmirata lejn ir-ritorn tal-kunfidenza tal-investituri u biex ikunu indirizzati l-iżbilanċi makroekonomiċi. Il-gvern Grieg, minħabba n-nuqqas ta' opportunità għal immanuvrar fiskali, u minħabba l-iżbilanċi ekonomiċi kbar, ma adottax pakkett ta' stimolu għall-perijodu qasir b'reazzjoni għat-tnaqqis ekonomiku li jkun konformi mal-Pjan Ewropew ta' Rilanċ Ekonomiku. Il-programm jipprevedi għadd ta' miżuri strutturali, inklużi miżuri speċifiċi għas-settur fis-settur tat-turiżmu mingħajr impatt baġitarju dirett, bħal dawk immirati biex isostnu l-impjiegi, it-tisħiħ tal-investiment fin-negozju inklużi s-sħubijiet privati-pubbliċi, it-tisħiħ ta' self lill-SMEs u t-titjib tal-assorbiment tal-fondi tal-UE. L-aġġornament jinkludi wkoll serje ta' miżuri ta' riforma strutturali oħrajn, li huma parti mill-istrateġija għall-perijodu fit-tul għat-titjib tal-kwalità u s-sostenibilità tal-finanzi pubbliċi, bħar-riforma fil-ġestjoni tal-infiq pubbliku u l-kontroll u l-implimentazzjoni tar-riforma fil-pensjonijiet li kienet adottata reċentement. Dawn il-miżuri huma relatati mal-aġenda ta' riforma għall-perijodu medju u r-rakkomandazzjonijiet speċifiċi għall-pajjiżi proposti mill-Kummissjoni fit-28 ta' Jannar 2009 skont l-Istrateġija ta' Lisbona għat-Tkabbir u l-Impjiegi.

(12) Il-Greċja adottat programm ta' konsolidazzjoni bl-għan li jiġi llimitat l-ammont ta' deterjorament fiskali fl-2009 u jitnaqqas l-iżbilanċ ġenerali tal-gvern taħt it-3 % tal-limitu tal-PDG sal-2011. Abbażi tal-bidla fil-bilanċ strutturali (ikkalkulat mill-ġdid), il-qagħda fiskali kumplessiva hija fil-parti l-kbira tagħha newtrali fl-2009 u restrittiva fl-2010. B'mod iktar speċifiku, għall-2010 il-programm għandu mira ta' aġġustament strutturali ta' 1,5 punt perċentwali tal-PDG u titjib strutturali ulterjuri ta' xi 0,5 fl-2011. Madankollu, meta tqis ir-riskji għall-pjani baġitarji, il-konsolidament previst jista' ma jilħaqx il-miri u l-iżbilanċ nominali jibqa' taħt it-3 % tal-valur ta' referenza tal-PDG. Fid-dawl tal-iżbilanċi domestiċi u esterni kbar tal-ekonomija Griega, il-pass tal-aġġustament fiskali huwa insuffiċjenti u mhux appoġġat għal kollox minn miżuri permanenti konkreti fl-2010 u l-2011, speċjalment fin-naħa tal-infiq. Finalment, meta jitqiesu r-riskji għall-projezzjonijiet tad-dejn imsemmija hawn fuq, il-proporzjon tad-dejn mal-PDGG jista' jkun qed jiżdied matul il-perijodu kollu tal-programm, u dan jirrifletti l-iktar il-progress insuffiċjenti fit-tnaqqis tal-iżbilanċ tal-gvern.

(13) Fir-rigward tal-ħtiġiet ta' data speċifikati fil-kodiċi ta' kondotta għall-programmi ta' stabbiltà u konverġenza, il-programm fih xi lakuni fid-data meħtieġa u fakultattiva ([1]).

Il-konklużjoni ġenerali hi li l-programm jipprevedi t-tnaqqis tal-iżbilanċ baġitarju matul il-perijodu medju, imma jonqos milli jindirizza fil-ħin u b'mod effettiv l-iżbilanċi strutturali tal-ekonomija Griega u jaqleb t-tendenza 'il fuq tad-dejn pubbliku. Għalkemm l-istrateġija ta' konsolidazzjoni wara l-2009 sserraħ fuq trażżin permanenti tal-infiq u żieda fid-dħul mit-taxxa, il-programm ma jispjegax fid-dettall il-miżuri konkreti li se jsostnu kompletament l-aġġustament baġitarju ppjanat fl-2010 u l-2011. Barra minn hekk, fl-isfond ta' deterjorament qawwi fl-ambjent ekonomiku globali, l-istrateġija baġitarja hija soġġetta wkoll għal riskji negattivi sinifikanti, b'suppożizzjonijiet favorevoli ta' tkabbir bħala l-bażi għax-xenarju makroekonomiku.

Sa ċertu punt l-konsolidazzjoni sserraħ fuq ir-riżultati mill-ġlieda kontra l-evażjoni tat-taxxa, li hija biss parzjalment sostnuta mir-riformi fl-amministrazzjoni tat-taxxa, filwaqt li t-tnaqqis ippjanat fl-infiq jitpaċa parzjalment ma' pjani għal żieda fil-pagi u t-trasferimenti soċjali. It-tisħiħ tat-triq lejn konsolidazzjoni fiskali, ibbażat fuq miżuri permanenti għall-kontroll ta' nfiq pimarju preżenti li jinkludi l-pagi pubbliċi, ikun kruċjali biex jintlaħqu finanzi pubbliċi sodi u sostenibbli fil-Greċja. Barra minn hekk, l-aġġustament previst fil-programm huwa biss parzjalment appoġġat minn politiki strutturali biex tittejjeb il-kwalità tal-finanzi pubbliċi. In-natura strutturali tal-fatturi li huma l-bażi tat-telf fil-kompetittività u t-twessigħ tal-iżbilanċi esterni urġentement jeħtieġu l-implimentazzjoni ta' riformi strutturali li juru kuraġġ. Għall-perijodu fit-tul, il-livell tad-dejn li għadu fost l-ogħla fl-UE, ikkombinat ma' żieda proġettata fl-infiq relatat mal-età, ser jaffettwaw ukoll b'mod negattiv is-sostenibbiltà għall-perijodu fit-tul tal-finanzi pubbliċi.

Fid-dawl tal-valutazzjoni ta' hawn fuq, il-Greċja hi mistiedna biex:

(i) diġà mill-2009 ssaħħaħ sinifikattivament it-triq lejn il-konsolidazzjoni fiskali, permezz ta' miżuri permanenti speċifikati sew li jrażżnu l-infiq attwali, inkluż politika prudenti rigward il-pagi tas-settur pubbliku, biex b'hekk tikkontribwixxi għat-tnaqqis neċessarju fil-proporzjon tad-dejn mal-PDG,

(ii) tiżgura li l-miżuri ta' konsolidazzjoni fiskali jkunu wkoll immirati lejn it-tisħiħ tal-kwalità tal-finanzi pubbliċi, fil-qafas tal-programm ta' riforma komprensiv, fid-dawl tal-aġġustament neċessarju tal-ekonomija, bil-ħsieb li jiġi rkuprat it-telf fil-kompetittività u jiġu indirizzati l-iżbilanċi esterni eżistenti,

(iii) timplimenta malajr il-politiki biex tirriforma l-amministrazzjoni tat-taxxa u ttejjeb aktar il-funzjonament tal-proċess baġitarju billi iżżid it-trasparenza tagħha, tiddefinixxi l-istrateġija baġitarja fil-perspettiva ta' żmien itwal u tistabbilixxi mekkaniżmi għall-monitoraġġ, il-kontroll u t-titjib tal-effiċjenza tal-infiq primarju preżenti,

(iv) fid-dawl tal-livell ta' dejn dejjem jiżdied u taż-żieda proġettata fin-nefqa marbuta mal-età, ittejjeb is-sostenibbiltà għall-perijodu fit-tul tal-finanzi pubbliċi, billi jitkomplew ir-riformi li għaddejjin fis-sistemi tal-kura tas-saħħa u s-sistema tal-pensjoni.

Il-Greċja hija mħeġġa wkoll biex ittejjeb il-governanza statistika u l-kwalità tad-data statistika tagħha, u hija mistiedna ttejjeb il-konformità mal-ħtiġiet tad-data tal-kodiċi ta' kondotta.

Tqabbil tal-projezzjonijiet makroekonomiċi u baġitarji prinċipali

		2007	2008	2009	2010	2011
PDG reali (bidla f' %)	SP Jan 2009	4,0	3,0	1,1	1,6	2,3
	COM Jan 2009	4,0	2,9	0,2	0,7	m.d.*
	PS Diċ 2007	*4,1*	*4,0*	*4,0*	*4,0*	*m.d.*

([1]) B'mod partikolari, mhumiex ipprovduti n-nefqa ġenerali tal-gvern skond il-funzjoni u informazzjoni dwar l-iżviluppi tad-dejn u l-komponenti tal-aġġustament tal-flussi/stock(differenzi bejn il-flus kontanti u dovuti, akkumulazzjoni netta tal-assi finanzjarji, effetti ta' valutazzjoni u oħrajn), assi finanzjarji likwidi u dejn finanzjarju nett.

		2007	2008	2009	2010	2011
Inflazzjoni tal-IAPK (%)	SP Jan 2009	3,0	4,3	2,6	2,5	2,4
	COM Jan 2009	3,0	4,3	2,5	2,7	m.d.
	PS Diċ 2007	*2,9*	*2,8*	*2,7*	*2,6*	*m.d.*
Differenza bejn il-produzzjoni effettiva u dik potenzjali (1) (% tal-PDG potenzjali)	SP Jan 2009	2,2	1,9	0,3	− 0,8	− 1,0
	COM Jan 2009 (2)	3,0	2,8	0,5	− 1,2	m.d.
	PS Diċ 2007	*1,3*	*1,2*	*1,2*	*m.d.*	*m.d.*
Self mogħti/meħud nett meta mqabbel mal-bqija tad-dinja (% tal-PDG)	SP Jan 2009	− 12,1	− 12,8	− 11,4	− 10,8	− 10,0
	COM Jan 2009	− 12,1	− 11,7	− 11,2	− 11,6	m.d.
	PS Diċ 2007	*− 12,8*	*− 12,7*	*− 12,5*	*− 12,2*	*m.d.*
Dħul ġenerali tal-Gvern (% tal-PDG)	SP Jan 2009	39,9	40,0	41,0	41,1	41,2
	COM Jan 2009	40,0	39,9	40,8	40,0	m.d.
	PS Diċ 2007	*39,9*	*41,1*	*41,7*	*42,3*	*m.d.*
Infiq ġenerali tal-Gvern (% tal-PDG)	SP Jan 2009	43,4	43,7	44,7	44,3	43,8
	COM Jan 2009	43,4	43,4	44,5	44,2	m.d.
	PS Diċ 2007	*42,6*	*42,7*	*42,5*	*42,3*	*m.d.*
Bilanċ ġenerali tal-gvern (% tal-PDG)	SP Jan 2009	− 3,5	− 3,7	− 3,7	− 3,2	− 2,6
	COM Jan 2009	− 3,5	− 3,4	− 3,7	− 4,2	m.d.
	PS Diċ 2007	*− 2,7*	*− 1,6*	*− 0,8*	*0,0*	*m.d.*
Bilanċ primarju (% tal-PDG)	SP Jan 2009	0,6	0,3	0,8	1,2	1,7
	COM Jan 2009	0,6	0,6	0,6	0,0	m.d.
	PS Diċ 2007	*1,2*	*2,4*	*3,1*	*3,8*	*m.d.*
Bilanċ aġġustat ċiklikament (1) (% tal-PDG)	SP Jan 2009	− 4,4	− 4,5	− 3,8	− 2,8	− 2,2
	COM Jan 2009	− 4,8	− 4,7	− 3,9	− 3,7	m.d.
	PS Diċ 2007	*− 3,4*	*− 2,4*	*− 2,3*	*m.d.*	*m.d.*

		2007	2008	2009	2010	2011
Bilanċ strutturali (3) (% tal-PDG)	SP Jan 2009	− 4,4	− 4,5	− 4,3	− 2,8	− 2,2
	COM Jan 2009	− 4,6	− 5,0	− 4,7	− 3,7	m.d.
	PS Diċ 2007	*− 3,1*	*− 2,4*	*− 2,3*	*m.d.*	*m.d.*
Dejn gross tal-gvern (% tal-PDG)	SP Jan 2009	94,8	94,6	96,3	96,1	94,7
	COM Jan 2009	94,8	94,0	96,2	98,4	m.d.
	PS Diċ 2007	*93,4*	*91,0*	*87,3*	*82,9*	*m.d.*

Noti:

(1) Differenza bejn il-produzzjoni effettiva u dik potenzjali u bilanċi aġġustati ċiklikament skont il-programmi kif ikkalkulati mill-ġdid mis-servizzi tal-Kummissjoni abbażi tal-informazzjoni fil-programmi.

(2) Ibbażat fuq it-tkabbir potenzjali stmat ta’ 3,2 %, 2,7 %, 2,8 % u 2,5 % rispettivament fil-perijodu 2008-2011.

(3) Bilanċ aġġustat ċiklikament li jeskludi miżuri ta’ darba u miżuri temporanji oħrajn. Il-miżuri ta’ darba u oħrajn temporanji huma 0,4 % tal-PDG fl-2008 u 0,5 % fl-2009 (kollha jnaqqsu d-deficit) skont l-aktar programm reċenti, u 0,4 % tal-PDG fl-2008 u għal 0,8 % fl-2009 (kollha jnaqqsu d-deficit) fil-previżjoni interim ta’ Jannar mis-servizzi tal-Kummissjoni.

Sors:

Programm ta’ stabbiltà (PS); Il-previżjonijiet interim ta’ Jannar 2009 mis-servizzi tal-Kummissjoni (COM); Kalkoli tas-servizzi tal-Kummissjoni.

