

State aid for SGEI: Where to find information On the Commission website

Useful links and documents

SGEI State aid website of DG Competition

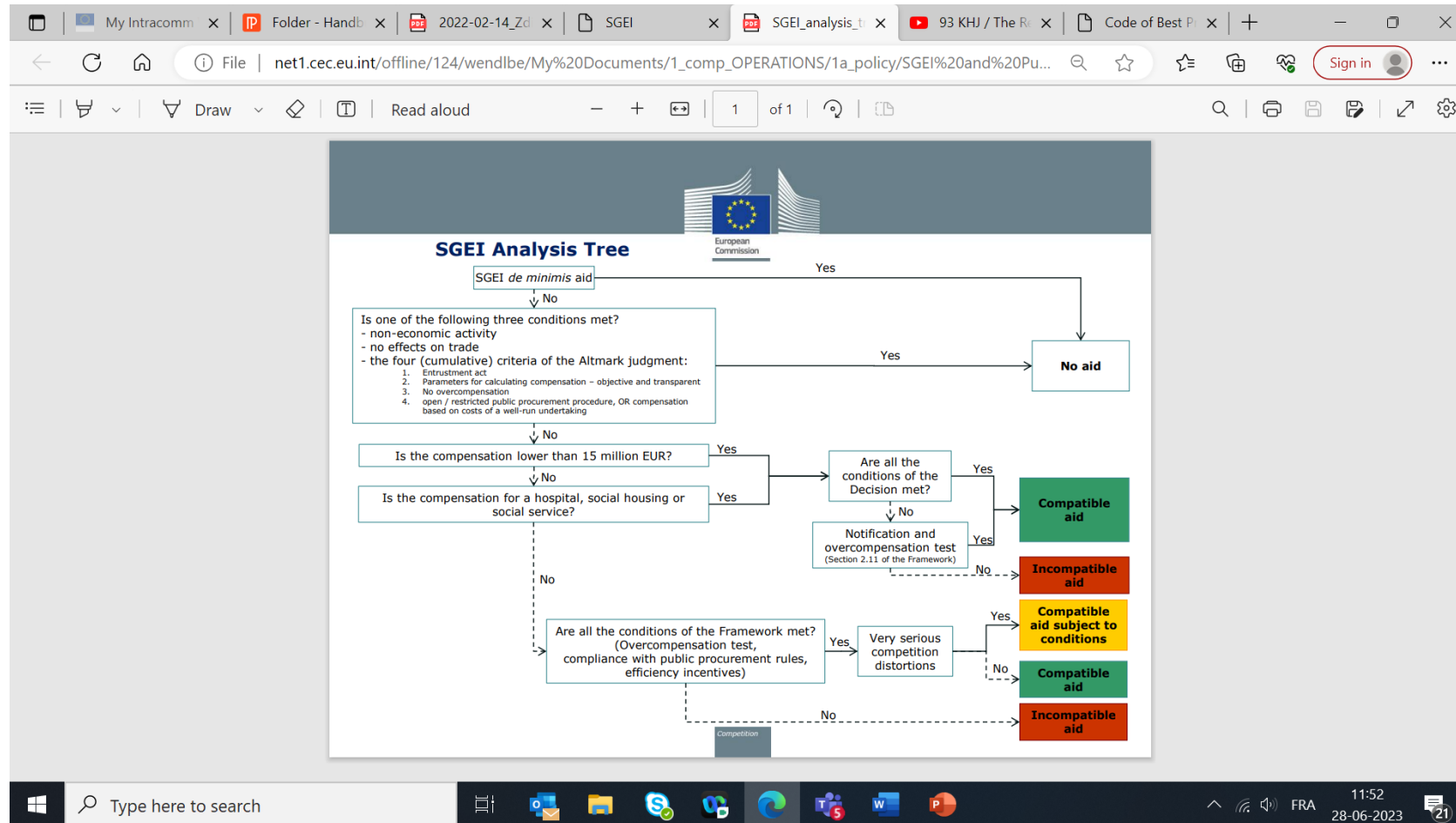
- https://competition-policy.ec.europa.eu/state-aid/legislation/sgei_en
- Legal texts – the ‘SGEI-package’: SGEI-Communication, SGEI-Decision, SGEI-Framework, SGEI De-minimis Regulation
- Member States reports on the application of the SGEI decision:
 - Every 2 years, each Member State shall submit a report on the implementation of the SGEI-Decision; on the different categories of services referred to in the decision, including:
 - description of the application of the Decision to the services falling within its scope,
 - the total amount of aid granted in accordance with this Decision, with a breakdown
 - by the economic sector of the beneficiaries;
 - indication of whether, for a particular type of service, the application of this Decision has given rise to difficulties or complaints by third parties

