

Il-Ġurnal Uffiċjali

C 306

tal-Unjoni Ewropea



Edizzjoni bil-Malti

Informazzjoni u Avviżi

Volum 54

18 ta' Ottubru 2011

Avviż Nru

Werrej

Pagna

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IV

(Informazzjoni)

INFORMAZZJONI MINN ISTITUZZJONIJIET, KORPI, UFFIĊĠI U AĠENZIJI
TAL-UNJONI EWROPEA

IL-KUMMISSJONI EWROPEA

Rata tal-kambju tal-euro ⁽¹⁾

Is-17 ta' Ottubru 2011

(2011/C 306/01)

1 euro =

Munita	Rata tal-kambju	Munita	Rata tal-kambju		
USD	Dollaru Amerikan	1,3776	AUD	Dollaru Awstraljan	1,3406
JPY	Yen Ġappuniż	106,43	CAD	Dollaru Kanadiż	1,3955
DKK	Krona Daniża	7,4453	HKD	Dollaru ta' Hong Kong	10,7124
GBP	Lira Sterlina	0,87400	NZD	Dollaru tan-New Zealand	1,7225
SEK	Krona Żvediza	9,1582	SGD	Dollaru tas-Singapor	1,7458
CHF	Frank Żvizzeru	1,2365	KRW	Won tal-Korea t'Isfel	1 577,85
ISK	Krona İzlandiża		ZAR	Rand ta' l-Afrika t'Isfel	10,8856
NOK	Krona Norveġiża	7,7320	CNY	Yuan ren-min-bi Ċiniż	8,7746
BGN	Lev Bulgaru	1,9558	HRK	Kuna Kroata	7,4685
CZK	Krona Ċeka	24,762	IDR	Rupiah Indoneżjan	12 147,13
HUF	Forint Ungeriz	293,94	MYR	Ringgit Malajjan	4,2707
LTL	Litas Litwan	3,4528	PHP	Peso Filippin	59,465
LVL	Lats Latvjan	0,7049	RUB	Rouble Russu	42,4230
PLN	Zloty Pollakk	4,2927	THB	Baht Tajlandiż	42,182
RON	Leu Rumun	4,3320	BRL	Real Braziljan	2,4083
TRY	Lira Turka	2,5514	MXN	Peso Messikan	18,2857
			INR	Rupi Indjan	67,4400

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

INFORMAZZJONI MILL-ISTATI MEMBRI

Informazzjoni fil-qosor ikkomunikata mill-Istati Membri dwar għajnuniet mill-Istat mogħtija skont ir-Regolament tal-Kummissjoni (KE) Nru 1857/2006 dwar l-applikazzjoni tal-Artikoli 87 u 88 tat-Trattat tal-KE għall-għajnuniet mill-Istat lill-imprizi żgħar u ta' daqs medju attivi fil-produzzjoni ta' prodotti agrikoli u li jemenda r-Regolament (KE) Nru 70/2001

(2011/C 306/02)

Għajnuna Nru: SA.33657 (11/XA)

le préfet de la région Bretagne
3 avenue de la Préfecture
35026 Rennes Cedex 9
FRANCE

Stati Membri: Franza**Reġjun:** France

le président du Conseil régional de Bretagne
5-9 rue Martenot
35000 Rennes
FRANCE

Titolu tal-iskema ta' għajnuna jew isem l-impriza li tircievi l-għajnuna individwali: Assistance technique aux exploitations agricoles de huit baies bretonnes pour leur évolution vers des systèmes de production à très basses fuites d'azote

le directeur de l'agence de l'eau Loire-Bretagne
avenue Buffon, BP 6339
45063 Orleans Cedex 2
FRANCE

Baži legali:

— arrêté du préfet de la région Centre, coordonnateur du bassin Loire-Bretagne, du 18 novembre 2009, portant approbation du schéma directeur d'aménagement et de gestion des eaux du bassin Loire-Bretagne (cf. disposition 10 A)

Indirizz tal-Internet:

http://draaf.bretagne.agriculture.gouv.fr/IMG/pdf/Note_detaillée_Diagnostic-conseil_cle838b5c.pdf

— plan de lutte contre les algues vertes du 5 février 2010

<http://www.bretagne.pref.gouv.fr/Les-actions-de-l-Etat/Environnement-et-prevention-des-risques/L-eau/Plan-de-lutte-contre-les-algues-vertes>

— projets de délibération du Conseil régional de Bretagne et des Conseils généraux des Côtes-d'Armor et du Finistère

Informazzjoni oħra: —

Nefqa annwali ppjanata taħt l-iskema jew ammont totali tal-għajnuna individwali mogħtija lill-impriza: Ammont komplessiv annwali tal-baġit ipplanat taħt l-iskema: EUR 3 (f'miljuni)

Intensità massima tal-għajnuna: 100 %**Għajnuna Nru:** SA.33729 (11/XA)**Data tal-implimentazzjoni:** —**Stati Membri:** L-Italja

Tul ta' żmien tal-għajnuna individwali: mill-24 ta' Ottubru 2011 sal-31 ta' Dicembru 2015

Reġjun: Emilia-Romagna

Għan tal-għajnuna: Għajnuna teknika (Art. 15 tar-Regolament (KE) Nru 1857/2006)

Titolu tal-iskema ta' għajnuna jew isem l-impriza li tircievi l-għajnuna individwali: Prevenzione e l'eradicazione di fitopatologie ed infestazioni parassitarie. Programma di intervento contributivo riferito alle estirpazioni di piante di drupacee e di actinidia

Settur jew setturi benefiċjarji: Produzzjoni ta' għelejjel u annimali, kaċċa u attivitajiet relatati

Baži legali:

Deliberazione Giunta Regionale n. 1275 del 5 settembre 2011,

Isem u indirizz tal-awtorità li tagħti l-għajnuna:

M. le préfet de la région Bretagne, MM. les présidents du Conseil régional de Bretagne et des Conseils généraux des Côtes-d'Armor et du Finistère

Legge Regionale n. 6 del 23 luglio 2010,

Legge Regionale n. 3 del 20 gennaio 2004,

Decreto Legislativo n. 214 del 19 agosto 2005,

Decreto Ministeriale 28 luglio 2009,

Decreto Ministeriale 7 febbraio 2011.

Nefqa annwali ppjanata taht l-iskema jew ammont totali tal-ghajjnuna individwali moghtija lill-impriza: Ammont komplessiv annwali tal-baġit ipplanat taht l-iskema: EUR 1 (f'miljuni)

Intensità massima tal-ghajjnuna: 100 %

Data tal-implimentazzjoni: —

Tul ta' żmien tal-ghajjnuna individwali: mill-4 ta' Novembru 2011 sal-31 ta' Dicembru 2013

Għan tal-ghajjnuna: Mard tal-pjanti – Infestazzjoni tal-pesti (Art. 10 tar-Regolament (KE) Nru 1857/2006)

Settur jew setturi benefiċjarji: Agrikoltura, forestrija u sajd

Isem u indirizz tal-awtorità li tagħti l-ghajjnuna:

Regione Emilia-Romagna
Direzione Generale Agricoltura, economia ittica, attività faunistico-venato
Viale della Fiera 8
40127 Bologna BO
ITALIA

Indirizz tal-Internet:

<http://www.ermesagricoltura.it/Servizio-fitosanitario/Finanziamenti/Finanziamenti-batteriosi-dell-actinidia-PSA/Normativa-di-base/Deliberazione-n.-1275-del-5-09-20112>

Informazzjoni oħra: —

Għajjnuna Nru: SA.33730 (11/XA)

Stati Membri: L-Italja

Reġjun: Basilicata

Titolu tal-iskema ta' ghajjnuna jew isem l-impriza li tircievi l-ghajjnuna individwali: Misure regionali di sostegno alle aziende frutticole colpite dalla Vaiolatura delle drupacee (Sharka), causata dall'agente Plum pox virus

Baži legali:

Legge 1 luglio 1997, n. 206 Norme in favore delle produzioni agricole danneggiate da organismi nocivi;

Decreto del ministero delle politiche agricole, alimentari e forestali del 28 luglio 2009 recante lotta obbligatoria per il controllo del virus Plum pox virus (PPV), agente della «Vaiolatura delle drupacee» (Sharka).