II

(Komunikazzjonijiet)

KOMUNIKAZZJONIJIET MINN ISTITUZZJONIJIET U KORPI TAL-UNJONI EWROPEA

IL-KUMMISSJONI

Ebda oppożizzjoni għal konċentrazzjoni notifikata

(Każ COMP/M.5433 — Sanacorp/V.D. Linde)

(Test b'rilevanza għaż-ŻEE)

(2009/C 64/03)

Fl-4 ta' Marzu 2009, il-Kummissjoni iddeċidiet li ma topponix il-konċentrazzjoni notifikata msemmija hawn fuq u li tiddikjaraha kompatibbli mas-suq komuni. Din id-deċiżjoni hi bbażata fuq l-Artikolu 6(1)(b) tar-Regolament tal-Kunsill (KE) Nru 139/2004. It-test kollu tad-deċiżjoni jinsab bl-Ġermaniż u se jkun ippubblikat wara li jkun meħlus minn kwalunkwe sigrieti tan-negozju li jista' jkun fih. Hu jinstab:

— mill-websajt tal-kompetizzjoni ta' l-Europa (http://ec.europa.eu/comm/competition/mergers/cases/). Dan il-websajt jipprovdi faċilitajiet varji biex jgħinu jinstabu deċiżjonijiet individwali ta' fużjoni, inklużi l-kumpanija, in-numru tal-każ, id-data u indiċi settorali,

— f'forma elettronika fil-websajt EUR-Lex fid-dokument numru 32009M5433. EUR-Lex hu l-aċċess fuq l-internet għal-liġi Ewropea (http://eur-lex.europa.eu).

Ebda oppożizzjoni għal konċentrazzjoni notifikata

(Każ COMP/M.5438 — NBC Universal/De Agostini Communications/IMI Investimenti/Cattleya)

(Test b'rilevanza għaż-ŻEE)

(2009/C 64/04)

Fit-2 ta' Marzu 2009, il-Kummissjoni iddeċidiet li ma topponix il-konċentrazzjoni notifikata msemmija hawn fuq u li tiddikjaraha kompatibbli mas-suq komuni. Din id-deċiżjoni hi bbażata fuq l-Artikolu 6(1)(b) tar-Regolament tal-Kunsill (KE) Nru 139/2004. It-test kollu tad-deċiżjoni jinsab bl-Ingliż u se jkun ippubblikat wara li jkun meħlus minn kwalunkwe sigrieti tan-negozju li jista' jkun fih. Hu jinstab:

— mill-websajt tal-kompetizzjoni ta' l-Europa (http://ec.europa.eu/comm/competition/mergers/cases/). Dan il-websajt jipprovdi faċilitajiet varji biex jgħinu jinstabu deċiżjonijiet individwali ta' fużjoni, inklużi l-kumpanija, in-numru tal-każ, id-data u indiċi settorali,

— f'forma elettronika fil-websajt EUR-Lex fid-dokument numru 32009M5438. EUR-Lex hu l-aċċess fuq l-internet għal-liġi Ewropea (http://eur-lex.europa.eu).

IV

(Informazzjoni)

INFORMAZZJONI MINN ISTITUZZJONIJIET U KORPI TAL-UNJONI EWROPEA

IL-KUMMISSJONI

Rata tal-kambju ta' l-euro [1]

It-18 ta' Marzu 2009

(2009/C 64/05)

1 euro =

	Munita	Rata tal-kambju		Munita	Rata tal-kambju
USD	Dollaru Amerikan	1,3130	AUD	Dollaru Awstraljan	1,9840
JPY	Yen Ġappuniż	128,94	CAD	Dollaru Kanadiż	1,6563
DKK	Krona Daniża	7,4508	HKD	Dollaru ta' Hong Kong	10,1787
GBP	Lira Sterlina	0,93910	NZD	Dollaru tan-New Zealand	2,4753
SEK	Krona Żvediża	10,9630	SGD	Dollaru tas-Singapor	2,0004
CHF	Frank Żvizzeru	1,5332	KRW	Won tal-Korea t'Isfel	1 859,60
ISK	Krona Iżlandiża		ZAR	Rand ta' l-Afrika t'Isfel	12,9205
NOK	Krona Norveġiża	8,8090	CNY	Yuan ren-min-bi Ċiniż	8,9740
BGN	Lev Bulgaru	1,9558	HRK	Kuna Kroata	7,4395
CZK	Krona Ċeka	26,988	IDR	Rupiah Indoneżjan	15 677,22
EEK	Krona Estona	15,6466	MYR	Ringgit Malażjan	4,8351
HUF	Forint Ungeriż	301,70	PHP	Peso Filippin	63,480
LTL	Litas Litwan	3,4528	RUB	Rouble Russu	45,1795
LVL	Lats Latvjan	0,7075	THB	Baht Tajlandiż	47,025
PLN	Zloty Pollakk	4,5427	BRL	Real Brażiljan	2,9982
RON	Leu Rumen	4,2965	MXN	Peso Messikan	18,5133
TRY	Lira Turka	2,2459	INR	Rupi Indjan	67,3440

(1) *Sors:* rata tal-kambju ta' referenza ppubblikata mill-Bank Ċentrali Ewropew.

INFORMAZZJONI MILL-ISTATI MEMBRI

Aġġornament tal-lista ta' permessi ta' reżidenza msemmija fl-Artikolu 2(15) tar-Regolament (KE) Nru 562/2006 tal-Parlament Ewropew u tal-Kunsill li jistabbilixxi Kodiċi Komunitarju dwar ir-regoli li jirregolaw il-moviment ta' persuni minn naħa għal oħra tal-fruntiera (Kodiċi tal-Fruntieri ta' Schengen) (ĠU C 247, 13.10.2006, p. 1, ĠU C 153, 6.7.2007, p. 5, ĠU C 192, 18.8.2007, p. 11, ĠU C 271, 14.11.2007, p. 14, ĠU C 57, 1.3.2008, p. 31, ĠU C 134, 31.5.2008, p. 14, ĠU C 207, 14.8.2008, p. 12, ĠU C 331, 21.12.2008, p. 13, ĠU C 3, 8.1.2009, p. 5).

(2009/C 64/06)

Il-pubblikazzjoni tal-lista ta' permessi ta' reżidenza msemmija fl-Artikolu 2(15) tar-Regolament (KE) Nru 562/2006 tal-Parlament Ewropew u tal-Kunsill tal-15 ta' Marzu 2006 li jistabbilixxi Kodiċi Komunitarju dwar ir-regoli li jirregolaw il-moviment ta' persuni minn naħa għal oħra tal-fruntiera (Kodiċi tal-Fruntieri ta' Schengen) hija bbażata fuq l-informazzjoni kkomunikata mill-Istati Membri lill-Kummissjoni skont l-Artikolu 34 tal-Kodiċi dwar il-Fruntieri ta' Schengen.

Barra mill-pubblikazzjoni fil-ĠU, huwa disponibbli aġġornament ta' kull xahar fuq il-websajt tad-Direttorat-Ġenerali għall-Ġustizzja, il-Libertà u s-Sigurtà.

L-AWSTRIJA

Sostituzzjoni tal-lista ppubblikata fil-ĠU C 192, 18.8.2007

— Gewöhnlicher Sichtvermerk gemäß § 6 Abs. 1 Z. 1 FrG 1992 (von Inlandsbehörden sowie Vertretungsbehörden bis 31 Dezember 1992 in Form eines Stempels ausgestellt)

(Viża normali skont l-Art. 6(1)(Z)(1) tal-liġi dwar l-aljeni tal-1992 (maħruġa mill-awtoritajiet interni kif ukoll l-awtoritajiet ta' rappreżentanza sal-31 ta' Diċembru 1992 fil-forma ta' timbru)

— Aufenthaltstitel in Form einer grünen Vignette bis Nr. 790.000

(Permess ta' reżidenza fil-forma ta' tabella ħadra san-Numru 790 000)

— Aufenthaltstitel in Form einer grün-weißen Vignette ab Nr. 790.001

(Permess ta' reżidenza fil-forma ta' tabella ħadra u bajda bin-Numru 790 001 'l quddiem)

— Aufenthaltstitel in Form der Vignette entsprechend der Gemeinsamen Maßnahme 97/11/JI des Rates vom 16. Dezember 1996, Amtsblatt L 7 vom 10. Januar 1997 zur einheitlichen Gestaltung der Aufenthaltstitel (in Österreich ausgegeben im Zeitraum 1. Januar 1998 bis 31. Dezember 2004)

(Permess ta' reżidenza fil-Forma ta' tabella li tikorrispondi għall-Miżuri Komuni 97/11/JI tal-Kunsill tas-16 ta' Diċembru 1996, Ġurnal Uffiċjali L 7, 10.1.1997 dwar format uniformi tal-permezzi ta' reżidenza (maħruġ fl-Awstrija bejn l-1 ta' Jannar 1998 sal-31 ta' Diċembru 2004))

— Aufenthaltstitel „Niederlassungsnachweis" im Kartenformat ID1 entsprechend der Gemeinsamen Maßnahmen aufgrund der Verordnung (EG) Nr. 1030/2002 des Rates vom 13. Juni 2002 zur einheitlichen Gestaltung des Aufenthaltstitels für Drittstaatsangehörige (in Österreich ausgegeben im Zeitraum 1. Januar 2003 bis 31. Dezember 2005)

(Permess ta' reżidenza "Prova ta' stabbiliment" f'forma ta' *card* ID1 li jikkorrispondi għall-miżuri komuni bħala riżultat tar-Regolament (KE) Nru 1030/2002 tal-Kunsill tat-13 ta' Ġunju 2002 li jippreskrivi format uniformi għall-permessi ta' residenza għaċ-ċittadini ta' pajjiz terz (maħruġ fl-Awstrija bejn l-1 ta' Jannar 2003 u l-31 ta' Diċembru 2005))

— Aufenthaltstitel in Form der Vignette entsprechend der Gemeinsamen Maßnahmen aufgrund der Verordnung (EG) Nr. 1030/2002 des Rates vom 13. Juni 2002 zur einheitlichen Gestaltung des Aufenthaltstitels für Drittstaats-angehörige (in Österreich ausgegeben im Zeitraum 1. Januar 2005 bis 31. Dezember 2005)

(Permess ta' reżidenza fil-forma ta' tabella li tikkorrispondi għall-miżuri komuni skont ir-Regolament (KE) Nru 1030/2002 tal-Kunsill tat-13 ta' Ġunju 2002 li jippreskrivi format uniformi għall-permssi ta' reżidenza għaċ-ċittadini ta' pajjiż terz (maħruġ fl-Awstrija bejn l-1 ta' Jannar 2005 u l-31 ta' Diċembru 2005))

— Aufenthaltstitel „Niederlassungsbewilligung", „Familienangehöriger", „Daueraufenthalt-EG", „Daueraufenthalt-Familienangehöriger" und „Aufenthaltsbewilligung" im Kartenformat ID1 entsprechend der Gemeinsamen Maßnahmen aufgrund der Verordnung (EG) Nr. 1030/2002 des Rates vom 13. Juni 2002 zur einheitlichen Gestaltung des Aufenthaltstitels für Drittstaatsangehörige (in Österreich ausgegeben seit 1. Januar 2006)

(Permess ta' reżidenza "Awtorizzazzjoni għall-istabbiliment", "Membru tal-familja", "Soġġorn fit-tul fil-KE", "Soġġorn fit-tul-membru tal-familja", kif ukoll "Awtorizzazzjoni ta' soġġorn" f'forma ta' *card* ID1 li tikkorrispondi għall-miżuri komuni skont ir-Regolament (KE) Nru 1030/2002 tal-Kunsill tat-13 ta' Ġunju 2002 li jippreskrivi format uniformi għall-permssi ta' reżidenza għaċ-ċittadini ta' pajjiż terz (maħruġa fl-Awstrija mill-1 ta' Jannar 2006 'l quddiem))

Der Bezeichnung der Aufenthaltstitel „Niederlassungsbewilligung" und „Aufenthaltsbewilligung" sind der jeweilige Aufenthaltszweck beigefügt. Eine „Niederlassungsbewilligung" kann nur für folgende Zwecke erteilt werden: „Schlüsselkraft", „ausgenommen Erwerbstätigkeit", „unbeschränkt", „beschränkt" sowie „Angehöriger".

(Il-permess ta' reżidenza jingħata t-titlu ta' "Awtorizzazzjoni ta' stabbiliment" jew ta' "Awtorizzazzjoni ta' soġġorn", skont l-iskop li għalih ikun inħareġ. "Awtorizzazzjoni ta' stabbiliment" tista' tinħareġ biss għal dawn l-iskopijiet: "ħaddiem essenzjali", "l-ebda attività ta' qliegħ", "bla limitu", "limitat" jew inkella "membru tal-familja".

Eine „Aufenthaltsbewilligung" kann für folgende Zwecke erteilt werden: „Rotationsarbeitskraft", „Betriebsentsandter", „Selbständiger", „Künstler", „Sonderfälle unselbständiger Erwerbstätigkeit", „Schüler", „Studierender", „Sozialdienstleistender", „Forscher", „Familiengemeinschaft" sowie „Humanitäre Gründe".

("Awtorizzazzjoni ta' soġġorn" jista' jinħateġ għall-iskopijiet li ġejjin: "Ħaddiem b'rotazzjoni", "Rappreżentanti ta' kumpanija", "Ħaddiem għal rasu", "Artist", "Impjieg mhux indipendenti f'każ speċjali", "Tfal tal-iskola", "Student", "Ħaddiema ta' servizzi soċjali", "Riċeratur", "Negozju tal-familja" kif ukoll "Raġunijiet Umanitarji".)

