



## EUROPEAN COMMISSION

Regional Policy DG  
Competition DG

Brussels, 10.11.2011  
COMP/RI/ydf – D/2011\*119603

### NOTE FOR THE ATTENTION OF

PERMANENT REPRESENTATION, AUSTRIA	PERMANENT REPRESENTATION, ROMANIA
PERMANENT REPRESENTATION, BELGIUM	PERMANENT REPRESENTATION, SWEDEN
PERMANENT REPRESENTATION, BULGARIA	PERMANENT REPRESENTATION, THE UNITED KINGDOM
PERMANENT REPRESENTATION, DENMARK	PERMANENT REPRESENTATION, CZECH REPUBLIC
PERMANENT REPRESENTATION, GERMANY	PERMANENT REPRESENTATION, ESTONIA
PERMANENT REPRESENTATION, GREECE	PERMANENT REPRESENTATION, CYPRUS
PERMANENT REPRESENTATION, SPAIN	PERMANENT REPRESENTATION, LATVIA
PERMANENT REPRESENTATION, FINLAND	PERMANENT REPRESENTATION, LITHUANIA
PERMANENT REPRESENTATION, FRANCE	PERMANENT REPRESENTATION, HUNGARY
PERMANENT REPRESENTATION, IRELAND	PERMANENT REPRESENTATION, MALTA
PERMANENT REPRESENTATION, ITALY	PERMANENT REPRESENTATION, POLAND
PERMANENT REPRESENTATION, LUXEMBURG	PERMANENT REPRESENTATION, SLOVENIA
PERMANENT REPRESENTATION, THE NETHERLANDS	PERMANENT REPRESENTATION, SLOVAKIA
PERMANENT REPRESENTATION, PORTUGAL	

**Subject: Respect of State aid rules in the implementation process of Operational Programmes**

Dear Sir,

We would like to remind you of the need to ensure the respect of State aid rules when implementing the Operational Programmes during the current financial period. This obligation stems from Article 9(5), Article 54(4) and Article 60 (a) of the Council Regulation 1083/2006<sup>1</sup>.

Any support to entities which perform economic activity is considered State aid within the meaning of Article 107 (1) of the Treaty on the Functioning of the European Union (TFEU), if this support is provided through State resources, it gives an advantage to this entity, and it distorts or threatens to distort competition and affects trade between Member States. Allocations from approved Structural Funds programmes to undertakings or any other entity performing economic activity falls under Article 107 of the TFEU. The Commission put in place horizontal (e.g. Regional Aid Guidelines 2007-2013, Research, Development and Innovation Framework and Environmental Guidelines, etc) or sectoral State aid rules (e.g.

---

<sup>1</sup> Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, OJ L 210, 31.7.2006, p. 25.

Broadband Guidelines, Broadcasting Guidelines and Transport framework, etc.)<sup>2</sup>, which need to be respected when implementing the Operational Programmes.

In order to accelerate, in particular, Commission's co-financing decisions on major projects (both productive and infrastructure investment), State aid aspects should be clarified from an early stage. We would strongly encourage your authorities to involve the national State aid authorities when designing the implementing measures, and, whenever and wherever necessary, to proceed to contacts with DG Competition and/or DG REGIO at an early stage. In particular, it would be in our common interest to clarify any issue and ensure the respect of the applicable rules from the beginning *inter alia* before your authorities notify the major projects under Article 40 of the Council Regulation 1083/2006 to the Commission. Likewise, we encourage your authorities to adopt the same approach for any matters involving State aid aspects.

We kindly invite you to transmit this letter to the competent authorities dealing with Structural Funds in the Member States.

For any further questions our services remain available. For questions regarding State aid rules please address them to **Stateaidgreffe@ec.europa.eu** and for those regarding Structural Funds rules to **Regio-coordination@ec.europa.eu**.

Yours truly,

*(signed)*

Alexander Italianer  
*Director General for Competition Policy*

*(signed)*

Dirk Ahner  
*Director General for Regional Policy*

---

<sup>2</sup> [http://ec.europa.eu/competition/state\\_aid/legislation/legislation.html](http://ec.europa.eu/competition/state_aid/legislation/legislation.html)