Delibera di Giunta Regionale n. 643 del 4 maggio 2011

Nefqa annwali ppjanata taht l-iskema jew ammont totali tal-ghajjnuna individwali moghtija lill-impriza: Ammont komplessiv annwali tal-baġit ipplanat taht l-iskema: EUR 0,30 (f'miljuni)

Intensità massima tal-ghajjnuna: 39,20 %

Data tal-implimentazzjoni: —

Tul ta' żmien tal-ghajjnuna individwali: mit-13 ta' Ottubru 2011 sal-31 ta' Dicembru 2012

Għan tal-ghajjnuna: Mard tal-pjanti – Infestazzjoni tal-pesti (Art. 10 tar-Regolament (KE) Nru 1857/2006)

Settur jew setturi benefiċjarji: Tkabbir ta' frott pomaċi u frott bl-ghadma

Isem u indirizz tal-awtorità li tagħti l-ghajjnuna:

Regione Basilicata
Dipartimento Agricoltura, Sviluppo Rurale, Economia Montana
Via Vincenzo Verrastro
85100 Potenza PZ
ITALIA

Indirizz tal-Internet:

http://www.regione.basilicata.it/giunta/files/docs/DOCUMENT_FILE_554194.pdf

Informazzjoni oħra: —

Informazzjoni kkomunikata mill-Istati Membri dwar l-għeluq tas-sajd

(2011/C 306/03)

F'konformità mal-Artikolu 35(3) tar-Regolament tal-Kunsill (KE) Nru 1224/2009 tal-20 ta' Novembru 2009 li jstabbilixxi sistema Komunitarja ta' kontroll għall-iżgurar tal-konformità mar-regoli tal-Politika Komuni tas-Sajd ⁽¹⁾, ittiehdet deċiżjoni biex is-sajd jingħalaq kif deskritt fit-tabella ta' hawn taht:

Data u ħin tal-għeluq	5.9.2011
Tul ta' żmien	5.9.2011-31.12.2011
Stat Membru	Il-Portugall
Stokk jew Grupp ta' stokkijiet	WHM/ATLANT
Speċi	Marlin abjad (<i>Tetrapturus albidus</i>)
Żona	L-Oċean Atlantiku
Tip(i) ta' bastimenti tas-sajd	—
Numru ta' referenza	—

Holqa elettronika għad-deċiżjoni tal-Istat Membru:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_mt.htm

(1) ĠU L 343, 22.12.2009, p. 1.

Informazzjoni kkomunikata mill-Istati Membri dwar l-għeluq tas-sajd

(2011/C 306/04)

F'konformità mal-Artikolu 35(3) tar-Regolament tal-Kunsill (KE) Nru 1224/2009 tal-20 ta' Novembru 2009 li jstabbilixxi sistema Komunitarja ta' kontroll għall-iżgurar tal-konformità mar-regoli tal-Politika Komuni tas-Sajd ⁽¹⁾, ittiedet decizjoni biex is-sajd jingħalaq kif deskritt fit-tabella ta' hawn taht:

Data u hin tal-għeluq	5.9.2011
Tul ta' żmien	5.9.2011-31.12.2011
Stat Membru	Il-Portugall
Stokk jew Grupp ta' stokkijiet	ALF/3X14-
Speċi	Alfonsinos (<i>Beryx spp.</i>)
Żona	L-ilmijiet tal-UE u l-ilmijiet internazzjonali taż-żoni III, IV, V, VI, VII, VIII IX, XII u XIV
Tip(i) ta' bastimenti tas-sajd	—
Numru ta' referenza	—

Holqa elettronika għad-deċizjoni tal-Istat Membru:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_mt.htm

(¹) ĠU L 343, 22.12.2009, p. 1.

Informazzjoni kkomunikata mill-Istati Membri dwar l-għeluq tas-sajd

(2011/C 306/05)

F'konformità mal-Artikolu 35(3) tar-Regolament tal-Kunsill (KE) Nru 1224/2009 tal-20 ta' Novembru 2009 li jstabbilixxi sistema Komunitarja ta' kontroll għall-iżgurar tal-konformità mar-regoli tal-Politika Komuni tas-Sajd ⁽¹⁾, ittiehdet deċiżjoni biex is-sajd jingħalaq kif deskritt fit-tabella ta' hawn taht:

Data u ħin tal-għeluq	25.6.2011
Tul ta' żmien	25.6.2011-31.12.2011
Stat Membru	Spanja
Stokk jew Grupp ta' stokkijiet	BSF/8910-
Speċi	Lipp tal-qawwi (<i>Phycis blennoides</i>)
Żona	L-ilmijiet tal-UE u l-ilmijiet internazzjonali taż-żoni VIII u IX
Tip(i) ta' bastimenti tas-sajd	—
Numru ta' referenza	887271

Holqa elettronika għad-deċiżjoni tal-Istat Membru:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_mt.htm

(1) ĠU L 343, 22.12.2009, p. 1.

Informazzjoni kkomunikata mill-Istati Membri dwar l-għeluq tas-sajd

(2011/C 306/06)

F'konformità mal-Artikolu 35(3) tar-Regolament tal-Kunsill (KE) Nru 1224/2009 tal-20 ta' Novembru 2009 li jstabbilixxi sistema Komunitarja ta' kontroll għall-iżgurar tal-konformità mar-regoli tal-Politika Komuni tas-Sajd ⁽¹⁾, ittiedet deċiżjoni biex is-sajd jingħalaq kif deskritt fit-tabella ta' hawn taht:

Data u ħin tal-għeluq	12.7.2011
Tul ta' żmien	12.7.2011-31.12.2011
Stat Membru	Spanja
Stokk jew Grupp ta' stokkijiet	BSF/8910-
Speċi	Ċinturin iswed (<i>Aphanopus carbo</i>)
Żona	L-ilmijiet tal-UE u l-ilmijiet internazzjonali taż-żoni VIII, IX u X
Tip(i) ta' bastimenti tas-sajd	—
Numru ta' referenza	887293

Hoġġa elettronika għad-deċiżjoni tal-Istat Membru:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_mt.htm

(1) ĠU L 343, 22.12.2009, p. 1.

Informazzjoni kkomunikata mill-Istati Membri dwar l-għeluq tas-sajd

(2011/C 306/07)

F'konformità mal-Artikolu 35(3) tar-Regolament tal-Kunsill (KE) Nru 1224/2009 tal-20 ta' Novembru 2009 li jstabbilixxi sistema Komunitarja ta' kontroll għall-iżgurar tal-konformità mar-regoli tal-Politika Komuni tas-Sajd ⁽¹⁾, ittiedet deċiżjoni biex is-sajd jingħalaq kif deskritt fit-tabella ta' hawn taht:

Data u ħin tal-għeluq	13.8.2011
Tul ta' żmien	13.8.2011-31.12.2011
Stat Membru	Il-Belġju
Stokk jew Grupp ta' stokkijiet	WHG/08.
Speċijiet	Merlangu (<i>Merlangius merlangus</i>)
Żona	Iż-żona VIII
Tip(i) ta' bastimenti tas-sajd	—
Numru ta' referenza	870462

Hoġġa elettronika għad-deċiżjoni tal-Istat Membru:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_mt.htm

(1) ĠU L 343, 22.12.2009, p. 1.

Informazzjoni kkomunikata mill-Istati Membri dwar l-għeluq tas-sajd

(2011/C 306/08)

F'konformità mal-Artikolu 35(3) tar-Regolament tal-Kunsill (KE) Nru 1224/2009 tal-20 ta' Novembru 2009 li jstabbilixxi sistema Komunitarja ta' kontroll għall-iżgurar tal-konformità mar-regoli tal-Politika Komuni tas-Sajd ⁽¹⁾, ittiedet decizjoni biex is-sajd jingħalaq kif deskritt fit-tabella ta' hawn taht:

Data u ħin tal-għeluq	13.8.2011
Tul ta' żmien	13.8.2011-31.12.2011
Stat Membru	Il-Belġju
Stokk jew Grupp ta' stokkijiet	LEZ/8ABDE.
Speċi	Megrims (<i>Lepidorhombus</i> spp.)
Żona	VIIIa, VIIIb, VIIIc u VIId
Tip(i) ta' bastimenti tas-sajd	—
Numru ta' referenza	870462

Holqa elettronika għad-decizjoni tal-Istat Membru:

http://ec.europa.eu/fisheries/cfp/fishing_rules/tacs/index_mt.htm

⁽¹⁾ ĠU L 343, 22.12.2009, p. 1.

V

(Avviżi)

PROCĊEDURI DWAR L-IMPLIMENTAZZJONI TAL-POLITIKA TAL-KOMPETIZZJONI

IL-KUMMISSJONI EWROPEA

GĦAJNUNA MILL-ISTAT – L-IRLANDA

Għajnuna mill-Istat SA.29064 (11/C) (ex 11/NN) – Trasport bl-Ajru – Eżenzjonijiet mit-taxxa għall-passiġġieri bl-ajru

Stedina biex jitressqu kummenti skont l-Artikolu 108(2) tat-TFUE

(Test b'relevanza għaż-ŻEE)

(2011/C 306/09)

Permezz tal-ittra datata t-13 ta' Lulju 2011 riprodotta fil-lingwa awtentika fil-paġni li jiġu wara dan is-sommarju, il-Kummissjoni nnotifikat lill-Irlanda bid-deċiżjoni tagħha li tagħti bidu għall-proċedura stabbilita fl-Artikolu 108(2) tat-TFUE fir-rigward tal-miżuri msemmijin hawn fuq.