— „Daueraufenthaltskarte" zur Dokumentation des gemeinschaftsrechtlichen Aufenthalts- und Niederlassungsrechtes für Angehörige von freizügigkeits-berechtigten EWR-Bürgern gem. § 54 NAG 2005

("Karta ta' soġġorn fit-tul" bħala dokumentazzjoni tad-dritt Komunitarju ta' soġġorn u ta' stabbiliment għal membri tal-familja ta' ċittadini taż-ŻEE li jgawdu mid-dritt tal-libertà ta' moviment skont l-Artikolu 54 NAG 2005)

— „Bestätigung über den Antrag auf Verlängerung des Aufenthaltstitels" in Form einer Vignette aufgrund § 24/1 NAG 2005

("Konferma dwar it-talba għal estensjoni tal-permess ta' reżidenza" fil-forma ta' tabella skont l-Artikolu 24/1 NAG 2005)

— Lichtbildausweis im Kartenformat für Träger von Privilegien und Immunitäten in den Farben rot, gelb, blau, grün, braun, grau und orange, ausgestellt vom Bundesministerium für auswärtige Angelegenheiten.

(Dokument ta' identità bir-ritratt għal dawk li għandhom privileġġi u immunitajiet ta' kulur aħmar, isfar u ikħal, maħruġ mill-Ministeru Federali għall-affarijiet barranin)

— Lichtbildausweis im Kartenformat für Träger von Privilegien und Immunitäten in den Farben rot, gelb, blau, grün, braun, grau und orange, ausgestellt vom Bundesministerium für auswärtige Angelegenheiten.

(Dokument ta' identità bir-ritratt f'forma ta' *card* għal dawn li għandhom privileġġi u immunitajiet ta' kulur aħmar, isfar, ikħal, aħdar, kannella, griż u oranġo, maħruġ mill-Ministeru Federali għall-affarijiet barranin)

— Konventionsreisepass in Buchform im Format ID 3 (in Österreich ausgegeben im Zeitraum 1. Januar 1996 bis 27. August 2006)

(Dokument għall-ivvjaġġar f'forma ta' ktejjeb ta' Format ID 3 (maħruġ fl-Awstrija bejn l-1 ta' Jannar 1006 u s-27 ta' Awwissu 2006)

— Konventionsreisepass in Buchform im Format ID 3 mit integriertem elektronischen Mikrochip (in Österreich ausgegeben seit 28. August 2006)

(Dokument għall-ivvjaġġar f'forma ta' ktejjeb ta' Format ID 3 b'ċippa elettronika integrata fih (maħruġ fl-Awstrija mit-28 ta' Awwissu 2006 'l quddiem)

— Fremdenpass in Buchform im Format ID 3 (in Österreich ausgegeben im Zeitraum 1. Januar 1996 bis 27. August 2006)

(Passaport ta' barrani f'forma ta' ktejjeb ta' Format ID 3 (maħruġ fl-Awstrija bejn l-1 ta' Jannar 1996 u s-27 ta' Awwissu 2006)

— Fremdenpass in Buchform im Format ID 3 mit integriertem elektronischen Mikrochip (in Österreich ausgegeben seit 28. August 2006)

(Passaport ta' barrani f'forma ta' ktejjeb ta' Format ID 3 (maħruġ fl-Awstrija mit-28 ta' Awwissu 2006 'l quddiem)

Sonstige Dokumente, die zum Aufenthalt in Österreich oder zur Wiedereinreise nach Österreich berechtigen:

Dokumenti oħra li jagħtu d-dritt ta' soġġorn jew inkella d-dritt ta' dħul mill-ġdid fl-Awstrija:

Liste der Reisenden für Schülerreisen innerhalb der Europäischen Union im Sinne des Beschlusses des Rates vom 30. November 1994 über die gemeinsame Maßnahme über Reiseerleichterungen für Schüler von Drittstaaten mit Wohnsitz in einem Mitgliedstaat

Lista ta' persuni li jkunu qed jivvjaġġaw fil-każ ta' vjaġġi skolastiċi fi ħdan l-Unjoni Ewropea skont id-Deċiżjoni tal-Kunsill tat-30 ta' Novembru 1994 dwar miżuri komuni ta' vjaġġar aktar faċli għal tfal tal-iskola minn pajjiżi terzi b'residenza fi Stat Membru

Aġġornament ta' *cards*-mudell maħruġa mill-Ministeri tal-Affarijiet Barranin tal-Istati Membri lil membri akkreditati ta' missjonijiet diplomatiċi u rappreżentanti konsolari u l-membri tal-familji tagħhom, kif imsemmi fl-Artikolu 19(2) tar-Regolament (KE) Nru 562/2006 tal-Parlament Ewropew u tal-Kunsill li jistabbilixxi Kodiċi Komunitarju dwar ir-regoli li jirregolaw il-moviment ta' persuni minn naħa għal oħra tal-fruntiera (Kodiċi tal-Fruntieri ta' Schengen) (ĠU C 247, 13.10.2006, p. 85, ĠU C 153, 6.7.2007, p. 15)

(2009/C 64/07)

Il-pubblikazzjoni ta' karti-Mudell maħruġa mill-Ministeri ta' l-Affarijiet Barranin ta' l-Istati Membri lil membri akkreditati ta' missjonijiet diplomatiċi u rappreżentanzi konsulari u membri tal-familji tagħhom, skond l-Artikolu 19(2) tar-Regolament Nru 562/2006 tal-Parlament Ewropew u tal-Kunsill tal-15 ta' Marzu 2006 34 li jistabbilixxi Kodiċi Komunitarju dwar ir-regoli li jirregolaw iċ-ċaqliq ta' persuni fuq il-fruntieri (Il-Kodiċi ta' Fruntieri ta' Schengen) hi bbażata fuq l-informazzjoni mogħtija mill-Istati Membri lill-Kummissjoni skond l-Artikolu 34 tal- Kodiċi ta' Fruntieri ta' Schengen.

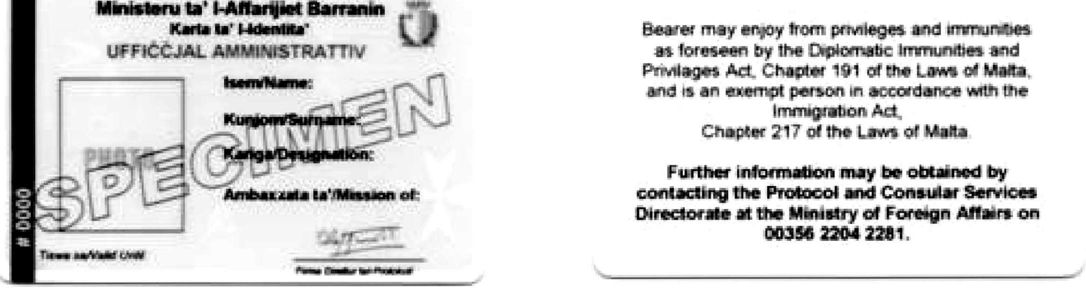
Barra mill-pubblikazzjoni fl-Ġurnal Uffiċjali, huwa disponibbli aġġornament ta' kull xahar fuq il-websajt tad-Direttorat-Ġenerali għall-Ġustizzja, il-Libertà u s-Sigurtà.

MALTA

1.

Tinħareġ lil kapijiet ta' missjoni, membri tal-missjoni li jkollhom grad diplomatiku u lill-konjugi tagħhom kif ukoll lil uliedhom bejn it-18 u l-21 sena, li jkunu jgħixu fid-dar magħhom

2.

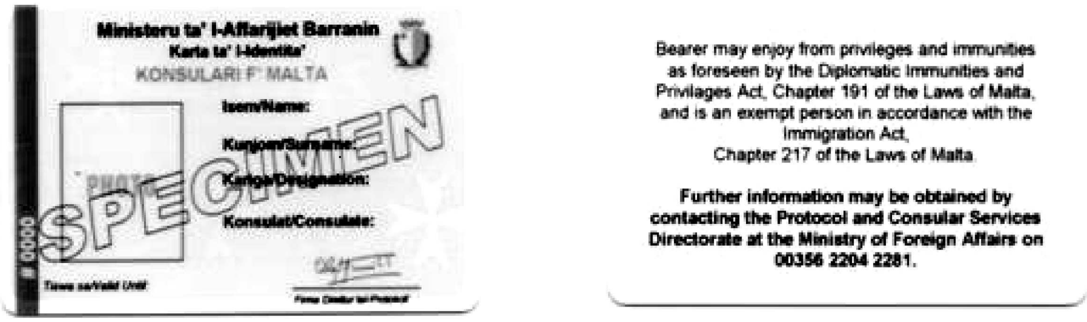


Tinħareġ lil membri tal-persunal amministrattiv u tekniku tal-missjoni kif ukoll lill-konjugi tagħhom kif ukoll lil uliedhom ta' bejn it-18 u l-21 sena, li jkunu jgħixu fid-dar magħhom

3.

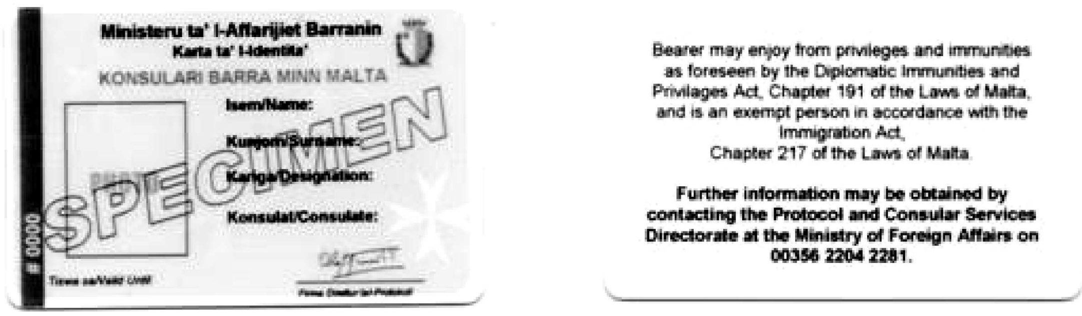
Tinhareġ lill-membri ta' Organizzazzjonijiet Internazzjonali approvati mill-Gvern ta' Malta kif ukoll lill-konjugi tagħhom u lil uliedhom ta' bejn it-18 u l-21 sena li jkunu għadhom jgħixu fid-dar magħhom

4.



Tinhareġ lil Uffiċjali Konsolari Onorarji ta' pajjiżi barranin f'Malta

5.



Tinhareġ lil Konsli Onorarji Maltin

Aġġornament tal-lista ta' postijiet ta' qsim il-fruntiera msemmija fl-Artikolu 2(8) tar-Regolament (KE) Nru 562/2006 tal-Parlament Ewropew u tal-Kunsill li jistabbilixxi Kodiċi Komunitarju dwar ir-regoli li jirregolaw il-moviment ta' persuni minn naħa għal oħra tal-fruntiera (Kodiċi tal-Fruntieri ta' Schengen) (ĠU C 316, 28.12.2007, p. 1, ĠU C 134, 31.5.2008, p. 16, ĠU C 177, 12.7.2008, p. 9, ĠU C 200, 6.8.2008, p. 10, ĠU C 331, 31.12.2008, p. 13, ĠU C 3, 8.1.2009, p. 10; ĠU C 37, 14.2.2009, p. 10)

(2009/C 64/08)

Il-pubblikazzjoni tal-lista ta' postijiet ta' qsim il-fruntiera msemmiija fl-Artikolu 2(8) tar-Regolament (KE) Nru 562/2006 tal-Parlament Ewropew u tal-Kunsill tal-15 ta' Marzu 2006 li jistabbilixxi Kodiċi Komunitarju dwar ir-regoli li jirregolaw il-moviment ta' persuni minn naħa għal oħra tal-fruntiera (Kodiċi tal-Fruntieri ta' Schengen) hija bbażata fuq l-informazzjoni kkomunikata mill-Istati Membri lill-Kummissjoni skont l-Artikolu 34 tal-Kodiċi dwar il-Fruntieri ta' Schengen.

Barra mill-pubblikazzjoni fl-Ġurnal Uffiċjali, huwa disponibbli aġġornament ta' kull xahar fuq il-websajt tad-Direttorat-Ġenerali għall-Ġustizzja, il-Libertà u s-Sigurtà.

L-IŻVEZJA

Emenda għall-informazzjoni ppubblikata fil-ĠU C 316, 28.12.2007

Fruntieri tal-ajru

Post ġdid ta' qsim il-fruntiera (infetaħ fl-1 ta' Frar 2009):

Ajruport ta' Pajala-Ylläs (fil-muniċipalità ta' Pajala)

INFORMAZZJONI DWAR L-ISPAZJU EKONOMIKU EWROPEW

L-AWTORITÀ TA' SORVELJANZA EFTA

Sejha biex jitressqu kummenti skont l-Artikolu 1(2) fil-Parti I tal-Protokoll 3 tal-Ftehim bejn l-Istati EFTA dwar it-twaqqif ta' Awtorità ta' Sorveljanza u Qorti tal-Ġustizzja dwar l-għajnuna mill-Istat fir-rigward tal-Fond Iżlandiż ta' Finanzjament għad-Djar mill-pagament ta' premju ta' garanzija mill-Istat

(2009/C 64/09)

Permezz tad-Deċiżjoni Nru 406/08/COL tas-27 ta' Ġunju 2008, riprodotta fil-lingwa awtentika fil-paġni ta' wara dan is-sommarju, l-Awtorità ta' Sorveljanza tal-EFTA bdiet proċedimenti skont l-Artikolu 1(2) fil-Parti I tal-Protokoll 3 tal-Ftehim bejn l-Istati tal-EFTA dwar it-twaqqif ta' Awtorità ta' Sorveljanza u Qorti tal-Ġustizzja. L-awtoritajiet Iżlandiżi ġew infurmati permezz ta' kopja tad-Deċiżjoni.

L-Awtorità ta' Sorveljanza tal-EFTA b'dan tavża lill-Istati tal-EFTA, lill-Istati Membri tal-UE u lill-partijiet interessati biex iressqu l-kummenti tagħhom dwar il-miżuri in kwistjoni fi żmien xahar mill-pubblikazzjoni ta' din in-notifika lil:

L-Awtorità ta' Sorveljanza tal-EFTA
Ir-Reġistru
Rue Belliard 35
B-1040 Brussell
BELGIQUE/BELGIË

Il-kummenti se jkunu kkomunikati lill-awtoritajiet Iżlandiżi. Il-parti interessata li tissottometti l-kummenti tista' titlob bil-miktub biex l-identità tagħha tinżamm kunfidenzjali, u tagħti r-raġunijiet għat-talba.

