

DRAFT EP REPORT ON STATE AID IN THE FORM OF PUBLIC SERVICE
COMPENSATION

(Doc. PE 349.828v02-00 of 21.12.2004)

UNICE COMMENTS ON AMENDMENTS SUBMITTED

I. LEGISLATIVE AMENDMENTS

UNICE supports the amendments intended to:

- (i) give a strict interpretation of the "general interest" (amendment 35 to the draft decision)
- (ii) ensure the respect of the principles of neutrality and transparency (amendment 10 and 39 to the draft decision)

UNICE doesn't support the amendments :

- (i) promoting the exit of SGI considered as economic activities from the scope of the draft decision and community framework (amendments 21, 23, 24, 25, 30, 31, 42, 43 to the draft decision - amendment 47 to the community framework)
- (ii) restricting the competition rules and the principle of transparency when a public authority decides to entrust an activity of SGEI to a third part, public or private body (compromise A)
- (iii) leading to the non-respect of the principle of neutrality and proportionality (amendment 36 to the draft decision - compromise E)
- (iv) reducing State Aid control :
 - by introducing the wording of "public aid" instead of "State aid" (amendments 18, 19, 41, 42 and so on to the draft decision)
 - by increasing the annual turnover under which there is no notification to the EC (amendment 20 to the draft decision)
 - by giving a longer term to the framework than the Commission does.
- (v) weakening the role of the Commission as the competition rules guardian for all economic activities in the field of SGEI (amendment 37)

II. NON-LEGISLATIVE AMENDMENTS

UNICE supports the draft report by Sophia in 't Veld and disagrees with all the amendments :

- (i) causing a weakening of the principles of neutrality, transparency and proportionality when a public authority decide to create, organise and manage a SGI considered as an economic activity,
- (ii) leading to reduced economic competition in the field of SGI considered as economic activities according to EC rules and ECJ's decision.

UNICE supports the following amendments : 2, 12, 13, 15, 19, 26, 28, 33, 34, 45, 47, 48, 49, 50, 51, 54, 57, 59, 63, 72, 81, 87, 91, 93, 96, 97, 101 and 108.