Il-partijiet interessati jistgħu jressqu l-kummenti tagħhom dwar il-miżura li dwarha l-Kummissjoni qed tibda l-proċedura fi żmien xahar tad-data tal-pubblikazzjoni ta' dan is-sommarju u l-ittra li ġejja, lil:

IL-Kummissjoni Ewropea
Direttorat-Generali għall-Kompetizzjoni
Reġistru tal-Għajnuna mill-Istat
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax +32 22961242

Dawn l-osservazzjonijiet ser jiġu kkomunikati lill-Irlanda. Il-parti interessata li tressaq il-kummenti tista' titlob bil-miktub biex l-identità tagħha tibqa' kunfidenzjali, filwaqt li tagħti r-raġunijiet għat-talba.

IT-TEST TAS-SOMMARJU

Mit-30 ta' Marzu 2009, l-awtoritajiet Irlandiżi introduċew dazju tas-sisa fuq it-trasport tal-passiġġieri bl-ajru, li kien se jkun impost fir-rigward ta' "kull tluq ta' apssiġġier fuq ingenu tal-ajru minn ajruport". Waqt li t-taxxa in fine kienet intenzjonata biex tkun mgħoddija lill-passiġġieri permezz tal-prezz tal-biljett, kienu l-operaturi tal-linji tal-ajru li kienu responsabbli li jiġbru u jhallsu t-taxxa fir-rigward tal-passiġġieri li se jtilqu fuq l-ingenji tal-ajru rispettivi tagħhom. Id-definizzjoni ta' "passiġġier" f'dan il-kuntest teskludi minn din it-taxxa passiġġieri fi trasferiment jew tranzitu. Meta kienet introdotta, it-taxxa kienet imposta abbażi tad-distanza bejn l-ajruport minn fejn jibda l-vjaġġ u dak fejn jintemm il-vjaġġ, bir-rata ta' (i) EUR 2 fil-każ ta' vjaġġ minn ajruport lejn destinazzjoni mhux iktar minn 300 km mill-ajru-

port ta' Dublin u (ii) EUR 10 fi kwalunkwe każ iehor. Wara proċedura ta' ksur, mill-1 ta' Marzu 2011 bdiet tapplika rata wahda ta' EUR 3 għad-distanzi kollha. Ladarba l-avveniment taxxabli huwa t-tluq ta' passiġġier fuq ingenu tal-ajru, titjiriet ta' merkanzija u modi ohra tat-trasport jaqaw barra mill-ambitu ta' din it-taxxa.

Skont ilment li rċeviet il-Kummissjoni, il-fatt li t-taxxa ma tkunx applikata għall-passiġġieri fi trasferiment jew tranzitu u għal titjiriet ta' merkanzija jikkostitwixxi għajnuna mill-Istat illegali u inkompatibbli mogħtija lill-operatur tal-linji tal-ajru Aer Lingus u Aer Arann u lill-operatur tal-ajruport Dublin Airport Authority (DAA), ladarba dawn l-imprizi kellhom proporzjon relattivament għoli ta' tali passiġġieri u titjiriet. Barra minn hekk,

in-nonapplikazzjoni tat-taxxa ghas-servizzi marittimi u t-trasport bil-ferrovija allegatament jirrizulta f'ghajnuna mill-Istat lill-operaturi f'dawn is-seturi. Il-kwerelant irrefera wkoll għall-fatt li l-ammont fiss tat-taxxa kien jirrapreżenta sehem oghla tal-prezz ta' trasportaturi irhas milli għal-linji tal-ajru tradizzjonali. Finalment, il-kwerelant isostni li r-rata tat-taxxa iktar baxxa kienet tiffavorixxi lil Aer Arann minhabba li 50 % tal-passiġġieri li jingarru minn dik il-linja tal-ajru jivvjaġġaw għal destinazzjonijiet li jinsabu iktar minn 300 km mill-ajruport ta' Dublin.

Skont l-awtoritajiet Irlandiżi, titjiriet tal-merkanzija u mezzi oħra tat-trasport għajr it-trasport bl-ajru jaqgħu barra mill-ambitu ta' din it-taxxa minhabba l-applikazzjoni relattivament sempliċi tagħha. Il-politika ta' tassazzjoni mhix imfassla biex tkun taqbel ma' xi mudell partikolari individwali ta' negozju. Kwalunkwe operatur tas-servizz tal-merkanzija jew ta' modi oħra ta' trasport jaqa' l-barra mill-ambitu tat-taxxa għall-provvjediment ta' tali servizzi. L-esklużjoni tat-traffiku ta' trasferiment u tranżitu mill-kamp ta' applikazzjoni tat-taxxa huwa dovut għal raġunijiet ta' newtralità: *In fine* ikunu l-passiġġieri li jgħorru l-kost tat-taxxa u huma ma għandhomx ikunu penalizzati mill-fatt li tkun seħhet waqfa fl-Irlanda. Barra minn hekk, l-awtoritajiet Irlandiżi jimplikaw li dan l-arranġament jipprevjeni t-tassazzjoni doppja potenzjali f'każijiet fejn taxxa simili hija imposta fl-ajruport fejn jibda l-vjaġġ. Fir-rigward tal-użu ta' rata fissa tat-taxxa flok proporzjoni mill-prezz tal-biljett, dan johroġ mill-fatt li t-taxxa hija dazju tas-sisa. Barra milli għandha piż amministrattiv sostanzjali, l-użu ta' persentaġġ tal-prezz tal-biljett jagħti lok biex it-taxxa tinharab ladarba l-linji tal-ajru jaraw kif irahhsu l-prezz tal-biljett waqt li jzidu d-dhul permezz ta' imposti anċillari. Dwar ir-rata ta' taxxa iktar baxxa għal rotot iqsar (applikabbli sal-1 ta' Marzu 2011), l-awtoritajiet Irlandiżi spjegaw li din kienet ibbażata fuq il-fatt li l-prezzijiet huma ġeneralment irhas għal destinazzjonijiet eqreb. Huma wrew ukoll id-dubji tagħhom li Aer Arann tkun vantaġġjata mir-rata imnaqqsa, ladarba l-kwerelant kien ukoll attiv fuq parti importanti tarrotot li għalihom kienet tapplika r-rata iktar baxxa. Għalhekk, l-awtoritajiet Irlandiżi ma jarawx kif il-fatt li hemm rata iktar baxxa għar-rotot iqsar tikkostitwixxi għajnuna mill-Istat lil Aer Arann u Aer Lingus.

Għad-determinazzjoni jekk il-miżuri allegati jikkostitwixxu għajnuna mill-Istat jew le, il-kwistjoni prinċipali f'dan il-każ hi jekk il-kriterju ta' selettività huwiex sodisfatt, i.e. jekk il-miżuri jiffavorixxu ċerti impriżi li huma f'sitwazzjoni legali u fattwali kumparabbli fid-dawl tal-oġettiv tal-miżuri inkwistjoni.

Mezzi oħra ta' trasport għajr it-trasport bl-ajru huma f'sistemi legali, regolatorji u ta' tassazzjoni differenti minn dawk tat-trasport bl-ajru. Huma wkoll f'sitwazzjoni fattwali differenti mill-operaturi tat-trasport bl-ajru. Għalhekk l-esklużjoni ta' modi oħra tat-trasport mit-taxxa mhix selettiva.

Ladarba l-operaturi tat-trasport tal-merkanzija huma attivi f'negozju differenti b'tipi differenti ta' klijenti u t-trasport tal-merkanzija u dak tal-passiġġieri mhumiex servizzi sostitwibbli, tali operaturi mhumiex fl-istess sitwazzjoni fattwali tat-trasport tal-passiġġieri bl-ajru. L-esklużjoni tat-traffiku tal-merkanzija mit-taxxa ma tistax tkun ikkunsidrata bhala selettiva.

Fir-rigward tan-nonapplikazzjoni tat-taxxa għall-passiġġieri ta' trasferiment u ta' tranżitu, huwa fil-loġika u fin-natura tas-sistema tat-taxxa u għalhekk mhux selettiva. L-ghan huwa li t-taxxa tkun imposta abbażi tad-distanza bejn id-destinazzjoni tal-bidu tal-vjaġġ u t-tmiem tiegħu. In-nonapplikazzjoni tat-taxxa għall-passiġġieri ta' trasferiment u ta' tranżitu hija loġika, ladarba hija twassal għal passiġġieri li jkun ntaxxati bl-istess mod indipendentament fir-rotta tal-vjaġġ (minflok li jkun intaxxati kemm fuq l-ewwel, kif ukoll fuq it-tieni parti tal-vjaġġ). Addizzjonalment, l-evalazzjoni tat-tassazzjoni doppja tiġġustifika li l-passiġġieri ta' trasferiment u ta' tranżitu ma jkunux koperti mit-taxxa.