SOMMARJU

Il-Fond Iżlandiż għall-Finanzjament tad-Djar (Housing Financing Fund, minn hawn 'il quddiem "L-HFF"), li jopera fis-suq Iżlandiż tal-ipoteki, huwa istituzzjoni tal-Istat iggvernat mil-liġi pubblika. Għaldaqstant, huwa jgawdi, skont il-prinċipji ġenerali tal-liġi pubblika Iżlandiża, garanzija statali fuq l-obbligazzjonijiet kollha tiegħu mingħajr dispożizzjoni legali speċjali għal dan l-iskop.

Din il-garanzija kienet teżisti qabel ma daħal fis-seħħ il-Ftehim ŻEE fl-1 ta' Jannar 1994. Għaldaqstant il-garanzija m'hijiex ser tiġi eżaminata taħt il-proċeduri attwali li jirrigwardaw għajnuna ġdida iżda taħt il-proċeduri għal għajnuna eżistenti. Il-proċedura attwali tirrigwarda l-fatt li l-HFF huwa eżenti minn ħlas ta' premju ta' garanzija li impriżi oħra organizzati b'mod simili għall-HFF huma obbligati li jħallsu. Permezz tal-Att Nru 121/1997 u l-emendi segwenti (l-Att Nru 70/2000 u l-Att Nru 180/2000) dawn l-istituzzjonijiet għandhom iħallsu premji ta' garanziji. Il-premju attwali huwa ta' 0,0625 % kull tliet xhur fuq impenji pendenti.

Fil-fehma preliminari tal-Awtorità ta' Sorveljanza tal-EFTA (minn hawn 'il quddiem "l-Awtorità") l-eżenzjoni tal-HFF mill-ħlas ta' premju ta' garanzija hija ekwivalenti għal għajnuna mill-Istat skont it-tifsira tal-Artikolu 61(1) tal-Ftehim ŻEE. Barra minn hekk, l-Awtorità tiddubita li din l-eżenzjoni hija kompatibbli mal-Ftehim. Ma jidhirx li d-derogi pprovduti fl-Artikoli 61(2) u (3) huma applikabbli. L-Awtorità ma jidhrilhiex lanqas li l-Artikolu 59(2) tal-Ftehim ŻEE jista' jkun applikabbli għall-iskema ġenerali ta' self immexxija minn HFF.

Filwaqt li ċertu self għall-finanzjament tad-djar jista' jiġi definit bħala servizz ta' interess ekonomiku ġenerali skont it-tifsira tal-Artikolu 59(2) u għalhekk possibbilment eliġibbli għal għajnuna, il-fehma preliminari tal-Awtorità hija li s-sistema ta' self ġenerali tal-HFF hija mifruxa wisq biex tkun konformi mal-kundizzjonijiet tal-Artikolu 59(2). L-Awtorità ma ngħatatx informazzjoni li tagħtiha raġuni li temmen li s-suq ikun jista' jipprovdi għal finanzjament għad-djar f'termini maneġġevoli b'mod ġenerali. Taħt l-iskema ta' self ġenerali tal-HFF, is-self huwa disponibbli lil kulħadd irrispettivament mid-dħul u l-assi u irrispettivament mil-limitazzjonijiet tal-prezz u d-daqs tar-residenza li ser tiġi ffinanzjata. Is-self jista' wkoll jingħata fi kwalunkwe post irrispettivament jekk il-finanzjament lokali tad-djar huwiex disponibbli jew le.

Sakemm l-opinjonijiet preliminari tal-Awtorità jinżammu fid-deċiżjoni finali, jeħtieġ li l-għajnuna illegali tiġi rkuprata.

Id-deċiżjoni li jibdew proċedimenti hija mingħajr preġudizzju għad-deċiżjoni finali tal-Awtorità.

Kwalunkwe parti interessata hija mistiedna tissottometti kummenti lill-Awtorità fi żmien xahar tal-pubblikazzjoni tad-Deċiżjoni fil-*Ġurnal Uffiċjali tal-Komunitajiet Ewropej* u s-Supplement ŻEE tiegħu.

EFTA SURVEILLANCE AUTHORITY DECISION

No 406/08/COL

of 27 June 2008

to initiate the formal investigation procedure with regard to the relief of the Icelandic Housing Financing Fund from payment of a State guarantee premium

(Iceland)

THE EFTA SURVEILLANCE AUTHORITY (1),

Having regard to the Agreement on the European Economic Area (2), in particular to Articles 59, 61 to 63 and Protocol 26 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice (3), in particular to Article 24 thereof,

Having regard to Article 1(2) of Part I and Articles 4(4) and 6 of Part II of Protocol 3 to the Surveillance and Court Agreement (4),

Having regard to the Authority's Guidelines (5) on the application and interpretation of Articles 61 and 62 of the EEA Agreement,

Having regard to 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 (6),

Having regard to the Authority's Decision No 405/08/COL of 27 June 2008 close the formal investigation procedure with regard to the Icelandic Housing Financing Fund (7),

Whereas:

I. **FACTS**

1. **Procedure**

By letter dated 28 September 2007 (Event No 442805), the Authority requested information from the Icelandic authorities regarding State guarantees and the obligation to pay a State guarantee premium under the Act on State Guarantees. By letter from the Icelandic Mission to the European Union dated 24 October 2007, forwarding the letter from the Icelandic Ministry of Finance of the same date, received and registered by the Authority on 25 October 2007 (Events No 448739 and 449598), the Icelandic authorities responded to this request.

(1) Hereinafter referred to as the Authority.
(2) Hereinafter referred to as the EEA Agreement.
(3) Hereinafter referred to as the Surveillance and Court Agreement.
(4) Hereinafter referred to as Protocol 3.
(5) Guidelines on the application and interpretation of Articles 61 and 62 of the EEA Agreement and Article 1 of Protocol 3 to the Surveillance and Court Agreement, adopted and issued by the Authority on 19 January 1994, published in the *Official Journal of the European Union* (hereinafter referred to as OJ) L 231 and EEA Supplement No 32 of 3 September 1994. The Guidelines were last amended on 19 December 2007. Hereinafter referred to as the State Aid Guidelines. The updated version of the State Aid Guidelines is published on the Authority's website: http://www.eftasurv.int/fieldsofwork/fieldstateaid/guidelines/
(6) Published in OJ C 139, 25.5.2006, p. 57 and EEA Supplements No 26 of 25 May 2006.
(7) Not published yet. The non-confidential full text of the Decision will be available at: www.eftasurv.int/fieldof work/fieldstateaid/stateaidregistry/

The case was subject to discussions between the representatives of the Authority and the Icelandic Government on 7 September 2007 in Brussels and on 29 October 2007 in Reykjavik as well as between the representatives of the Authority and the complainant, the Icelandic Financial Services Association, in a meeting on 6 March 2008 in Brussels.

2. **Description of the relevant Icelandic law provisions**

2.1. *Introduction*

The Housing Financing Fund (hereafter referred to as the HFF) is a State institution governed by public law, cf. Article 4 of the Housing Act No 44/1998 (*lög um húsnæðismál*). As such, it enjoys, under the general principles of Icelandic public law, a State guarantee on all its obligations without any special legal provision to that effect. The same applied to its predecessor, the State Housing Agency, and the State Building Fund and the Workers' Housing Fund operated by the Agency as well as the State Housing Board, cf. Act No 97/1993 on the State Housing Agency (*lög um Húsnæðisstofnun ríkisins*).

On 1 January 1999, the Housing Act No 44/1998 entered into force. Under the terms of the Housing Act, the Housing Financing Fund replaced the former State Housing Agency and took over its predecessor's obligations. Furthermore, the State Building Fund and the Workers' Housing Fund were merged and taken over by the HFF ([1]).

2.2. *Act No 37/1961 on State Guarantees, as amended by Act No 65/1988*

Act No 68/1987 introduced an obligation to pay a guarantee premium to the State for State guarantees that were not subject to the risk premium. Article 8 of the Act No 37/1961 on State Guarantees (*lög um ríkisábyrgðir*), as subsequently amended by Act No 65/1988 on State Guarantees, (*lög um breyting á lögum nr. 37/1961, um ríkisábyrgðir, með síðari breytingum*) required banks, credit funds, financial institutions, enterprises and other such entities that, according to law, enjoy a State guarantee whether through the ownership of the State or other reasons, to pay a guarantee premium to the State as regards their commitments towards foreign entities. In contrast, no similar premium was imposed on domestic commitments at the time of the entry into force of the EEA Agreement in Iceland on 1 January 1994.

The premium was set at 0,0625 % per quarter on the principal of foreign commitments based on their average for each period, cf. paragraph 2 of Article 8. Loans for which a risk premium had been paid, certain export guarantees and commitments due to credit balance in domestic currency accounts did not constitute basis for calculation of the guarantee premium, cf. paragraph 2 of Article 9 of the Act.

In its submission of 24 October 2007, the Icelandic Government has claimed that the State Housing Agency was not liable to pay a guarantee premium under the terms of the Act No 37/1961 on State Guarantees. The Government did not, however, present arguments as to why the general obligation should not also cover the State Housing Agency. The Authority does not dispute the statement of the Icelandic Government that the Agency in fact never paid any premium as it did not have any foreign commitments. However, this does not change the fact that according to the Act, the Agency would have been liable for the premium in the event of undertaking foreign commitments. Hence, the Authority is of the preliminary opinion that the obligation to pay a guarantee premium did indeed apply to any foreign financial commitments that the State Housing Agency might have had.

2.3. *Act No 121/1997 on State Guarantees*

On 22 December 1997, a new Act on State Guarantees No 121/1997 was adopted. This Act, which entered into force on 1 January 1998, extended the obligation to pay a premium also to cover domestic commitments. Paragraphs 1 and 2 of Article 6 of the Act stated:

> *'Banks, credit funds, financial institutions, enterprises and other such entities that according to law enjoy or have enjoyed the guarantee of the Treasury, whether through the ownership of the State or for other reasons shall pay a guarantee premium on their State-guaranteed commitments. …*
>
> *The guarantee premium according to paragraph 1 shall amount to 0,0625 % per quarter on the principal of foreign commitments subject to the premium and 0,0375 % per quarter on the principal of the average of domestic commitments during each payment period, cf. Article 8. The proceeds shall accrue to the Treasury.'* ([2]).

([1]) For more information on this aspect and the continuity of activities, see the Authority's Decision No 405/08/COL.

([2]) Translation of the Act available at the website of the Ministry of Finance.

Article 7 of Act No 121/1997 provides for an exemption from the general obligation to pay a premium pursuant to Article 6 of the Act. In its original form paragraph 1 of Article 7 read as follows:

> '*Credits on which a risk premium has been paid cf. Article 4, housing bonds issued by the Housing Bond Division of the State Housing Agency, commitments in lieu of deposits in deposit accounts of deposit money banks and government-guaranteed export guarantees as well as the Central Bank of Iceland are exempt from payment of the guarantee premium cf. Article 6.*' (emphasis added)

The State Housing Agency had other commitments than those relating to housing bonds issued by the Housing Bond Division of the Agency. It therefore seems to follow from an *a contrario* interpretation of Article 7 that the main rule on the payment of a fee was applicable to such activities. The same goes for the other public bodies operating on the basis of Act No 97/1993: the State Housing Board, the State Building Fund and the Workers' Housing Fund.

The Icelandic Government has, however, in its letter of 24 October 2007, submitted that as regards commitments other than housing bonds, the levying of the guarantee fee '*was based on questionable legal basis*'. According to the Government, due to their social character, the State Building Fund and the Workers' Housing Fund, operated by the Agency, were never intended to pay a guarantee premium under the Act. In this respect, the Government refers to a memorandum of 16 October 1998 by the Minister of Social Affairs as well as a report of a working group of June 1999 on the collection of a guarantee premium of the debts of the State Building Fund and the Workers' Housing Fund and the HFF ([1]). The conclusion of the working group's report was that it was arguable that the commitments of the State Building Fund and Workers' Housing Funds fell outside the scope of Article 6 of Act No 121/1997. In arriving at that conclusion, the working group stated that the funds were of a social character which justified that they were operated under the responsibility of the State and were dependant on State contributions as well as always having been operated with a negative interest margin. Furthermore, the report referred to the general comments to the bill, which became Act No 121/1997, whereby distinction was made between funds in 'commercial' operation and those with a social role.

For the reasons set out below, the Authority questions this legal reasoning:

- first, according to Article 6 of the Act: '*Banks, credit funds, financial institutions, enterprises and other such entities that according to law enjoy or have enjoyed the guarantee of the Treasury, whether through the ownership of the State or for other reasons shall pay a guarantee premium on their State-guaranteed commitments*'. Even assuming, hypothetically, that HFF was not considered a '*bank, credit fund, financial institution or enterprise*' the wording '*any other entities*' seems to indicate that the provision covers all bodies enjoying a State guarantee, irrespective of operating form. Furthermore, it was considered necessary to explicitly exempt the commitments related to the Housing Bond Division, cf. Article 7 of the Act,

- second, as will be shown below in point 2.4, the preparatory works to Act No 70/2000 contain several statements which indicate that the Act was based on the premise that the HFF was indeed, at that time, subject to the guarantee premium on other commitments than those related to the housing bonds,

- third, a specific provision in the 2001 Supplementary Budget Act was inserted to cancel the debts relating to unpaid premiums the HFF had accrued under Act No 121/1997 until the entry into force of Act No 70/2000 ([2]). Such a provision would hardly have been necessary if the HFF and its predecessors had never been subject to the premium,

- fourth and finally, as far as the Authority can understand, the comments referred to by Iceland concerning the distinction between funds in commercial operation on the one hand, and those with a social role on the other, did not relate to the issue of whether or not a guarantee premium should be collected for commitments enjoying a State guarantee. Rather, they indicate that the legislator was of the opinion, that when it came to granting a Fund a State guarantee, it was of importance whether the Fund in question was operated on a commercial or social basis.