Relevant Commission decisions

- Search engine <https://competition-cases.ec.europa.eu/search?caseInstrument=SA&casePrimaryObjectivesMain=~AR79423&sortField=caseInstrument&sortOrder=DESC>
- New and improved functions since June 2023!
 - Intuitive user interface
 - Multi-platform accessibility (pc, tablet, smartphone);
 - Full-text search (incl. search within documents);
 - Search results ordered based on relevance;
 - Print and export search results;
 - Improved 'latest updates'-pages.
- Search filter: « primary objective » - select « services of general economic interest »

SGEI Analysis Tree

https://competition-policy.ec.europa.eu/system/files/2021-04/SGEI_analysis_tree_en.pdf



Pre-notification

- **Not** a formal notification
- voluntary and confidential.
- Commission services and Member State can discuss
 - what is needed for the notification of the State aid measure in question to be complete
 - the legal and economic aspects of a proposed measure in an informal and confidential manner
- Commission services will try to provide the Member State with an *informal preliminary* assessment of the measure at the end of the pre-notification phase.
- Guidance in: Code of Best Practices for the conduct of State aid control procedures (2018/C 253/05)
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2018.253.01.0014.01.ENG&toc=OJ:C:2018:253:TOC

Interpretation questions: e-State aid wiki

- e-State Aid wiki platform
<https://webgate.ec.europa.eu/fpfis/wikis/pages/viewpage.action?spaceKey=StateAid&title=Homepage>
- Only accessible to State-aid coordinators in the Member States, and Commission services

Guidance document

- Interpretation of GEI-concept; application of rules
- Commission staff document 'Guide to the application of the European Union rules on state aid, public procurement and the internal market to services of general economic interest, and in particular to social services of general interest' (2013)
- Based on decision practice and EU-Court jurisprudence
- https://ec.europa.eu/competition/state_aid/overview/new_guide_eu_rules_procurement_en.pdf

Some recent literature

- *Ferri*, Social services and State aid: new steps towards a more 'Social Europe'?, in: Hancher/ López Piernas (eds), Research Handbook on European State Aid Law, Edward Elgar Publishing Limited 2021.
- *Fiedziuk*, Towards Decentralization of State Aid Control: The Case of Services of General Economic Interest, World Competition Law and Economics Review? Kluwer Law International 2013, Volume 36 Issue 3, p. 387 - 408
- *Fratini*, Performance of SGEI Tasks Cannot, of Itself, Justify an Exemption from the Notification and Standstill Obligations, Annotation on the Judgment of the Court (Grand Chamber) of 24 November 2020 in Case C-445/19 Viasat Broadcasting UK Ltd. v TV2 Denmark A/S and Kingdom of Denmark, in: European State Aid Law Quarterly 1/2021, p. 150
- *Lund*, New Methodology to No Avail? A Review of the European Commission's Case Practice Regarding the Net Avoided Cost Methodology Following the 2012 SGEI Package, in: European State Aid Law Quarterly 2/2021, p. 229
- *Maziarz*, Services of General Economic Interest: Towards Common Values?, in: European State Aid Law Quarterly 1/2016, p. 16
- *Werner/Verouden*, 'Chapter 13: Services of General Economic Interest', in Verouden/Werner (eds), EU State Aid Control: Law and Economics; Kluwer Law International 2017
- *Lei Zhu*, Services of General Economic Interest in EU Competition Law. Striking a Balance Between Non-economic Values and Market Competition, Asser Press, 2020