Dwar l-użu ta' rati fissi tat-taxxa flok persentaġġ, għandu jkun innutat li l-Istati Membri huma intitolati jagħzlu bejn rati fissi u proporzjonali. Dazji tas-sisa bħat-taxxa inkwistjoni huma tipikament speċifiċi għal kull unita u għalhekk mhux bħat-taxxa fuq il-bejgħ stabbilita fi proporzjoni għall-valur. Fin-natura tagħhom, ammonti fissi jirrapreżentaw parti oghla ta' prezzijiet totali orhos. Madanakollu, id-differenza bejn prezzijiet oghla u orhos tibqa kif inhi. Għalhekk ma jidherx li l-linji tal-ajru tradizzjonali jkollhom vantaġġ meta mqabbla ma' dawk tat-trasportaturi bi prezz baxx. Barra minn hekk, taxxa li hija proporzjonali mal-prezz tal-biljett tista' tinkoraġġixxi lill-kumpaniji jrahsu l-prezzijiet waqt li fl-istess waqt iżidu l-kostijiet tat-tranżazzjoni jew dawk anċillari.

Rigward ir-rati differenti tat-taxxa applikabbli mit-30 ta' Marzu 2009 sal-1 ta' Marzu 2011, il-Kummissjoni f'dokument ta' hidma tal-persunal innutat li ma tista' issir l-ebda diskriminazzjoni bejn it-titjiriet nazzjonali u dawk intrakomunitarji. Għalhekk, skont il-prattiki ta' deċiżjoni tal-Kummissjoni, tali differenzjar għandu jkun ikkunsidrat bħal selettiv jekk ma jkun hemm l-ebda raġuni loġika għalih. Dan kien ukoll spjegat b'mod ċar mill-Qorti. Mhux validu l-argument tal-Awtoritajiet Irlandiżi li titjiriet fuq distanzi itwal huma iktar għolja u għalhekk tista' tinzamm imposta oghla mingħajr ma tkun sproportjonata meta mqabbla mal-prezz, minhabba li l-prezz tal-biljetti għad-destinazzjonijiet domestiki mhux neċessarjament (essenzjalment) orhos minn dak tat-titjiriet għal destinazzjonijiet oħra fl-UE. Għalhekk jidher li r-rata ta' taxxa iktar baxxa tipprovi vantaġġ selettiv għal impriżi fis-sistema ta' referenza. Ladarba anke l-kriterji l-oħra fl-Artikolu 107(1) tat-TFUE huma sodisfatti, il-miżura tikkostitwixxu għajnuna mill-Istat.

Bhala konklużjoni, la l-esklużjoni tat-trasport tal-merkanzija u ta' mezzi oħra tat-trasport għajr dak bl-ajru, u lanqas in-nonapplikazzjoni tat-taxxi fuq it-traffiku ta' passiġġieri ta' trasferiment u ta' tranżitu ma jikkostitwixxu għajnuna mill-Istat fit-tifsira tal-Artikolu 107(1) tat-TFUE. L-użu ta' rata fissa għall-kuntrarju ta' persentaġġ tal-prezz tal-biljett ma tirriżultax lanqas f'għajnuna mill-Istat. Madanakollu, l-applikazzjoni ta' rata domestika iktar baxxa bejn it-30 ta' Marzu 2009 u l-1 ta' Marzu 2011 jidher li tikkostitwixxi għajnuna mill-Istat li dwarha hemm dubju dwar kemm hija kumpatibbli mas-sueq intern.

Skont l-Artikolu 14 tar-Regolament tal-Kunsill (KE) Nru 659/1999, kull għajnuna illegali tista' tkun soġġetta għal irkupru mingħand ir-riċevitur.

TEST TAL-ITTRA

“1. PROCEDURE

- (1) By letter of 21 July 2009, registered at the Commission the following day under number CP 231/2009, the Commission received a complaint from an airline operator regarding alleged unlawful and illegal State aid measures, which were in place in Ireland.
- (2) By letter of 28 July 2009, the Commission forwarded the complaint to the Irish authorities and asked for their position on the claims brought forward therein.
- (3) By letter of 26 August 2009, the Irish authorities asked for an extension of the deadline to reply, which the Commission accepted in letter of 3 September 2009.
- (4) On 15 October 2009, the Irish authorities responded to the letter of the Commission. Their reply was registered at the Commission on the same day.
- (5) Since the alleged aid had been implemented without prior notification to the Commission, the case was registered as a non-notified measure, 11/NN.

2. DESCRIPTION OF THE ALLEGED AID**2.1. The Irish Air Travel Tax**

- (6) As of 30 March 2009, the Irish authorities introduced an excise duty on air passenger transport. The national legal basis for the tax is Section 55 of the Finance (No 2) Act 2008, which introduces an excise duty referred to as the “air travel tax” which the airlines operators are liable to pay in respect of “every departure of a passenger on an aircraft from an airport” located in Ireland. While the tax *in fine* is intended to be passed on to the passengers via the ticket price, it is thus the airline operators that are liable to pay the tax.
- (7) At the time of the introduction of the tax, it was levied on the basis of the distance between the airport where the journey began and the airport where the journey ended, at the rate of (i) EUR 2 in the case of a journey from an airport to a destination located no more than 300 km from Dublin airport; and (ii) EUR 10 in any other case.
- (8) Following an investigation by the Commission regarding a possible infringement of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community⁽¹⁾ and the Treaty provisions on free provision of services, the rates were changed as of 1 March 2011 so that a single tax rate of EUR 3 is applicable to all departures, regardless of the distance travelled.

- (9) In the legal basis, a passenger is defined as a person other than a member of the crew of the aircraft travelling on an aircraft, but the definition explicitly excludes transfer and transit passengers. A *transfer passenger* is defined as a passenger who arrives on a flight to an airport and who departs from the airport on a further flight, other than to the airport where the passenger’s journey originated, where both flights are part of a single booking and where the length of time between the scheduled time of arrival of the flight to the airport and the scheduled time of departure of the flight from that airport is maximum six hours. A *transit passenger* is a passenger who is on board an aircraft which lands at an airport in the course of its journey and who continues his or her journey on that aircraft. This means effectively that transfer and transit passengers fall outside of the scope of the tax.

Examples: New York–Shannon– Dublin	Tax payable: EUR 0
New York–Dublin	Tax payable: EUR 0
Dublin–Shannon– New York	Tax payable: EUR 10
Dublin–New York	Tax payable: EUR 10

- (10) Since the taxable event is the departure of a *passenger on an aircraft*, cargo flights and other modes of transport fall outside of the scope of the tax.

2.2. Alleged illegal and unlawful State aid

- (11) First, the complainant argues that the non-application of the tax to cargo transport results in State aid to cargo operator Aer Lingus and to Dublin Airport Authority (DAA), which manages, operates and develops Dublin, Cork and Shannon airports, and manages domestic and international airport retail and airport investment.
- (12) Second, the complainant claims that the non-application of the tax to maritime services and rail transport results in State aid to operators in these sectors.
- (13) Third, it is claimed that the non-application of the tax to transfer and transit passengers and cargo flights constituted illegal and incompatible State aid granted to DAA and to Air Lingus and Air Arann, since these undertakings have a relatively high proportion of such passengers and flights.
- (14) Fourth, according to the complaint, the use of fixed tax rates (as opposed to the use of a tax that is proportional to the ticket price) imposes a proportionally heavier charge on low fare passengers and discriminate against the business models used by low-cost carriers, which are based on small margins and high numbers of passengers in order to maximise revenues from ancillary services. Therefore, low-cost carriers cannot pass the full cost of the tax on to their passengers.

⁽¹⁾ OJ L 293, 31.10.2008, p. 3.

(15) Fifth, the complainant claims that the differentiated tax rates favour Aer Arann since 50 % of the passengers carried by that airline travel to destinations located at less than 300 km from Dublin airport.

(16) The complainant estimates that the aid provided to DAA, Aer Lingus and Aer Arann stemming from the exemptions of cargo traffic, transfer and transit passengers and the lower tax rate for shorter flights in total amounts to at least EUR 50 million per year.

2.3. The opinion of the Irish authorities

(17) According to the Irish authorities, the use of a fixed tax rate instead of a proportion of the ticket price stems from the fact that the tax is an excise duty and, as such, a fixed amount. Apart from being administratively burdensome, using a percentage of the ticket price would open up for circumvention since airlines would then strive to reduce fares while raising revenues via ancillary fees (credit card handling, online check-in, baggage handling, charging for sports equipment carried, etc.).

(18) As to the lower tax rate for shorter routes, the Irish authorities explained that it was based on the fact that the prices are normally lower for closer destinations. They pointed out that there is only one domestic route on which the complainant and Aer Arann compete. On that route, close to 40 % of the flights are operated by the complainant. For routes abroad benefiting from the lower rate (western UK), the complainant operates more than 40 % of the scheduled flights, while Aer Arann and Aer Lingus have smaller shares. Therefore, the Irish authorities do not see how the fact that there is a lower rate for shorter routes would constitute State aid to Aer Arann and Aer Lingus.