In any event, as already indicated, in the 2001 Supplementary Budget Act, a provision was inserted to cancel the debts related to unpaid premiums the HFF had accrued until the entry into force of Act No 70/2000. It therefore seems that the HFF, either was never liable to pay the fee or retroactively was exempted from it. Thus, in either situation the HFF was from the start, or with retroactive effect, exempted from the main rule in Act No 121/1997 on State Guarantees that State bodies enjoying a guarantee should pay a premium for it.

([1]) Skýrsla starfshóps um innheimtu ábyrgðargjalds af skuldum Byggingarsjóðs ríkisins, Byggingarsjóðs verkamanna og Íbúðalánasjóðs.

([2]) Item 1.4 of Article 4 of the Supplementary Budget Act amending Article 7 of the Budget Act, which grants various permissions to the Minister of Finance provided as follows: '*To abolish guarantee premiums pursuant to Article 6 of Act No 121/1997 on State Guarantees levied on the House Financing Fund until the entry into force of Act No 70/2000 which exempts the Fund from the payment of the premium.*'.

2.4. *Act No 70/2000 amending Act No 121/1997*

By Article 1 of Act No 70/2000 which entered into force on 26 May 2000, Article 7 of the Act No 121/1997 was amended and is currently as follows:

> *'Credits on which a risk premium has been paid cf. Article 4, commitments in lieu of deposits in deposit accounts of deposit money banks and government-guaranteed export guarantees as well as the … the Housing Financing Fund … are exempt from payment of the guarantee premium cf. Article 6.'*

The bill, which subsequently became Act No 70/2000 did not originally include a proposal to exempt all obligations of the HFF guaranteed by the State from the guarantee premium. It was originally foreseen only to exempt the HFF's obligations taken over from the State Building Fund and the Workers' Housing Fund upon the entry into force of Act No 44/1998. Indeed, in the bill, it was stated that the exemption for the obligations deriving from the housing bonds (cf. Article 7 of the Act) was based on the fact that the Housing Bonds Division collected an interest margin of 0,35 % of mortgage instruments guaranteeing commitments relating to housing bonds. Other commitments of the HFF were not supposed to be exempted from the payment obligation of the guarantee premium as no money was put aside in a reserve fund to meet losses connected with lending on that basis ([1]).

However, during the Parliamentary procedure, the bill was changed so that the exemption covered all the obligations of the HFF:

> '*During the procedure before the Committee it was specifically examined that the bill presupposes that a premium will still be paid on some of the loans taken by the Housing Financing Fund such as loans, which the Fund takes to finance additional loans and loans for rental apartments. … Having regard to the above, the Committee proposes to amend the bill so that all the obligation of the Housing Financing Fund will be exempt from the premium.*' ([2]) (emphasis added)

Therefore, as approved by Alþingi, the Act No 70/2000 amending Act No 121/1997 extended the exemption from the payment of a guarantee premium and covered all the obligations of the HFF. As a consequence, the HFF has not been paying a guarantee premium on its commitments, foreign as well as domestic, to the State Treasury.

2.5. *Act No 180/2000 amending Act No 121/1997*

In its judgment in *State Debt Management Agency*, the EFTA Court held that the difference in the amount of the State guarantee premium due under the provisions of the Act on State Guarantees was in breach of Article 40 EEA, as it was made dependant on whether the obligations were of domestic or foreign character ([3]). Following this judgment, the Act on State Guarantees was amended. By Act No 180/2000, which entered into force on 11 January 2001, the difference between foreign and domestic commitments was abolished for the purpose of calculation of the State guarantee premium. As from Act No 180/2000, the premium has been set at 0,0625 % per quarter irrespective of the origin of the commitments. Due to the above-mentioned exceptions pertaining to HFF, these changes did not apply to HFF.

II. **ASSESSMENT**

3. **State aid within the meaning of Article 61(1) EEA and the classification of such aid as new or existing**

3.1. *The aid elements of the Icelandic system of implicit State guarantees*

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.'*

([1]) The original Icelandic text is as follows: '*Aðrar skuldbindingar Íbúðalánasjóðs eru hins vegar ekki undanþegnar gjaldskyldu þar sem ekki er lagt fé í varasjóð til að mæta útlánatöpum vegna lánveitinga á grundvelli þeirra.*'.

([2]) Opinion of the Economic and Commerce Committee of Alþingi, the Authority's unofficial translation.

([3]) Case E-1/00 *State Debt Management Agency* [2000-2001] EFTA Court Report, p. 8.

For a measure to be classified as State aid within the meaning of Article 61(1) of the EEA Agreement, it must be granted by the State or through State resources, confer an advantage on the recipient undertaking, be selective and thereby distort or threaten to distort competition and be liable to affect trade between the Contracting Parties. Before examining each of these conditions in turn, the Authority makes the following remarks concerning the scope of the present decision to open the formal investigation procedure:

As any other undertaking organised as a public institution, the HFF enjoys an implicit State guarantee in the same manner as did the predecessors of the HFF from the start of their operations in the 1950's, cf. Act No 42/1957. The HFF pays neither a market based premium for the guarantee, nor the premium laid down in Act No 121/1997 on State Guarantees.

The implicit State guarantee for this type of public undertaking was at the outset granted without any obligation to pay a premium. However, Icelandic system for implicit State guarantees was changed in 1987. From this point in time, a guarantee premium was to be paid for foreign commitments, but not for domestic ones. The original State guarantee scheme, with the changes introduced in 1987, thus predates the EEA Agreement.

The Icelandic system relating to implicit guarantees was changed again as of 1 January 1998 when a general obligation to pay a guarantee premium was also introduced as regards domestic commitments. Considering the size of the premium the Authority finds it unlikely that the guarantee premium removed aid contained in the original guarantee scheme. Therefore, in the Authority's preliminary opinion, the original guarantee scheme still contains State aid. The State aid element will generally be the difference between the appropriate market price for the guarantee provided and the price paid for that measure according to Act No 121/1997 on State Guarantees ([1]). This possible aid element will follow from the implicit guarantee in force since before the entry into force of the EEA Agreement, and would constitute existing aid. It will therefore be assessed separately following the procedures regarding existing aid.

Hence, the present decision to open the formal investigation procedure only relates to severable changes to the Icelandic system of implicit guarantees made after 1994 which would give a particular advantage to HFF ([2]). Indeed, only such changes could be classified as new aid ([3]).

With Act No 121/1997, Iceland introduced a premium for banks, credit funds, financial institutions, enterprises and other such entities that enjoy a State guarantee in respect of domestic commitments. The activities of the Housing Bonds Division were exempted from a guarantee premium both on domestic and foreign commitments from the entry into force of the Act. As regards other operations of the HFF, they were exempted from the premium by Act No 70/2000. In the 2001 Supplementary Budget Act the accrued unpaid premium for these activities was cancelled. Therefore, either from the beginning, or retroactively, the other operations of the HFF were exempted from this generally applicable guarantee premium. Indeed, according to Iceland itself, HFF has never paid any premium under the Act.

As HFF has, as a matter of fact, never paid any premium for the guarantee it enjoys, Iceland has in its letter of 24 October 2007 argued that the factual situation for HFF has remained the same over the years regardless of the introduction of the general premium with effect for other undertakings. Moreover, as the exemptions in the Act pertaining to HFF merely maintained the *status quo* in relation to that particular undertaking, Iceland is of the opinion that exemptions cannot constitute new aid.

In the Authority's view, it is not relevant for the assessment of the classification of the aid as new or existing whether or not the Act, as a matter of fact, changed the situation of HFF as regards the payment of guarantee premium. What is decisive is that the new Act introduced a new system where, for the first time, the HFF was being treated more favourably than provided for under the general rule for undertakings benefiting from the implicit State guarantee. It is therefore the Authority's preliminary opinion that any advantage to HFF following from the exemption granted to the Housing Bond Division introduced by Article 7 of Act No 121/1997 would constitute new aid. The same would apply to the exemption/relief from paying the premium relating to other operations of the HFF, cf. Act No 70/2000 amending Act No 121/1997, as well the 2001 Supplementary Budget Act ([4]).

([1]) It could be questioned whether a guarantee covering the totality of a company's financial obligations exists on the market. It might therefore be difficult to establish a market premium for the guarantee in the present case.
([2]) Joined Cases T-195/01 and T-207/01 *Government of Gibraltar v Commission* [2002] ECR II-2309, paragraph 111.
([3]) Hence, these changes are not dealt with in the context of Decision No 185/06/COL to open the formal investigation procedure, partly because the rules in the State Guarantees Act were only briefly discussed in that opening decision, partly because the Icelandic authorities, in the above-mentioned letter of 24 October 2007, did not answer in the affirmative that the aid questions pertaining to HFF's exemption from the premium should be dealt with within that procedure.
([4]) In any event, the argumentation of the Icelandic authorities builds on the premise that HFF was never subject to a premium *de jure*. In contrast, it would not be sufficient that HFF never actually paid the fee, and that the legal obligation to do so was later cancelled, as such cancelling of a debt would in itself constitute aid. As illustrated above under point I.2.3, the Authority is not convinced that this premise is fulfilled in the case at hand.

3.2. *Economic advantage*

Exempting the HFF from payment of the guarantee premium provides a financial advantage to that undertaking as the corresponding costs of the premium are not covered by the HFF. This advantage amounts to what the HFF would have had to pay each time on its commitments under the applicable rate of the guarantee premium.

The advantage following from the non-payment of the State guarantee premium can be determined as follows:

1; exemption (either originally or *ex post facto*) from payment of State guarantee premium amounting to 0,0625 % per quarter of the value of foreign commitments relating both to housing bonds and other commitments in the period from 1 January 1998 to date;

2. exemption (either originally or *ex post facto*) from payment of State guarantee premium amounting to 0,0375 % per quarter of the value of domestic commitments relating both to housing bonds and other commitments in the period from 1 January 1998-10 January 2001;

3. exemption from payment of State guarantee premium amounting to 0,0625 % per quarter of the value of all HFF's domestic commitments in the period from 11 January 2001 to date.

In its letter of 24 October 2007, Iceland seems to be of the opinion that the HFF does not enjoy any real advantage as it levies a margin on the general loans it issues. Iceland submits that the Housing Bonds Division of the State Housing Agency and subsequently the HFF were subject to a special regime which entailed paying a '*special State guarantee fee*', raised in the form of an interest margin, into a special reserve fund. According to Article 21 of the Act No 97/1993 (see subsequently Article 28 of the Housing Act), the Housing Bonds Division was permitted to claim an interest margin to cover its operating expenses and estimated losses from outstanding loans ([1]). On that basis, the Icelandic Government has stated that the exclusion of the housing bonds from the general system of Act No 121/1997 was based on the fact that the risk associated with the guarantee was no longer borne by the State.

The Authority has doubts about this reasoning. The system provided for by the levying of an interest margin does not entail that the HFF pays a premium for the State guarantee it has on commitments related to housing bonds. Rather, it required the borrowers to pay higher interest rates to the HFF. The money raised by the levying of the interest margin was set aside in a special reserve fund. As far as the Authority has been able to ascertain, this fund is merely a part of the HFF. The Authority cannot see that charging borrowers higher interest rates and setting that aside in an in-house fund can be equated with paying a State guarantee premium pursuant to Act No 121/1997.

In conclusion, the Authority takes the preliminary view that the exemption from the guarantee premium does give the HFF an advantage in the sense of Article 61(1) EEA. Whether any advantages could be offset by public service obligations imposed on HFF will be addressed below.

3.3. *Presence of State resources*

HFF is exempted from the payment of a guarantee premium to the State Treasury otherwise applicable to all undertakings pursuant to Article 6 of Act No 121/1997. By exempting the HFF from paying a guarantee premium to it, the State foregoes revenues which would have normally to be paid to the State. The exemption therefore contains State resources. Similarly, to the extent HFF was originally liable to pay a guarantee premium, but later relieved of that obligation with retroactive effect, such *ex post facto* exemption would also imply a drain of State resources.

3.4. *Selectivity*

As outlined above, the HFF is according to Article 7 of Act No 121/1997 exempted from paying a guarantee premium pursuant to Article 6 of the Act. The main rule according to Act No 121/1997 is that every entity enjoying a State guarantee is subject to the guarantee premium provided for in Article 6. Those exempted are obligations that are subject to the higher risk premium pursuant to Article 4 of the Act, the HFF, the Central Bank of the Iceland and the Student Loan Fund.

Consequently, under Article 7 of the Act, it is only the HFF and the two other public institutions that are exempt from paying a premium to the State for being granted State guarantees. The aid measure therefore appears to be selective.

([1]) The Minister of Social Affairs was to determine the level of the interest margin having obtained the proposal of the State Housing Board. On the basis of that Article, the Minister decided by Regulation No 540/1993 of 28 December 1993, amending Regulation No 467/1991, to charge an interest margin of up to 0,25 %. By Regulation of 11 October 1994, the Minister raised the ceiling of the interest margin to 0,35 %.

The State Guarantees Act links the payment of a premium to the existence of a guarantee issued by the State. Moreover, it seems to be intended to (partly) compensate the State for the risk it undertakes by being the guarantor. On that basis, the Authority does not view the Act on State guarantees as a tax measure. The Authority has therefore not found it necessary to discuss whether the exemption pertaining to HFF would have been within the logic or nature of a tax system.

3.5. *Effect on trade between Contracting Parties*

The HFF provides services on the market for housing mortgage loans, i.e. long-term house financing for residential accommodation. Aid granted to HFF may make it more difficult for banks in the EEA to enter the Icelandic housing mortgage market. Also markets related to the mortgage market, such as other financial markets may be affected [1]. The aid therefore seems to affect trade between the Contracting Parties.