(19) With respect to the non-imposition of the tax on cargo flights and other modes of transport than air transport, the Irish authorities argue that this is due to the relatively simple application of the tax. Taxation policy is not designed to fit with any particular individual business model. Any operator of cargo service or other modes of transport than air transport would fall outside of the scope of the tax for the provision of such services.

(20) As to the non-application of the tax on transfer and transit passengers, the Irish authorities state that the fact that any first leg of an overall journey is not subject to the tax ensures that the passenger is not punished because a route includes a stopover in order to get to the final destination. The Irish authorities furthermore indicate that other countries with air passenger taxes, such as the United Kingdom, normally exclude transfer and transit passengers from the scope of the tax.

(21) Therefore, in the opinion of the Irish authorities, the tax and its non-applicability in respect of cargo transport and other means of transport than air transport and of certain categories of passengers does not amount to aid within the meaning of Article 107(1) of the Treaty on the Functioning of the European Union (hereinafter the "TFEU").

Neither do the use of a fixed tax rate and the differentiated tax rates in force between 30 March 2009 and 1 March 2011.

3. ASSESSMENT

3.1. Existence of aid under Article 107(1) of the TFEU

(22) By virtue of Article 107(1) of the TFEU, "any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market".

(23) In order to be caught by Article 107(1) of the TFEU, a measure must thus be selective ⁽¹⁾. The Court has held that that Article requires assessment of whether, under a particular legal regime, a national measure is such as to favour "certain undertakings or the production of certain goods" in comparison with others which, in the light of the objective pursued by that regime, are in a comparable factual and legal situation ⁽²⁾.

(24) The selective advantage may derive from an exception to the tax provisions of a legislative, regulatory or administrative nature or from a discretionary practice on the part of the tax authorities. However, the selective nature of a measure may be justified by "the nature or general scheme of the system" ⁽³⁾. The Commission must therefore examine whether such exemptions are justified by the nature or the general principles of the tax system in the Member State. If that is the case, the measure is not considered to be aid within the meaning of Article 107(1) of the TFEU.

(25) According to established case-law ⁽⁴⁾, a fiscal measure is selective if it constitutes a departure from the normal application of the general tax framework. First, the Commission therefore has to identify the relevant tax system of reference.

(26) As regards taxation, the Commission notes that, in principle, the definition of the system of taxation falls within the exclusive competence of the Member States.

⁽¹⁾ See Case C-66/02 (*Italy v Commission*) [2005] ECR I-10901, paragraph 94.

⁽²⁾ See, for example, Cases C-143/99 (*Adria-Wien Pipeline and Wietersdorfer & Peggauer Zementwerke*) [2001] ECR I-8365, paragraph 41; C-308/01 (*GIL Insurance and Others*) [2004] ECR I-4777, paragraph 68; and C-172/03 (*Heiser*) [2005] ECR I-1627, paragraph 40; C-88/03 (*Portugal*) [2006] ECR I-7115, paragraph 54; C-172/03 (*Wolfgang Heiser v Finanzamt Innsbruck*) [2005] ECR I-1627, paragraph 40; and C-169/08 (*Presidente del Consiglio dei Ministri v Regione Sardegna*) [2009] ECR I-10821, paragraph 61.

⁽³⁾ See, for example, Case 173/73 (*Italy v Commission*) [1974] ECR 709, as well as point 13 et seq. of Commission Notice on the application of the State aid rules to measures relating to direct business taxation (OJ C 384, 10.12.1998, p. 3).

⁽⁴⁾ See, for example, the judgments in the mentioned Case C-88/2003 (*Portugal*), paragraph 56, and in Case C-487/08 P (*British Aggregates*) [2008] ECR I-10505, paragraphs 81-83.

In designing its taxation system, the Irish authorities chose, on the one hand, to define the taxable event of the air travel tax as the departure of a passenger from an airport situated in Ireland. The taxation legislation at hand aims at regulating the payment of duties on passengers departing on a plane from an airport located in Ireland. In the case at hand, the Commission considers the system of reference to be the taxation of air passengers departing from an airport situated in Ireland.

- (27) The objective of the system of reference is to tax passengers departing on a plane from an airport located in Ireland in order to raise revenue for the State budget.
- (28) First, *other modes of transport* than air transport fall outside of the reference system. Different legal, regulatory and taxation systems apply to different modes of transport. For example, aviation fuel is exempted from fuel taxation⁽¹⁾ and, as from 1 January 2012, the aviation sector will, contrary to some other modes of transport, be included in the EU Emission Trading Scheme⁽²⁾. It is therefore impossible to identify one single reference tax system that would apply to all modes of transport. Differences in the legal (regulatory) and factual situations of operators of various modes of transport can also justify the application of different tax systems (e.g. security and safety regulations are different, traffic management systems are different and the support for and need for infrastructure varies). Therefore, the Commission finds that other modes of transport than air transport are not to be included in the reference system for the air passenger taxes subject to assessment. The air travel tax can thus not be considered to provide the maritime and rail sectors with a selective advantage.
- (29) With respect to *cargo operations*, the Commission notes that some legislative systems cover both air passenger and cargo transport⁽³⁾, while other systems are separate for the two types of transport⁽⁴⁾. However, cargo traffic is a different business with a very different customer base. Also, from the view of the final consumer, the service provided by cargo operators is not substitutable to the one provided by operators in the passenger air transport market. Since cargo operators are not in the same factual

situation as operators in the air passenger transport market, the fact that they are excluded from the scope of the reference system cannot be considered to provide them with a selective advantage.

- (30) On the contrary, *transfer and transit passengers* are passengers departing from an Irish airport and thus would appear to be part of the reference system. The non-application of the taxes on such passengers constitutes a derogation from that system. In accordance with the selectivity analysis set out by the Court, it must however be determined whether the exemption derives directly from the basic or guiding principles of the tax system in the Member State. In this context, the Irish authorities referred to reasons of neutrality from the perspective of the passenger, who cannot always determine itself the route to its final destination. That would also be the reason why countries with similar taxes normally exclude such passengers.
- (31) In this regard the Commission recalls that when it examined the possible establishment of a European flight tax in 2005, the Commission services provided some guidance about the feasibility of such taxes. In a 2005 staff working paper⁽⁵⁾, the Commission pointed out the specific attention required by the issue of passengers in transit and of connecting flights. The Commission recommended the exclusion of transfer and transit passengers for tax neutrality reasons. Moreover, an exclusion of such passengers would avoid the risk of double taxation in the event that the airport of departure, situated in another Member State, levies a similar tax. The non-imposition of the tax on transfer and transit passengers allows different systems of air ticket taxes to coexist in the absence of tax harmonisation.
- (32) The objective and structure of the travel tax system is to tax passengers departing on a plane from an airport located in Ireland in order to raise revenue for the State budget. If the tax was to be levied on transfer and transit passengers, the airline operator may have to pay the tax twice for a journey with a stopover. It therefore seems that the non-application of the tax on transfer and transit passengers, which results in passengers being taxed the same way independently of the route travelled, falls within the nature and logic of the relevant tax systems. In addition, the avoidance of double taxation justifies that transfer and transit passengers are not covered by the tax. Consequently, the Commission finds that the non-imposition of the tax on transport of transfer and transit passengers is in the nature and logic of the system and is, thus, not selective.
- (33) With respect to the use of *fixed tax rates* instead of a percentage of the ticket price, it should be noted that the Member States, as part of their exclusive competence in designing their tax systems, are entitled to choose between fixed and proportional rates. By nature, fixed

⁽¹⁾ For example, Article 14(b) of Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51) sets out that Member States shall exempt energy products supplied for use as fuel for air navigation other than private pleasure-flying from taxation.

⁽²⁾ See Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (OJ L 8, 13.1.2009, p. 3).

⁽³⁾ For example, as mentioned, the EU Emission Trading Scheme will as from 2012 apply to the entire aviation industry.

⁽⁴⁾ For example, while cargo transport is covered by VAT, this is not the case for passenger transport (see, for example, Article 371 (Annex X, Part B, point 10) of Council Directive 2006/112/EC of 28 November 2006 on the common system for value added tax (OJ L 347, 11.12.2006, p. 1), and Article 2(1)(c) of the same Directive according to which VAT should be levied on cargo transport).

⁽⁵⁾ Commission staff working document, 1.9.2005, SEC(2005) 1067.

amounts represent a higher part of lower total prices. However, the difference between higher and lower prices is left untouched. The Commission therefore thinks that traditional airlines do not have an advantage in comparison with low-cost carriers. Moreover, as mentioned by the Irish authorities, proportional taxes could encourage companies to reduce fares and at the same time increase transaction or ancillary costs in order to circumvent the tax. Therefore, the Commission does not consider the use of fixed tax rates *per se* to be selective.

- (34) As regards the period between 30 March 2009 and 1 March 2011, the Commission observes that the air travel tax system provided for two *different rates*: one general or normal rate applicable to nearly all flights and a reduced rate for journeys from an airport to a destination located no more than 300 km from Dublin airport. The Commission finds the normal rate to constitute part of the reference system, while the reduced rate, that is applicable to a well delimited category of flights, appears to be an exception from the reference system. The reduced rate does not seem to be justified on the basis of the distance between the beginning and the final destination of the journey. First, it is not applicable on the basis of the actual length of the journey, but on the basis of the distance between Dublin airport and the destination. Second, the structure and objective nature of the tax does not appear to be related to the distance of the journey, but with the fact of departing from an Irish airport. The connection with the fiscal authority, the taxable event and the externalities for the Irish society of passengers departing from an Irish airport is precisely the same regardless of the destination of the flight. Airline operators are also in the same legal and factual situation with regard to this objective. Moreover, the tax system is not characterised by an articulated differentiation in the tax level in relation to the flights distance, but it fixes only two rates: one for very short distance flights from Dublin airport and the other for all other flights. This criterion favours flights within Ireland and to certain western parts of the United Kingdom and, consequently, it discriminates between national and intra-Community flights. As pointed out in the mentioned Staff working paper, that several rates could be introduced, but that no discrimination could be made between national and intra-Community flights⁽¹⁾. Such differentiation should be considered as selective if it is not within the nature or general scheme of the system. This has also been set out by the Court⁽²⁾, which has stated that “since airport taxes directly and automatically influence the price of the journey, differences in the taxes to be paid by passengers will automatically be reflected in the transport cost, and thus, [...], access to domestic flights will be favoured over access to intra-Community flights”. In the case at hand, the Irish authorities argued that longer distance flights are more expensive and a higher charge could thus be raised without being disproportional in relation to the price. The Commission finds that the price of tickets to domestic destinations is not necessarily lower than the ones of flights to other EU

destinations. The lower tax rate does therefore not appear to be justified by the nature or the general scheme of the air travel tax and is therefore a selective measure.

- (35) The fact that the Irish authorities allowed a lower tax rate than the normal one to be applied results in a loss of tax revenue for the State and is therefore financed from State resources. Since such relief is decided upon by the national authorities, it is imputable to the State. The airline operators benefiting from the lower rate are undertakings that compete on markets that are open for competition and the reduced rate therefore distorts or threatens to distort competition on the internal market and is likely to affect trade between Member States.
- (36) Since all criteria in Article 107(1) of the TFEU seem to be fulfilled, the measure appears to constitute State aid to airline operators that have operated the routes benefiting from the reduced rate. It seems moreover that those routes are essentially operated by Irish air carriers (Air Lingus, Air Arann and Ryanair). Therefore, the Commission has to verify whether the reduced rate has been a means for the Irish authorities to provide an advantage to national air carriers compared to other EU operators.
- (37) Consequently, the Commission does not consider that the exclusion of cargo traffic and of transport of transfer and transit passengers from the scope of the tax results in State aid within the meaning of Article 107(1) of the TFEU. Neither is the use of fixed tax rates caught by that Article.
- (38) On the contrary, it appears that the lower tax rates applied in the case of a journey from an Irish airport to a destination located no more than 300 km from Dublin airport between 30 March 2009 and 1 March 2011 constitute State aid to air carriers operating the routes that have benefited from that lower rate.

3.2. Compatibility of the aid with the TFEU

- (39) According to Article 107(3)(c) of the TFEU, aid may be considered to be compatible with the internal market if it aims at facilitating the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest. The aid does not appear to fall within the scope of any guidelines for compatibility of State aid issued by the Commission in this context. As it appears to constitute an operating aid that discriminates between flights within the EU, it cannot be considered to be compatible directly under Article 107(3)(c) of the TFEU. Therefore, the Commission has doubts as to the compatibility of the aid under that Article.
- (40) The aid in question does not either fall within any other exemption specified in Article 107(2) or 107(3) of the TFEU.

⁽¹⁾ Commission staff working paper, 1.9.2005, SEC(2005) 1067, p. 5.

⁽²⁾ See, for example, Cases C-92/01 (*Georgios Stylianakis v Elliniko Dimosio*) [2003] ECR I-1291, paragraph 28; and C-70/99 *Commission v Portugal* [2001] ECR I-4845, paragraph 20.

(41) Consequently, the Commission has, at this stage, doubts as to the compatibility of the aid measure with the TFEU and in accordance with Article 4(4) of Regulation (EC) No 659/1999⁽¹⁾ the Commission has decided to open the formal investigation procedure, thereby inviting Ireland to submit its comments.

4. DECISION

(42) The Commission has decided that the non-application of the air travel tax on cargo flights and other means of transport than air transport, as well as on transfer and transit passengers does not constitute State aid within the meaning of Article 107(1) of the TFEU. The Commission find that the use of a fixed rate as opposed to a proportion of the ticket price does not fall within the scope of that Article. However, the Commission finds that the use of a lower rate over the period 30 March 2009 to 1 March 2011 for flights within 300 km from Dublin airport seems to constitute State aid to the air carriers that have operated the routes benefiting from it and, at this stage, it finds no basis for compatibility thereof.

(43) In light of the foregoing considerations, the Commission, acting under the procedure laid down in Article 108(2) of the TFEU, requests Ireland to submit its comments and to provide all information that may help to assess the measure, within one month of the date of receipt of this letter. It requests your authorities to forward a copy of this letter to all recipients of the aid immediately.

(44) The Commission warns Ireland that it will inform interested parties by publishing this letter and a meaningful summary of it in the *Official Journal of the European Union*. It will also inform interested parties in the EFTA countries which are signatories to the EEA Agreement, by publication of a notice in the EEA Supplement to the *Official Journal of the European Union* and will inform the EFTA Surveillance Authority by sending a copy of this letter. All such interested parties will be invited to submit their comments within one month of the date of such publication.”

⁽¹⁾ OJ L 83, 27.3.1999, p. 1.

Notifika minn qabel ta' konċentrazzjoni**(Każ COMP/M.6289 – Alstom/Bouygues Immobilier/Exprimm SAS/Embix JV)****Każ li jista' jiġi kkunsidrat għal proċedura simplifikata****(Test b'relevanza għaž-ŻEE)**

(2011/C 306/10)

1. Fil-11 ta' Ottubru 2011, il-Kummissjoni rċeviet notifika ta' konċentrazzjoni proposta skont l-Artikolu 4 tar-Regolament tal-Kunsill (KE) Nru 139/2004 tal-Kunsill ⁽¹⁾, li permezz tagħha l-impriża Alstom Holdings (Franza), li tappartjeni lill-grupp Franciż Alstom, kif ukoll l-impriża Bouygues Immobilier SA ("Bouygues Immobilier", Franza) u Exprimm SAS ("Exprimm", Franza), li huma żewġ kumpaniji sussidjarji li jappartjenu lill-grupp Franciż Bouygues, jakkwistaw, fit-tifsira tal-Artikolu 3(1)(b) tar-Regolament dwar l-Għaqdiet, il-kontroll kongunt tal-impriża Embix SAS ("Embix", Franza) permezz tax-xiri ta' ishma f'kumpanija ġdida li tikkostitwixxi impriża kongunta.
2. L-attivitajiet kummerċjali tal-impriża kkonċernati huma:
 - Alstom Holdings: għandha ishma fil-kumpaniji tal-grupp Alstom li huma attivi fil-manifattura ta' tagħmir u fl-ġhoti ta' servizzi relatati mat-trasport kif ukoll mal-produzzjoni u t-trażmissjoni tal-enerġija,
 - Bouygues Immobilier: l-iżvilupp ta' beni immobbli u l-provvista ta' residenzi, ta' ekodistretti u ta' centri tan-negożju, u attivitajiet relatati mal-ippjanar urban,
 - Exprimm: l-ġhoti ta' servizzi relatati mal-ġestjoni tal-infrastruttura tal-bini u mal-manutenzjoni multi-teknika,
 - Embix: l-ġhoti ta' servizzi relatati mal-ġestjoni intelligenti tal-enerġija fiċ-ċentri kummerċjali kbar terzjarji u fl-ekodistretti.
3. Wara eżami preliminari, il-Kummissjoni ssib li l-operazzjoni nnotifikata tista' taqa' fl-ambitu tar-Regolament tal-KE dwar l-Għaqdiet. Madankollu, id-deċiżjoni finali dwar dan il-punt hija riżervata. Skont l-Avviz tal-Kummissjoni dwar proċedura simplifikata għat-trattament ta' ċerti konċentrazzjonijiet taħt ir-Regolament tal-KE dwar l-Għaqdiet ⁽²⁾ ta' min jinnotta li dan il-każ jista' jiġi kkunsidrat għat-trattament taħt il-proċedura stipulata fl-Avviz.
4. Il-Kummissjoni tistieden lill-partijiet terzi interessati biex iressqu kwalunkwe kummenti li jistgħu jkollhom dwar it-tranzizzjoni proposta.