3.6. *Altmark conditions*

In the *Altmark* judgment, the European Court of Justice held that provided that the following conditions are cumulatively fulfilled, a measure does not confer an advantage on the beneficiary and, thus, does not qualify as state aid in the meaning of Article 87(1) of the EC Treaty, corresponding to the provision of Article 61(1) of the EEA Agreement:

— first, the recipient undertaking must actually have public service obligations to discharge, and the obligations must be clearly defined,

— second, the parameters on the basis of which the compensation is calculated must be established in advance in an objective and transparent manner, to avoid conferring an economic advantage which may favour the recipient undertaking over competing undertakings,

— third, the compensation cannot exceed what is necessary to cover all or part of the costs incurred in the discharge of public service obligations, taking into account the relevant receipts and a reasonable profit for discharging those obligations,

— fourth, where the undertaking which is to discharge public service obligations in a specific case, is not chosen pursuant to a public procurement procedure which would allow for the selection of the tenderer capable of providing those services at the least cost to the community, the level of compensation needed must be determined on the basis of an analysis of the costs which a typical undertaking, well run and adequately provided with means so as to be able to meet the necessary public service requirements, would have incurred in discharging those obligations, taking into account the relevant receipts and a reasonable profit for discharging the obligations [2].

With regard to the first condition, i.e. the definition of public service obligations discharged to the HFF, it is highly doubtful, in light of the EFTA Court's judgment, that the general loans system of the HFF as defined today fulfils the criteria for qualifying as a service of general economic interest [3].

Concerning the second condition, the Court of First Instance of the European Communities (hereinafter 'the CFI') recalled in *BUPA* [4] that the Member States have wide discretion not only when defining a public service mission but also when determining the compensation for the costs, which calls for an assessment of complex economic facts. In the same ruling, the CFI also held that the second *Altmark* condition requires that the Community institutions must be in a position to verify the existence of objective and transparent parameters, which must be defined in such a way as to preclude any abusive recourse to the concept of a public service on the part of the Member State. The Icelandic Government has so far not demonstrated to the Authority that a methodology exists for calculation of public service compensation to the HFF. Moreover, to the Authority's knowledge, the Icelandic Government did not establish in advance the criteria on the basis of which the compensation for public service activities of the HFF was to be determined.

With regard to the third *Altmark* condition, the CFI found in *BUPA* that a public service compensation system which operates independently of receipts does not require a strict interpretation of this criterion, in particular as regards taking into account the relevant receipts for discharging public services [5]. Nevertheless, as the aid measure in question benefits the entirety of the operations of the HFF, it cannot be established at this stage whether the level of compensation is limited to what is necessary to cover all or part of the costs incurred in the discharge of properly limited public service obligations.

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(1) See also, Case E-9/04 *The Bankers' and Securities' Dealers Association of Iceland v the Authority*, [2006] EFTA Court Report, page 42, paragraphs 80-81. Furthermore, in its recent *Concluding Report on the Retail Banking Sector Inquiry* (page 67) the Authority concluded that tying of different retail banking products is a common practice of financial institutions across EEA. In particular, in the above-mentioned report, the Authority underlined bundling of current accounts and other products such as mortgages or loans.

(2) Case C-280/00 *Altmark Trans GmbH* [2003] ECR I-7747, paragraphs 89-93.

(3) Case E-9/04 *The Bankers' and Securities' Dealers Association of Iceland* v *the Authority*, cited above, page 42, paragraph 79.

(4) Case T-289/03 *BUPA* v *Commission*, judgment of 12 February 2008, not yet reported, paragraph 214.

(5) Case T-289/03 *BUPA* v *Commission*, cited above, paragraph 241.

Furthermore, with regard to the fourth condition set forth in *Altmark*, the HFF has neither been chosen by way of a public procurement procedure nor did the Icelandic authorities determine the level of compensation by way of a comparison between the HFF and a privately run efficient operator as a reference undertaking. As held by the CFI in *BUPA*, the purpose of the fourth *Altmark* condition is to ensure that the compensation does not entail the possibility of offsetting any costs that might result from inefficiency on the part of the beneficiary undertaking ([1]).

In conclusion, it cannot be established, in the Authority's view, that the four cumulative *Altmark* conditions are fulfilled.

3.7. *Conclusion with regard to state aid character of the measure in question*

In light of the above, it is the Authority's preliminary conclusion that exempting HFF from paying a guarantee premium pursuant to Article 7 of Act No 121/1997 on State Guarantees, with subsequent amendments, involves State aid within the meaning of Article 61(1) of the EEA Agreement. Furthermore, it is the Authority's preliminary opinion that any such aid would constitute new aid.

4. **Procedural requirements**

Pursuant to Article 1(3) of Part I of Protocol 3 to the Surveillance and Court Agreement, *'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'*.

The Icelandic authorities did not notify the Authority of the above-mentioned measures in the form of exemption of the HFF from payment of the guarantee premium. The Authority therefore concludes that Iceland has not respected its obligations pursuant to Article 1(3) of Part I of Protocol 3 to the Surveillance and Court Agreement.

5. **Compatibility of the aid**

5.1. *Possibilities to declare aid for housing purposes compatible*

Article 61(1) of the EEA Agreement sets out that state aid as a principle is prohibited. Article 61(2) and 61(3) provide, however, for certain exceptions from this general prohibition.

The derogations in Article 61(2) of the EEA Agreement do not seem to be applicable to the aid in question, which is not designed to achieve any of the aims listed in this provision. In particular, the aid measure involved cannot be considered to fulfil the conditions of derogation specified in Article 61(2)(a) of the EEA Agreement, namely aid having a social character, granted to individual consumers and without discrimination related to the origin of the product concerned.

Likewise, the derogations in Article 61(3) of the EEA Agreement do not apply to the aid measure under investigation. In particular, the aid measure is not granted with the aim of promoting or facilitating the economic development of certain areas or of certain economic activities. Thus, the derogations in Article 61(3)(a) and (c) of the EEA Agreement in conjunction with the Regional Aid Guidelines are not applicable in this case.

Furthermore, the aid measure under investigation is not given to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of Iceland, therefore Article 61(3)(b) of the EEA Agreement does not apply.

The aid in question is not linked to any investment, but reduces the costs which HFF would normally have to bear in the course of pursuing its day-to-day business activities and is consequently to be classified as operating aid. Operating aid is normally not considered suitable to facilitate the development of certain economic activities or of certain regions as provided for in Article 61(3)(c) of the EEA Agreement, unless it is specifically envisaged by the Authority's Guidelines, which is not the case here.

Aid for housing purposes may, however, be declared compatible with the EEA Agreement on the basis of Article 59(2). That would be the case if the aid would be limited to provision of services of general economic interest and if the other conditions of Article 59(2) of the EEA Agreement would be fulfilled.

([1]) Case T-289/03 *BUPA* v *Commission*, cited above, paragraph 249.

Article 59(2) of the EEA Agreement reads:

'Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly shall be subject to the rules contained in this Agreement, in particular to the rules on competition, in so far as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade must not be affected to such an extent as would be contrary to the interests of the Contracting Parties.'

Compliance with Article 59(2) of the EEA Agreement requires the fulfilment of the following conditions:

— that the aid is a compensation for the provision of services of general economic interest,

— that the undertaking receiving the aid is entrusted to provide such services,

— that the aid is necessary, and not more than necessary, to carry out the entrusted tasks, and

— that the aid does not affect trade against the interest of the Contracting Parties to the Agreement.

5.2. *General remarks with regard to the concept of services of general economic interest*

The concept of service in the general economic interest means, among other things, that the State assigns 'particular tasks' to an undertaking (1). In order to qualify for classification as service of general economic interest, a service must have certain characteristics, the most important of which is that the service in question cannot be provided in the same manner on the market and that the service should be clearly defined (2). States may take account of objectives pertaining to their national policy when defining the service of general economic interest which they entrust to certain undertakings (3).

As an exception to the main rule in Article 59(1) of the EEA Agreement, the concept of 'services of general economic interest' must be interpreted restrictively (4) and applies only to activities of direct benefit to the public. Still, States remain free, in principle and where no common policy is established, to designate which services they consider to be of general economic interest and to organize these services as they see fit, subject to the rules of the EEA Agreement and the specific conditions laid down in Article 59(2) of the EEA Agreement (5). Thus, the competence to define such services lies with the States, subject to scrutiny by the Authority. This scrutiny must essentially be conducted on a case-by-case basis. In such an assessment, the nature of the undertaking entrusted with the service is not of decisive importance, nor whether the undertaking is entrusted with exclusive rights, but rather the essence of the service deemed to be of general economic interest and the special characteristics of this interest that distinguish it from the general economic interest of other economic activities (6).

5.3. *Services of general economic interest in the field of social housing*

The EFTA Court gave some guidance on how to assess the extent of the HFF's activities in light of the requirements of Article 59(2) of the EEA Agreement. The Court primarily addressed the issue of whether the Authority should have been in doubt whether the general loans scheme of HFF was operated in compliance with Article 59(2) of the EEA Agreement. The Court ruled that the Authority should have been in doubt and consequently should have opened the formal State aid investigation procedure. (This was based on the implicit, but non-verified, assumption that the aid in question was new aid.) While the Court did not address whether the general loan category fulfilled the conditions of Article 59(2) of the EEA Agreement, the Court's judgment raised issues of doubt in relation to:

— whether the HFF scheme fulfilled all conditions relating to services of general economic interest in Article 59(2),

— whether the derogation from the State aid rules was proportionate, and

— whether the scheme affected the development of trade contrary to the interest of the Contracting Parties.

(1) See for example: Case 10/71 *Muller* [1971] ECR 723; Case 127/73 *BRT* [1974] ECR 313; Case 7/82 *GVL* [1983] ECR 483; Case C-393/92 *Almelo* [1994] ECR I-1520; Case C-266/96 *Corsica Ferries* [1998] ECR I-3949.

(2) Communication from the Commission — Services of General Interest in Europe (OJ C 17, 19.1.2001, p. 7), see paragraph 14.

(3) Case E-9/04, *The Bankers' and Securities' Dealers Association of Iceland* v *the Authority*, cited above, paragraph 67.

(4) See Case C-242/95 *GT-Link A/S* [1997] ECR I-4449, paragraph 50; Case T-260/94 *Air Inter* [1997] ECR II-147, paragraph 135; Case C-159/94 *Commission* v *France* [1997] ECR I-5815, paragraph 53.

(5) See in this context for example: Services of General Interest, cited above, paragraph 22; Case T-106/95 *FFSA* [1997] ECR II-229, paragraph 192. As stated by Advocate General Léger in his opinion in Case C-438/02 *Krister Hanner* [2005] ECR I-4551, paragraph 139: '*… it falls to the Member States to define the content of their services of general economic interest and, in so doing, they enjoy considerable leeway since the Court and the Commission will intervene only in order to penalise manifest errors of assessment*'.

(6) Case E-4/97 *Norwegian Bankers' Association* v *the Authority*, [1998] EFTA Court Report page 38, paragraph 47.

In relation to the first issue the Court stated *inter alia*:

'[…] The HFF general loans system is intended to promote security and equal rights as regards housing in Iceland by providing loans on manageable terms to the general public throughout the territory of Iceland and thereby foster private home ownership. This goes beyond the normal economic interest of operators in the financial sector. A service with this objective may qualify as a service of general economic interest justifying State aid, provided that the service fulfils the requirements laid down in Article 59(2) EEA.' ([1]).

When the EFTA Court later turned to the questions on proportionality, it held, *inter alia*, that:

'[…] as long as it is not established that the effect of the low interest rate on HFF general loans is completely neutralised by an increase in housing prices, the HFF general loan scheme must be considered suitable to meet its aim.' ([2]).

And moreover:

'The Court does not find it doubtful that the State aid provided to the HFF system did not go beyond what is necessary in the case at hand to allow the HFF to cover expected losses and operate the general loans system under economically acceptable conditions […] This does not mean, however, that the general loans system as operated by the HFF is necessarily compatible with the EEA Agreement.' ([3]).

Then the Court went on to, *inter alia*, state that:

'[…] it is necessary to address the question of whether the conditions under which the loans were granted did not go beyond what was necessary for HFF to perform the tasks entrusted to it. The Court recalls that the ultimate aim of the State's intervention in lending services through the general loans scheme is to foster private home ownership in Iceland through lending on "manageable terms". A service rendered with such an objective may, as has been stated above, be considered legitimate under Article 59(2) EEA. However, ESA has to make sure that public intervention does not, in reality, pursue other goals than those defined by Icelandic law or exceed what is necessary to achieve the defined goal.

In that regard, the Court notes that unlike the cost and size limitations practiced by the Norwegian Husbanken in Case E-4/97 Husbanken II, the HFF's relative and absolute lending caps do not limit the subsidised lending scheme to dwellings which fulfil certain criteria. They only limit the amount one may borrow from the HFF for any dwelling, regardless of the value or size of that dwelling. There is no limit as to how big or valuable a dwelling may be and still be eligible for a general loan under the HFF scheme; there are only limits to how much the HFF may grant as a general loan.

Moreover, the HFF general loans scheme is not limited to the financing of one unit of residential housing for each borrower. This means that in principle the system may provide financing for houses or apartments built or purchased for investment purposes. In 2004, a general limit of two units was introduced. As the Government of Iceland has pointed out, there may be social policy reasons why certain persons need to own more than one unit. The provision of more than one loan to the same person has not, however, been made dependent on that person fulfilling any criteria relating to such reasons.

These features mean that in principle the HFF general loans scheme provides subsidised financing, up to a certain limit, for any house or apartment regardless of size and value, and also for construction or purchase of residential units for investment purposes. The scheme is not formally limited to assisting the average citizen in financing his or her own dwelling. Even if it may be so that few people have in fact exploited these features of the system, they raise questions under Article 59(2) EEA. The Court recalls in this context that the HFF scheme is intended to promote security and equal rights as regards housing by providing loans on manageable terms.' ([4]).

(a) Manageable terms

The EFTA Court did not rule out *per se* that State intervention in lending services through general loans, which pursues the objective of fostering private home ownership through lending on 'manageable terms' might be considered legitimate under Article 59(2) of the EEA Agreement. In this respect, the EFTA Court clarified that the Contracting Parties enjoy a margin of discretion in deciding what 'manageable terms' should mean in relation to a housing financing scheme which qualifies as a service of general economic interest ([5]).

([1]) Case E-9/04 *The Bankers' and Securities' Dealers Association of Iceland* v *the Authority*, cited above, paragraph 68.
([2]) Case E-9/04 *The Bankers' and Securities' Dealers Association of Iceland* v *the Authority*, cited above, paragraph 71.
([3]) Case E-9/04 *The Bankers' and Securities' Dealers Association of Iceland* v *the Authority*, cited above, paragraph 73.
([4]) Case E-9/04 *The Bankers' and Securities' Dealers Association of Iceland* v *the Authority*, cited above, paragraphs 76 to 79.
([5]) Case E-9/04 *The Bankers' and Securities' Dealers Association of Iceland* v *the Authority*, cited above, paragraph 71.

In the view of the Authority, the concept of 'manageable terms' cannot be understood in any absolute or isolated manner. While noting the Court's view that there should be a margin of discretion to decide what is manageable, the concept has to relate to certain general parameters of the national economy. What is manageable in a rich country may not be manageable in a less prosperous one. In a well-functioning market without a particular skewed distribution of income, it would appear reasonable to assume that the market interest rates on mortgages would be 'manageable' for the population at large. Excluding that public activity itself is distorting the market, to the extent the market is not well functioning there could be a reason for government measures to provide for loans on 'manageable terms'.

It was confirmed in the EFTA Court's judgment that the commercial banks were only able to match the interest rate of HFF's general loans from August 2004 onwards ([1]). In its Decision No 185/06/COL, the Authority requested up-dated information on the development on the Icelandic mortgage market, in order to assess to what extent commercial banks had offered mortgage secured loans on terms the Icelandic State would consider as manageable. While some information has been provided the Authority would require up-dated information in this respect as there are indications that the state of the market has changed recently. The amount of mortgage loans, especially from the commercial banks has fallen considerably ([2]).

A connected, but separate, issue is whether the market would be able to develop satisfactorily if it would operate under conditions without any State aid distorting the competitive situation of the respective lenders. Up till now, the Authority has not been presented with any arguments or factual information that give it reason to believe that this should be the case.

(b) Social element

The general loan scheme of the HFF is not limited to those below certain income and/or assets thresholds but is available to everyone irrespective of those elements and as the EFTA Court has pointed out, without any cost and size limitations on the dwellings. Furthermore, the general lending system is also open to others than individuals, for example building contractors may qualify for loans under that system.

In the Court's words, the '*lending caps do not limit the subsidised lending scheme to dwellings which fulfil certain criteria*' and '*there is no limit as to how big or valuable a dwelling may be and still be eligible for a general loan under the HFF scheme; there are only limits to how much the HFF may grant as a general loan*' ([3]).

Moreover, the EFTA Court pointed out that the scheme provided for construction or purchase of individual units for investment purposes, and it was not formally limited to assisting the average citizen in financing of his or her house. The rules have now been changed and Article 21 of the Regulation No 522/2004, as subsequently amended, provides that lending from the HFF is limited so that an individual can only own one property carrying a mortgage from the Fund. However, the Board of the Fund may set rules providing for exemption from this requirement. On 10 August 2006, the Board passed such rules. The Icelandic authorities are requested to explain these exemptions and their application and how the HFF monitors that residential housing financed by the HFF's loans is actually used for purposes of being the applicant's own dwelling.

In a letter received by the Authority on 14 June 2007, the Icelandic Government argued that there were no grounds for questioning the compatibility of the general lending scheme with the EEA Agreement. In light of the observations of the EFTA Court, quoted above, the Authority is of the preliminary opinion that the Icelandic Government has not demonstrated that the current general loan scheme is in compliance with Article 59(2) of the EEA Agreement. Moreover, the Commission's practice regarding social housing shows that the Commission has only accepted systems of social housing, which contained limitations as to who could qualify for loans under the system.

In 2001, the Commission adopted a decision with regard to a guarantee for borrowings of the Irish Housing Finance Agency (hereinafter referred to as the HFA) ([4]). At the time of this decision, the HFA was itself

([1]) Case E-9/04 *The Bankers' and Securities' Dealers Association of Iceland* v *the Authority*, cited above, paragraph 74.

([2]) See e.g.
http://www.mbl.is/mm/frettir/innlent/2006/04/27/samdrattur_i_ibudalanum_bankanna/ and
http://www.mbl.is/mm/vidskipti/frettir/2008/05/26/verulegur_samdrattur_i_ibudalanum_bankanna/

([3]) Case E-9/04 *The Bankers' and Securities' Dealers Association of Iceland* v *the Authority*, cited above, paragraph 77.

([4]) Decision of 3 July 2001 in State aid N 209/01 — Ireland — Guarantee for borrowings of the Housing Finance Agency, SG (2001) D/289528. The Commission has also dealt with two Swedish schemes regarding social housing which it considered compatible aid on the basis of Article 87(3)(c) of the EC Treaty. In the first case (Commission Decision of 24 June 2003 in State aid N 40/03 — Sweden — Measures to promote certain house building, C(2003) 1762 fin) a State support in the form of a VAT tax exemption was granted to constructions in certain areas of Stockholm, Gothenburg and Malmö. The scheme was restricted to rented dwellings measuring up to 70 m^2 and student accommodation at college and university sites with a maximum size of 25 m^2 with additional ceilings on the aid level per dwelling. The rent for both types of dwellings was regulated. In the second case (Commission Decision of 7 March 2007 in State aid N 798/06 — Sweden — Support for construction of special housing for elderly people, C(2007) 652 fin) the scheme was targeted to benefit elderly people who were not able to continue living independently. The scheme provided direct grant support to special housing for elderly. According to the conditions of the scheme, the size of the apartment could not exceed 35 m^2 per one-person apartment and 50 m^2 per two-persons apartment with additional support to 15-20 m^2 for common space (used for example for meals, hobbies, group activities). The maximum aid intensity was 10 % of actual construction costs.

not empowered to extend loans. Its objective was to raise funds at the best rate on the capital markets which were then advanced to local authorities to be used by them for social housing financing. In this case, social housing was defined as provision of housing for the most socially disadvantaged households, and in particular those which due to their economic circumstances were unable to fund their own housing requirement at socially acceptable conditions through recourse to commercial lenders. This objective was entrusted to local authorities who operated social housing programmes such as general mortgage finance, the operation of a share ownership scheme, and affordable housing schemes aimed at providing low cost housing, a rental subsidy scheme and miscellaneous grant schemes for elderly and disabled persons. The eligibility for social housing loan finance was assessed according to the following limitations: (i) need must be established; (ii) income and loan ceilings; (iii) households which seek to avail of schemes unavailable in the private sector (this had to be proved by the applicant by attaching letters of rejection from two private sector mortgage lenders); and (iv) only households which are mentioned on local authority housing lists. Thus, the Commission accepted that the operations of the Agency could be regarded as services of general economic interest for the purposes Article 86(2) of the EC Treaty.

The Authority also refers to a case concerning the financing of activities of Dutch Housing Corporations which is still pending before the Commission. In 2005, DG Competition sent an Article 17(2) letter, inviting the Dutch authorities to make appropriate changes to the system. DG Competition has, *inter alia*, criticised the broad scope of definition of services of general economic interest provided by the Housing Corporations. In particular, it was not considered acceptable that, whereas the priority to rental housing is given to persons that have difficulties in finding suitable housing, the activities in question are not restricted to socially disadvantaged persons. Therefore, DG Competition was of the opinion that the possibility to let dwellings to persons with a higher income or to enterprises must be regarded as a manifest error in the definition of a service of general economic interest. Moreover, this concern was not removed by the proposed solution of the Dutch authorities to limit the maximum value of the dwellings to be rented out which would be then defined as 'social housing'. In the preliminary view of DG Competition, the definition of public service activities of Housing Corporations was to have a direct relation to socially disadvantaged households and not only be linked to the maximum value of the property ([1]).

Furthermore, the Icelandic Government referred to the fact that the Authority, in its decision in the Norwegian Husbanken case, accepted loans that were not limited to those qualifying under certain income and assets criteria but limited the size of the of house/apartment being acquired. Iceland has argued that the Norwegian limit should not be regarded as being universal and that the situation in Iceland would justify a higher limit. The Authority will, at this stage, not pass judgment on whether only imposing a size limitations would be sufficient to ensure compliance with Article 59(2) of the EEA Agreement as it observes that currently the HFF system operates without any limitations as to the size of house/apartment that may qualify for loans under the general system.

In light of all of the above, it is the preliminary view of the Authority that the general loan scheme of the HFF does not pursue a sufficiently restricted social objective.

(c) Territorial cohesion

As regards the element of territorial cohesion, the Authority is aware of the particular situation of certain regions in Iceland, where the market for mortgage loans might be of such a nature that commercial providers do not have incentives to offer mortgage loans. Such a situation might justify exceptional treatment of certain territories as regards the conditions for eligibility of loans ([2]). Currently, the general loans scheme of the HFF is operated without any criteria related to territorial cohesion.

In its Decision No 185/06/COL it was the Authority's opinion that SFF had not submitted any tangible evidence during the EFTA Court proceedings, which demonstrated that the commercial banks had offered loans on 'manageable terms' outside the Reykjavik area during the period between 1999 and August 2004. In response to the Authority's request for information the SFF and the Icelandic Government submitted conflicting evidence as to the extent the commercial banks had offered mortgage loans outside the Reykjavík area and other more densely populated areas after August 2004. In light of the currently available information the Authority cannot conclude that the loans provided by the commercial banks have not been offered in rural areas as well, as far as the period after August 2004 is concerned.

([1]) Letter dated 14 July 2005 from DG Competition to the Dutch authorities, 0/55413.
([2]) See for example the differentiation of ceiling for the level of aid per dwelling according to the area in the Swedish Case N 40/03, referred to above.

5.4. *Development of trade and the interest of the Contracting Parties*

Article 59(2) of the EEA Agreement further requires an assessment of whether the specific service in question affects the development of trade to an extent contrary to the interests of the Contracting Parties. The Authority is charged with striking a balance between the right of Iceland to invoke the derogation and the interest of the Contracting Parties to avoid distortions of competition and restrictions to the 'four freedoms' ([1]).

This entails that it must be established that the performance of the service of general economic interest does not disproportionately affect competition and the internal market. In light of the EFTA Court's conclusions on this point ([2]), the Authority will have to assess to what extent the aid granted to the HFF could affect other parts of the EEA internal market, in particular other financial markets, such as, for example, the private lending market. However, as outlined above, the Authority is of the preliminary opinion that the current lending scheme is not compatible with Article 59(2) as it is too widely defined. In light of that, the Authority does not consider it necessary to assess whether the service affects the development of trade to an extent contrary to the interest of the Contracting Parties. In any event, an amended scheme will have to strike the right balance between the interests at stake.

Against the background of the various points referred to above, the preliminary view of Authority is that the general loan scheme of HFF does not comply with all the conditions laid down in Article 59(2) of the EEA Agreement.

5.5. *Other loan categories of the HFF*

In the discussion above regarding the compatibility of the aid, only the general loans category of the HFF has been referred to. However, the exemption in Article 7 of Act No 121/1997, as amended, covers entire operations of the HFF. Currently, the HFF is also providing loans for rental housing to municipalities, etc. pursuant to Chapter VIII of the Housing Act. Furthermore, the Minister of Social Affairs has, on the basis of Article 16 of the Housing Act, issued Regulation No 458/1999, with subsequent amendments, which lists the other loan categories offered by the HFF, cf. Article 2 of the Regulation ([3]).

As outlined above, the Authority is of the preliminary opinion that the general loans scheme of the HFF is incompatible with Article 59(2) EEA. Since the exemption from the guarantee premium benefits all the operations of the HFF, it follows that this measure cannot be regarded as compatible aid on the basis of Article 59(2). This is so even though the individual loan categories referred to above examined in isolation might comply with the conditions laid down in that provision.

5.6. *Conclusion with regard to compatibility*

On the basis of the foregoing considerations, the Authority has doubts as to whether the guarantee premium exemption in favour of the HFF can be regarded as compatible with the functioning of the EEA Agreement.

6. **Recovery**

According to Article 14(1) in Part II of Protocol 3 to the Surveillance and Court Agreement, '[w]*here negative decisions are taken in cases of unlawful aid, the EFTA Surveillance Authority shall decide that the EFTA State concerned shall take all necessary measures to recover the aid from the beneficiary (hereinafter referred to as a "recovery decision"). The EFTA Surveillance Authority shall not require recovery of the aid if this would be contrary to a general principle of EEA law*'.

In other words, any unlawful aid which cannot be declared compatible with the State aid rules will be subject to recovery. In case of recovery, it is the Authority's preliminary view that, in the case at hand, no legitimate expectations could be invoked, which would preclude the recovery.

([1]) See similar Case E-4/97 *Norwegian Bankers' Association* v *the Authority*, cited above, paragraph 70.
([2]) Case E-9/04 *The Bankers' and Securities' Dealers Association of Iceland v the Authority*, cited above, paragraph 81.
([3]) Article of Regulation No 458/1999, as amended, provides for the following categories: '*1. Loans for the construction or purchase of day-care institutions, service centres, homes and apartments specially designed for the needs of the elderly; 2. Loans for the construction or purchase of communal housing for the disabled; 3. Special loans — loans to those with special needs; 4. Maintenance loans; 5. Loans for major outdoor maintenance of redeemed apartments; 6. Loans or grants for technical innovations and other reforms in the construction industry; 7. Loans for rental housing; 8. Loans for the construction or purchase of homes and day-care institutions for children and young people.*'.