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-feks (+32 22964301), jew b'emejl lil COMP-MERGER-REGISTRY@ec.europa.eu jew bil-posta, taħt in-numru ta' referenza COMP/M.6289 – Alstom/Bouygues Immobilier/Exprimm SAS/Embix JV, fl-indirizz li ġej:

Il-Kummissjoni Ewropea
Direttorat Generali għall-Kompetizzjoni
Reġistru tal-Amalgamazzjonijiet
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ ĠU L 24, 29.1.2004, p. 1 (ir-"Regolament tal-KE dwar l-Għaqdiet").

⁽²⁾ ĠU C 56, 5.3.2005, p. 32 ("Avviz ta' proċedura simplifikata").

ATTI OHRAJN

IL-KUMMISSJONI EWROPEA

Pubblikazzjoni ta' applikazzjoni għal reġistrazzjoni skont l-Artikolu 6(2) tar-Regolament tal-Kunsill (KE) Nru 510/2006 dwar il-protezzjoni tal-indikazzjonijiet ġeografici u d-denominazzjonijiet tal-orijini għall-prodotti agrikoli u l-oġġetti tal-ikel

(2011/C 306/11)

Din il-pubblikazzjoni tagħti d-dritt li wiehed joġġezzjona għall-applikazzjoni skont l-Artikolu 7 tar-Regolament tal-Kunsill (KE) Nru 510/2006 ⁽¹⁾. Id-dikjarazzjonijiet ta' oġġezzjoni għandhom jaslu għand il-Kummissjoni Ewropea fi żmien sitt xhur mid-data ta' din il-pubblikazzjoni.

DOKUMENT UNIKU

IR-REGOLAMENT TAL-KUNSILL (KE) Nru 510/2006**“VADEHAVSLAM”****Nru tal-KE: DK-PGI-0005-0771-25.03.2009****IĠP (X) DPO ()****1. Isem:**

“Vadehavslam”

2. Stat membru jew pajjiż terz:

Id-Danimarka

3. Deskrizzjoni tal-prodott agrikolu jew tal-oġġett tal-ikel:**3.1. It-tip ta' prodott:**

Il-kategorija 1.1. Laħam (u ġewwieni) frisk

3.2. Deskrizzjoni tal-prodott li għalih japplika l-isem mogħti fil-punt 1:

Il-prodott “Vadehavslam” jirreferi għall-karkassi u l-qatgħat tal-laħam tal-hrief imwiġda u mrobbija fiż-żona ġeografika identifikata.

In-nagħaġ huma tar-razza “Texel” jew inkella huma mnisslin minn tahlit bejn in-nagħaġ tar-razza Texel ma' nagħaġ ta' razez ohrajn li jitrabbew tradizzjonalment fl-imraġ tal-melħ (imraġ mgharrqa minn żmien għall-iehor bl-ilma baħar) (razez ohrajn tfigger li, xi kultant, meta nagħaġ twelled l-ewwel ħaruf, in-nagħaġ tar-razza “Texel” jitgħammar ma' mtaten tar-razez tan-nagħaġ imsejha “Suffolk” jew “Gotland”).

L-għan ta' dan it-tgħammir li sar matul is-snin kien li jitnisslu nagħaġ li jkunu mhux biss adattati għall-habitat tagħhom, iżda wkoll li jkollhom hrief kbar u mlahhmin. Dan, flimkien mal-haxix li l-hrief jirgħu fl-imraġ tal-melħ, jiddistingwihom mill-hrief imnisslin f'reġjuni ohra tal-pajjiż.

Ir-rekwiziti tal-kwalità tal-hrief:

Il-piż mal-qatla: 19 sa 25 kilogramm

Il-forma: mill-inqas 6

Il-kulur: 3-4

Is-simna: 1-2-3

(1) ĠU L 93, 31.3.2006, p. 12.

Il-punt tal-qatla (jiġifieri kemm ikollhom il-hrief meta jinqatlu) jiddependi fuq il-piż tagħhom, li jrid ikun ta' bejn 19 u 25 kilogramm. Barra minn hekk, l-azjenda li tkun responsabbli għall-qatla għandha tidentifika l-kontenut tax-xaham b'mod viżwali fil-biċċerija. (Qabel, għall-hrief kienet tintuża notifika li kienet simili għal dik użata għall-annimali bovini tal-kumpanija "Danish Crown". Minhabba li m'għadhomx jintużaw notifiki bħal dawn għall-hrief, l-azjenda li hija responsabbli għall-qatla għandha tivverifika, b'mod viżwali u fuq il-post, jiġifieri fil-biċċerija, il-kontenut tax-xaham fil-laham).

3.3. *Il-materja prima:*

—

3.4. *L-għalf (għall-prodotti li ġejjin mill-annimali biss):*

Fix-xitwa mill-anqas nofs l-għalf tal-annimali jrid ikun għalf prodott fiż-żona identifikata. Fl-istess perjodu l-hrief jirgħu l-haxix, il-qamhrrum, il-haxix tal-għalf u, fl-ahhar parti tal-perjodu tal-għalf, il-huxlief issupplimentat mix-xgħir.

L-annimali jridu jirgħu fl-imraġ tal-melħ u fil-promontorju taż-żona ġeografika identifikata għal mill-inqas 4 xhur u nofs fis-sena.

3.5. *L-istadji speċifiċi tal-produzzjoni li għandhom jitwettqu fiż-żona ġeografika identifikata:*

— Il-hrief iridu jitwiieldu u jitrabbew fiż-żona ġeografika identifikata.

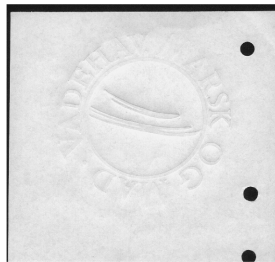
3.6. *Ir-regoli speċifiċi għat-tqattigh, għall-hakk, għall-ippakkjar, eċc.:*

—

3.7. *Ir-regoli speċifiċi għat-tikkettar:*

L-annimali maqtulin kollha jridu jiġu ttimbrati bil-lowgo tal-assocjazzjoni tal-produtturi li fih il-kliem "Vadehav, Marsk og Mad" (li bejn wiehed u iehor ifissru l-kwalità tal-ikel li ġej miż-żona mistagħdra tal-baħar Wadden).

Il-lowgo jrid jintwera fuq il-pakkett tal-prodott finali u jrid jiġi ttimbrat ukoll fuq l-annimal maqtul sabiex tiġi żgurata t-traccabbiltà.



4. **Deskrizzjoni fil-qosor taż-żona ġeografika:**

Iż-żona ġeografika hija r-reġjun tal-baħar Wadden li jinsab fil-Lbiċ tad-Danimarka. Ir-reġjun tal-baħar Wadden jinkludi t-tliet gzejjer imsejhin Romø, Mandø u Fanø kif ukoll id-Danimarka kontinentali. Hawnhekk, fin-Nofsinhar tiegħu, dan ir-reġjun jasal sal-fruntiera mal-Ġermanja. Fit-Tramuntana, dan ir-reġjun għandu l-istess konfini bħall-konfini tat-Tramuntana tal-Park Nazzjonali tal-Baħar Wadden. Fil-Lvant, ir-reġjun jasal sal-awtostrada A11.

5. **Ir-rabta maż-żona ġeografika:**

5.1. *L-ispeċifiċità taż-żona ġeografika:*

Il-belt ta' Ribe twaqqfet madwar is-sena 710 bħala post għall-kummerċ, u l-iskavi arkeoloġiċi żvelaw il-prodotti li kienu jinbiegħu hawnhekk. Fost dawn il-prodotti li kien hemm fis-suq sa minn kmieni nsibu n-nagħaġ u l-hrief. Dawn in-nagħaġ u l-hrief kienu ġejjin mill-irhula tal-imraġ tal-melħ ta' hdejn il-Baħar Wadden. Dan ifisser li l-bdiewa tal-post kienu diġà qed irabbu n-nagħaġ u l-hrief hawnhekk fi Żmien il-Ħadid.

It-trobbija tal-hrief tal-baħar Wadden imsejhin “Vadehavslam” tissejjes fuq din it-tradizzjoni twila ta' trobbija tan-nagħaġ u l-hrief fl-imraġ tal-melħ. Kull sena ż-żona kienet issofri minn għargħar ikkawżat mill-maltemp li kien jgħarraġ għal kollox l-art agrikola. Il-baħar kien iħalli warajh saff ta' sediment fertili. B'hekk inholqu l-mergħat għammiela fl-imraġ tal-melħ li fihom l-annimali kienu jirgħu fis-sajf u li minnhom seta' jingabar l-għalf għax-xitwa.