According to settled case-law, '[…] *undertakings to which an aid has been granted may not, in principle, entertain a legitimate expectation that the aid is lawful unless it has been granted in compliance with the procedure laid down in that article. A diligent businessman should normally be able to determine whether that procedure has been followed*' ([1]).

Consequently, any unlawful aid which will ultimately be declared incompatible with the State aid rules will be subject to recovery.

7. **Conclusion**

The Authority is of the preliminary opinion that the exemption from the guarantee premium in favour of the HFF constitutes aid within the meaning of Article 61(1) of the EEA Agreement. Furthermore, the Authority has doubts that this measure can be regarded as complying with Article 61(2) and (3) of the EEA Agreement or with Article 59(2) of the EEA Agreement. Any unlawful aid which ultimately will be declared incompatible with the State aid rules will be subject to recovery.

Consequently, and in accordance with Article 4(4) of Part II of Protocol 3 to the Surveillance and Court Agreement, the Authority is obliged to open the procedure provided for in Article 1(2) of Part I of Protocol 3 of the Surveillance and Court Agreement. The decision to open proceedings is without prejudice to the final decision of the Authority, which may conclude that the measure in question is 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 to the Surveillance and Court Agreement, requests the Icelandic authorities to submit their comments within one month of the date of receipt of this Decision.

In light of the foregoing consideration, the Authority requires that, within one month of receipt of this decision, the Icelandic authorities provide all documents, information and data needed for assessment of the compatibility of the exemption from the payment of the guarantee premium in favour of the HFF. It requests the Icelandic authorities to forward a copy of this decision to the potential aid recipient of the aid immediately.

HAS ADOPTED THIS DECISION:

Article 1

The EFTA Surveillance Authority has decided to initiate the formal investigation procedure provided for in Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement against Iceland regarding the exemption of the Housing Financing Fund contained in the Act on State Guarantees to pay a premium on the guarantee provided by the Icelandic State in its favour.

Article 2

The Icelandic authorities are requested, pursuant to Article 6(1) in Part II of Protocol 3 to the Surveillance and Court Agreement, to submit their comments on the opening of the formal investigation procedure within one month from the notification of this Decision.

Article 3

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

Article 4

The Icelandic Government is requested to forward a copy of this Decision to the recipient of the potential aid immediately.

([1]) Case C-5/89 *Commission* v *Germany* [1990] ECR I-3437, paragraph 14; Case C-169/95 *Spain* v *Commission* [1997] ECR I-135, paragraph 51.

Article 5

The EC Commission shall be informed, in accordance with Protocol 27(d) of the EEA Agreement, by means of a copy of this Decision.

Article 6

Other EFTA States, EC Member States, and interested parties shall be informed by the publishing of this Decision in its authentic language version, accompanied by a meaningful summary in languages other than the authentic language version, in the EEA Section of the *Official Journal of the European Union* and the EEA Supplement thereto, inviting them to submit comments within one month from the date of publication.

Article 7

This Decision is addressed to the Republic of Iceland.

Article 8

Only the English version is authentic.

Done at Brussels, 27 June 2008.

For the EFTA Surveillance Authority

Per SANDERUD
President

Kurt JAEGER
College Member

L-Awtorità tas-Sorveljanza tal-EFTA ddeċidiet li ma tqajjem l-ebda oġġezzjoni kontra l-miżura nnotifikata

(2009/C 64/10)

Id-Deċiżjoni tal-Awtorità tas-Sorveljanza tal-EFTA dwar l-allegat għajnuna mill-istat mogħtija mill-Muniċipalità ta' Tromsø lil Sommarøy Arctic Hotel AS b'konnessjoni mal-bejgħ pjanat tal-propjetà magħrufa bħala "Hillesøyfyllinga" [numru ta' proprjetà 189/196].

L-Awtorità tas-Sorveljanza tal-EFTA tikkonsidra li l-ebda għajnuna tal-istat skont it-tifsira tal-Artikolu 61(1) tal-Ftehim taż-ŻEE ma ġiet mogħtija lil Sommarøy Arctic Hotel A/S b'konnessjoni mal-bejgħ pjanat tal-propjetà.

Data ta' l-adozzjoni:	l-1 ta' Ottubru 2008
Stat tal-EFTA:	In-Norveġja
Każ Nru:	62527
Titlu:	Bejgħ ta' proprjetà Tromsø
Għan:	n.a.
Bażi ġuridika:	n.a.
Tul:	n.a.

It-test awtentiku tad-deċiżjoni, li minnu tneħħiet l-informazzjoni kunfidenzjali kollha, jinstab fuq:

http://www.eftasurv.int/fieldsofwork/fieldstateaid/stateaidregistry/

Informazzjoni komunikata mill-Istati ta' l-EFTA rigward l-għajnuna mill-Istat mogħtija taħt l-Att imsemmi f'punt 1 f ta' l-Anness XV tal-Ftehim ŻEE (Regolament tal-Kummissjoni (KE) Nru 70/2001 dwar l-applikazzjoni ta' l-Artikoli 87 u 88 tat-Trattat tal-KE għall-għajnuna mill-Istat lill-intrapriżi żgħar u ta' daqs medju)

(2009/C 64/11)

Għajnuna Nru	Għajnuna lill-SMEs 1/08		
Stat tal-EFTA	In-Norveġja		
Reġjun	Ir-reġjuni kollha		
Isem l-iskema ta' għajnuna jew isem il-kumpanija li tirċievi għajnuna individwali	L-Iskema tal-Bijoenerġija		
Il-bażi ġuridika	Il-Ftehim Annwali tal-Agrikoltura, il-Baġit tal-Istat, l-Ittra Annwali tal-Allokazzjonijiet mill-Ministeru Rjali tal-Ikel u l-Agrikoltura		
Nefqa annwali ppjanata skont l-iskema jew ammont totali tal-għajnuna individwali mogħtija lill-kumpanija	Skema ta' għajnuna	Ammont totali annwali	Madwar 15 % tat-total tal-baġit annwali ta' EUR 4,3 miljun
		Self garantit	—
	Għajnuna individwali	Ammont totali tal-għajnuna	—
		Self garantit	—
L-intensità massima tal-għajnuna	Skont l-Artikoli 4(2)-(6) u 5 tar-Regolament		Iva
Id-data tal-implimentazzjoni	L-1 ta' Jannar 2008		
Tul ta' żmien tal-iskema jew l-għotja ta' għajnuna individwali	Sal-31.12.2014		
L-għan tal-għajnuna	Għajnuna lill-SMEs		Iva
Is-setturi ekonomiċi kkonċernati	Is-setturi kollha eliġibbli għall-għajnuna lill-SMEs		Iva
	Limitati għal setturi speċifiċi — It-tħaffir għall-faħam L-oqsma kollha tal-manifattura jew L-azzar Il-bini ta' vapuri Il-fibri sintetiċi Il-vetturi bil-mutur Manifattura oħra Is-servizzi kollha jew Is-servizzi tat-trasport Is-servizzi finanzjarji Servizzi oħrajn		Iva
L-isem u l-indirizz tal-awtorità li tagħti l-għajnuna	Ministeru tal-Agrikoltura u l-Ikel Kaxxa Postali 8007 0030 Oslo in-NORVEĠJA		
Għotjiet kbar ta' għajnuna individwali	Skont l-Artikolu 6 tar-Regolament		Iva

V

(Avviżi)

PROĊEDURI AMMINISTRATTIVI

IL-KUMMISSJONI

Sejħa għall-proposti taħt il-programm ta' ħidma ENIAC Joint Undertaking

(2009/C 64/12)

B'dan qed jingħata avviż tat-tnedija ta' sejħa għall-proposti taħt il-programm ta' ħidma **ENIAC Joint Undertaking**.

Jintlaqgħu proposti għas-sejħa li ġejja: **ENIAC-2009-1**.

Id-dokumentazzjoni tas-sejħa li tinkludi l-iskadenza u l-baġit jinsabu fit-test tas-sejħa, li huwa ppubblikat fuq is-sit li ġej: http://eniac.eu

PROĊEDURI GĦALL-IMPLIMENTAZZJONI TAL-POLITIKA TAL-KOMPETIZZJONI

IL-KUMMISSJONI

Notifika minn qabel ta' konċentrazzjoni

(Każ COMP/M.5347 — Mapfre/Salvador Caetano/JVS)

(Test b'rilevanza għaż-ŻEE)

(2009/C 64/13)

1. Fil-11 ta' Marzu 2009, il-Kummissjoni rċeviet notifika minn qabel ta' konċentrazzjoni proposta skont l-Artikolu 4 tar-Regolament tal-Kunsill (KE) Nru 139/2004 ([1]) li permezz tagħha l-impriżi Mapfre S.A ("Mapfre", Spanja) u Grupo Salvador Caetano SGPS, S.A. ("Salvador Caetano", il-Portugall), jakkwistaw fit-tifsira tal-Artikolu 3(1)(b) tar-Regolament tal-Kunsill, il-kontroll konġunt tal-impriżi Choice Car-Comércio de Automóveis, S.A ("Choice Car", il-Portugall), Finlog-Aluguer e Comércio de Automóveis, S.A. ("Finlog", il-Portugall), Guerin-Rent-A-Car (Dois), Lda ("Guerin", il-Portugall), u Luso Assistência — Gestâo de Acidentes, S. A. ("Luso", il-Portugall), li attwalment huma propjetà ta' Salvador Caetano, permezz ta' xiri ta' ishma.

2. L-attivitajiet kummerċjali tal-impriżi kkonċernati huma:

— għal Mapfre: grupp ta' kumpaniji li prinċipalment jipprovdu prodotti ta' assigurazzjoni, inkluża assigurazzjoni tal-karozza madwar id-dinja,

— għal Salvador Caetano: grupp ta' kumpaniji li huma attivi fil-bejgħ bl-imnut tal-karozzi u servizzi ta' tiswija fil-Portugall u Spanja,

— għal Choice Car: bejgħ bl-imnut tal-karozzi fil-Portugall,

— għal Finlog: servizzi għall-ġestjoni ta' flotot fil-Portugall,

— għal Guerin: kiri tal-karozzi fil-Portugall,

— għal Luso: servizzi anċillari għall-ġestjoni ta' inċidenti bil-karozza fil-Portugall.

3. Wara analiżi preliminari, il-Kummissjoni ssib li l-operazzjoni nnotifikata tista' taqa' fl-ambitu tar-Regolament (KE) Nru 139/2004. Madanakollu, id-deċiżjoni finali dwar dan il-punt hija riżervata.

4. Il-Kummissjoni tistieden lill-partijiet terzi interessati biex jibagħtu kwalunkwe kumment li jista' jkollhom dwar l-operazzjoni proposta lill-Kummissjoni.

Il-kummenti jridu jaslu għand il-Kummissjoni mhux aktar tard minn għaxart ijiem wara d-data ta' din il-pubblikazzjoni. Il-kummenti jistgħu jintbagħtu lill-Kummissjoni bil-faks (nru tal-faks (32-2) 296 43 01 jew 296 72 44) jew bil-posta, taħt in-numru ta' referenza COMP/M.5347 — Mapfre/Salvador Caetano/JVS, fl-indirizz li ġej:

Il-Kummissjoni Ewropea
Id-Direttorat Ġenerali għall-Kompetizzjoni
Reġistru tal-Amalgamazzjonijiet
J-70
1049 Bruxelles/Brussell
BELGIQUE/BELGIË

([1]) ĠU L 24, 29.1.2004, p. 1.

Notifika minn qabel ta' konċentrazzjoni

(Każ COMP/M.5477 — Votorantim/Aracruz)

(Test b'rilevanza għaż-ŻEE)

(2009/C 64/14)

1. Fit-12 ta' Marzu 2009, IL-Kummissjoni rċiviet notifika ta' konċentrazzjoni proposta skont l-Artikolu 4 tar-Regolament tal-Kunsill (KE) Nru 139/2004 ([1]) li permezz tagħha l-impriża Votorantim Group ("Votorantim", il-Brażil) takkwista fit-tifsira tal-Artikolu 3(1)(b) tar-Regolament tal-Kunsill, il-kontroll sħiħ tal-impriża Aracruz Celulose S.A. ("Aracruz", il-Brażil) li attwalment hi kkontrollata b'mod konġunt minn Votorantim Group, Arapar u Arainvest, permezz ta' xiri ta' ishma.

2. L-attivitajiet ta' negozju tal-impriżi kkonċernati huma:

— għal Votorantim Group: siment u konkrit, tħaffir u metallurġija (aluminum, azzar, nikil u zingu), polpa u karti, meraq tal-larinġ ikkonċentrat, swieq speċjali tal-kimiċi, ġenerazzjoni tal-enerġija elettrika u attivitajiet tas-settur finanzjarju,

— għal Aracruz: produzzjoni ta' pulp u karti.

3. Wara eżaminazzjoni preliminari, il-Kummissjoni issib li t-tranżizzjoni notifikata tista' taqa' fl-ambitu tar-Regolament (KE) Nru 139/2004. Iżda, id-deċiżjoni finali dwar dan il-punt hi riservata.

4. Il-Kummissjoni tistieden lill-terzi parti nteressati biex iressqu osservazzjonijiet possibbli tagħhom fuq l-operazzjoni lill-Kummissjoni.

Osservazzjonijiet għandhom jaslu għand i-Kummissjoni mhux aktar tard minn għaxart ijiem war id-data ta' din il-pubblikazzjoni. Osservazzjonijiet jistgħu jinbagħatu lill-Kummisjoni bil-fax (nru tal-fax (32-2) 296 43 01 jew 296 72 44) jew bil-posta, taħt in-numru ta' referenza COMP/M.5477 — Votorantim/Aracruz, fl-indirizz li ġej:

Il-Kummissjoni Ewropea
Id-Direttorat Ġenerali għall-Kompetizzjoni
Reġistru tal-Amalgamzzjoni
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

([1]) ĠU L 24, 29.1.2004, p. 1.