Fl-artiklu msejjah “Jordbundsundersøgelser i marsken” (“Studji agrikoli dwar il-hamrija fl-imraġ tal-melħ”), ippubblikat fl-1968 fil-Ġurnal tat-tkabbir tal-pjanti msejjah “Tidsskrift for planteavl”, Lorens Hansen studja kampjuni tal-hamrija meħudin mill-imraġ tal-melħ. Fih kiteb: “Il-hamrija tal-imraġ tal-melħ fiha, b'mod naturali, hafna potassju. Dan ġej mill-kontenut kbir tat-tafal tagħha u mill-mod kif ġiet iffurmata”. Fir-raba' normali, l-kontenut tas-sodju rari jkun jista' jġi stabbilit, minhabba li normalment ikun baxx hafna u ma jkollu l-ebda impatt fuq l-istruttura tal-hamrija. Madankollu, hafna drabi, fl-imraġ tal-melħ insibu kontenut għoli tas-sodju fil-hamrija, minhabba l-melħ li l-baħar ikun halla warajh meta nholqu dawn iż-żoni.

Il-haxix b'sahħtu li jikber fl-imraġ tal-melħ huwa rikk u mħuwix adattat hafna għall-biedja konvenzjonali, iżda huwa kwazi ideali għar-righi. Dan il-haxix b'sahħtu fih hafna nutrijenti u fl-istess hin jiflah għal kundizzjonijiet differenti tat-temp. Fil-fatt huwa l-impatt aħrax tal-baħar Wadden li jħalli warajh hafna melħ li jagħmel din iż-żona waħda unika għar-righi. Fil-promontorju ta' din iż-żona nsibu b'mod partikulari l-haxix u l-pjanti li ġejjin:

- il-haxix fin, ix-xnien abjad li jikber waħdu (*Trifolium nigrescens*), *Lotus corniculatus*, il-pjanta bil-fjuri sofor tal-ġenus *Rhinanthus* imsejha *Rhinanthus minor*, ir-ranunklu u l-armerija jikbru l-iktar fil-partijiet l-iktar 'il għewwa, lejn id-digi;
- l-ispika tal-baħar, il-pjanta tat-tip *Triglochin maritima* u xi haxix aħrax jikbru fiż-żona li tinsab iktar 'l isfel;
- il-haxix tat-tip *Puccinellia maritima* u s-salikornja jikbru fl-iktar parti baxxa u 'l barra tal-promontorju.

5.2. *L-ispeċifità tal-prodott:*

Bis-sahħa tat-tgħammir li minnu jitnisslu l-hrief, huma jstgħu jgħixu fil-kundizzjonijiet horox tal-imraġ tal-melħ u tal-promontorju. Dan it-tgħammir wassal ukoll għal hrief ikbar u iktar imlahħmin b'laħam li huwa l-iktar dgħif. Il-laħam tal-hrief tat-tip “Vadehavslam” huwa kkaratterizzat minn toghma partikulari mielha.

5.3. *Ir-rabta każwali bejn iż-żona ġeografika u l-kwalità speċifika, ir-reputazzjoni jew il-karatteristiċi l-oħra tal-prodott:*

L-ambjent aħrax u l-kundizzjonijiet speċjali tal-biedja li hemm f'din iż-żona jitolbu hafna sforzi minn naħa tal-bdiewa li jrabbu l-hrief fir-regjun tal-baħar Wadden. Il-bdiewa tal-post jużaw l-għarfien u l-esperjenza tagħhom sabiex irabbu hrief b'sahħithom u li jifilhu għall-kundizzjonijiet f'din iż-żona tal-baħar Wadden.

Il-hrief huma kbar u mlahħmin, u laħamhom għandu toghma partikulari mielha minhabba l-kundizzjonijiet speċjali tat-trobbija li hemm f'din iż-żona. Meta jkun hemm għargħar u l-art tispicċa taht l-ilma baħar, fil-hamrija jiġu ddepożitati l-melħ u l-minerali. Il-hrief jirgħu fl-imraġ kollha melħ u l-livell għoli ta' potassju u sodju fil-haxix jaffettwa t-toghma ta' laħam il-hrief u jagħtih il-kwalità speċjali tiegħu u t-toghma partikulari mielha li tikkaratterizzah.

Il-laħam tal-hrief tat-tip “Vadehavslam” ilu magħruf fid-Danimarka għal hafna snin.

Fil-kotba dwar ir-regjun tal-baħar ta' Wadden u l-Park Nazzjonali tal-Baħar Wadden maħsubin għat-turisti, il-produzzjoni tal-laħam tal-hrief tat-tip “Vadehavslam” hija deskritta bħala karatteristika importanti ta' dan ir-regjun.

Referenza għall-pubblikazzjoni tal-ispeċifikazzjoni:

http://www.foedevarestyrelsen.dk/SiteCollectionDocuments/25_PDF_word_filer%20til%20download/06kontor/Maerkning/Oprindelsesmaerkning_af_foedeverer/Varespefikation%20for%20Vadehavslam.pdf

PREZZ TAL-ABBONAMENT 2011 (mingħajr VAT, inklużi l-ispejjeż tal-posta b'kunsinna normali)

Il-Ġurnal Uffiċjali tal-UE, serje L + C, edizzjoni stampata biss	22 lingwa uffiċjali tal-UE	Eur 1 100 fis-sena
Il-Ġurnal Uffiċjali tal-UE, serje L + C, stampati + DVD annwali	22 lingwa uffiċjali tal-UE	Eur 1 200 fis-sena
Il-Ġurnal Uffiċjali tal-UE, serje L, edizzjoni stampata biss	22 lingwa uffiċjali tal-UE	Eur 770 fis-sena
Il-Ġurnal Uffiċjali tal-UE, serje L + C, DVD fix-xahar (kumulattiva)	22 lingwa uffiċjali tal-UE	Eur 400 fis-sena
Suppliment tal-Ġurnal Uffiċjali (serje S), Swieq Pubbliċi u Appalti, DVD, edizzjoni fil-gimgha	multilingwi: 23 lingwa uffiċjali tal-UE	Eur 300 fis-sena
Il-Ġurnal Uffiċjali tal-UE, serje C – Kompetizzjonijiet	Skont il-lingwa/i tal-Kompetizzjoni	Eur 50 fis-sena

L-abbonament f'*Il-Ġurnal Uffiċjali tal-Unjoni Ewropea*, li joħroġ fil-lingwi uffiċjali tal-Unjoni Ewropea, hu disponibbli f'22 verżjoni lingwistika. Inklużi fih hemm is-serje L (Leġiżlazzjoni) u C (Informazzjoni u Avviżi).

Kull verżjoni lingwistika jeħtiġilha abbonament separat.

B'konformità mar-Regolament tal-Kunsill (KE) Nru 920/2005, ippubblikat fil-Ġurnal Uffiċjali L 156 tat-18 ta' Ġunju 2005, li jstipula li l-istituzzjonijiet tal-Unjoni Ewropea mhumiex temporanjament obbligati li jiktbu l-atti kollha bl-Irlandiż u li jippubblikawhom b'din il-lingwa, il-Ġurnali Uffiċjali ppubblikati bl-Irlandiż jinbiegħu apparti.

L-abbonament tas-Suppliment tal-Ġurnal Uffiċjali (serje S – Swieq Pubbliċi u Appalti) jiġbor fih it-total tat-23 verżjoni lingwistika uffiċjali f'DVD waħdieni multilingwi.

Fuq rikjesta, l-abbonament f'*Il-Ġurnal Uffiċjali tal-Unjoni Ewropea* jaġhti d-dritt li l-abbonat jirċievi diversi annessi tal-Ġurnal Uffiċjali. L-abbonati jiġu mgħarrfa dwar il-ħruġ tal-annessi permezz ta' "Avviż lill-qarrej" inserit f'*Il-Ġurnal Uffiċjali tal-Unjoni Ewropea*.

Bejgħ u Abbonamenti

Abbonamenti fil-perjodiċi diversi bi hlas, bħalma huwa l-abbonament f'*Il-Ġurnal Uffiċjali tal-Unjoni Ewropea*, huma disponibbli mill-uffiċini tal-bejgħ tagħna. Il-lista tal-uffiċini tal-bejgħ hi disponibbli fuq l-internet fl-indirizz li ġej:

http://publications.europa.eu/others/agents/index_mt.htm

EUR-Lex (<http://eur-lex.europa.eu>) joffri aċċess dirett u bla hlas għal-liġijiet tal-Unjoni Ewropea. Dan is-sit jippermetti li jkun ikkonsultat *Il-Ġurnal Uffiċjali tal-Unjoni Ewropea* u jinkludi wkoll it-Trattati, il-leġiżlazzjoni, il-ġurisprudenza u l-atti preparatorji tal-leġiżlazzjoni.

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