

Commission Decision of 18 July 2007 on State aid C 37/05 (ex NN 11/04) implemented by Greece — tax-exempt reserve fund (notified under document number C(2008) 3251) (Only the Greek version is authentic) (Text with EEA relevance) (2008/723/EC)

- Article 1 (1) The State aid scheme implemented by Greece under Article...
- Article 2 Individual aid granted under the scheme referred to in Article...
- Article 3 Individual aid granted under the scheme referred to in Article...
- Article 4 (1) Greece shall recover the incompatible aid granted under the...
- Article 5 (1) The recovery of the aid granted under the scheme...
- Article 6 (1) Within two months following notification of this Decision, Greece...
- Article 7 This Decision is addressed to the Hellenic Republic.  
Signature

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ANNEX

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 18 July 2007 on State aid C 37/05 (ex NN 11/04) implemented by Greece — tax-exempt reserve fund (notified under document number C(2008) 3251) (Only the Greek version is authentic) (Text with EEA relevance) (2008/723/EC). (See end of Document for details)

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- (1) OJ C 20, 27.1.2006, pp. 16-25.
- (2) OJ L 83, 27.3.1999, p. 1.
- (3) C(2005)3873 of 20.10.2005.
- (4) Cf. footnote 1.
- (5) Government Gazette No 15A of 28 January 2004.
- (6) Αναπτυξιακός Νόμος 2601/1998, Greek Government Gazette A 81 of 15 April 1998.
- (7) EC State aid reference, published on [http://ec.europa.eu/comm/competition/state\\_aid/others/reference\\_rates.html](http://ec.europa.eu/comm/competition/state_aid/others/reference_rates.html)
- (8) Article 3.1.a of Law 2601/1998.
- (9) Article 15 Annex of Law 2601/1998.
- (10) Article 3.1.b of Law 2601/1998.
- (11) Article 3.1.c of Law 2601/1998.
- (12) Article 3.1.d of Law 2601/1998.
- (13) Article 3.1.e of Law 2601/1998, implementation required.
- (14) Article 3.1.f of Law 2601/1998.
- (15) Article 3.1.g of Law 2601/1998.
- (16) Article 3.1.h of Law 2601/1998.
- (17) Article 3.1.i of Law 2601/1998.
- (18) Article 3.1.j of Law 2601/1998.
- (19) Article 3.1.k of Law 2601/1998.
- (20) Article 3.1.l of Law 2601/1998.
- (21) Article 3.1.m of Law 2601/1998.
- (22) Article 3.1.n of Law 2601/1998.
- (23) Article 3.1.o of Law 2601/1998, secondary legislation required
- (24) Article 3.1.p of Law 2601/1998.
- (25) Article 3.1.q of Law 2601/1998, implementation required.
- (26) Article 3.1.r of Law 2601/1998.
- (27) Article 3.1.e of Law 2601/1998.
- (28) Article 3.1.t of Law 2601/1998.
- (29) Article 3.1.u of Law 2601/1998.
- (30) Article 3.1.v of Law 2601/1998.
- (31) Article 3.1.w of Law 2601/1998.
- (32) Article 3.2 of Law 2601/1998.
- (33) Article 3.1.q, last sentence, of Law 2601/1998.
- (34) Article 3.1.a.i. et al. of Law 2601/1998.
- (35) Article 3.1.a.ii. et al. of Law 2601/1998.
- (36) Article 3.1.a.iii. of Law 2601/1998.
- (37) Article 3.1.a.iv, c.ii. and f.ii. Law 2601/1998.
- (38) Article 3.1.a.v. and others of Law 2601/1998.
- (39) Article 3.1.a.vi. and others of Law 2601/1998.

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- (40) Article 3.1.a.ix. and others of Law 2601/1998.
- (41) Article 3.1.a.x. of Law 2601/1998.
- (42) Article 3.1.a.xi. and others of Law 2601/1998.
- (43) Article 3.1.a.xii. and others of Law 2601/1998.
- (44) Article 3.1.a.xiii. and others of Law 2601/1998.
- (45) Article 3.1.a.xiv. and others of Law 2601/1998.
- (46) Article 3.1.a.xxi. of Law 2601/1998.
- (47) Article 3.1.a.xxii. of Law 2601/1998.
- (48) Article 3.1.b.ix. of Law 2601/1998.
- (49) Article 3.1.e.iii. of Law 2601/1998.
- (50) Article 3.1.e.iii. and p.vi. of Law 2601/1998.
- (51) Article 3.1.e.iii. of Law 2601/1998.
- (52) Article 3.1.g.viii. and h.viii. of Law 2601/1998.
- (53) Article 3.1.n.ii. of Law 2601/1998.
- (54) Article 3.1.o.i., q.vi., t.v., u.iv., of Law 2601/1998.
- (55) Article 3.1.p.iv. of Law 2601/1998.
- (56) Article 3.1.q.vi. of Law 2601/1998.
- (57) Article 3.1.l.i. last sentence, p.iii, t.i. and ii. where it concerns modernisation, u.i. where it concerns modernisation and ii., as well as w.i. and ii. of Law 2601/1998.
- (58) Article 3.1.a.v. and others of Law 2601/1998.
- (59) Article 3.1.a.vii. and others of Law 2601/1998.
- (60) Article 3.1.a.viii. and i.x. of Law 2601/1998.
- (61) Article 3.1.a.xv., e.v. (GRD 500 million), g.xii. of Law 2601/1998.
- (62) Article 3.1.a.xv., e.v. and g.xii. of Law 2601/1998.
- (63) Article 3.1.a.xvi. of Law 2601/1998.
- (64) Article 3.1.a.xvii. of Law 2601/1998.
- (65) Article 3.1.a.xviii. of Law 2601/1998.
- (66) Article 3.1.a.xx. of Law 2601/1998.
- (67) Article 3.1.a.xx. of Law 2601/1998.
- (68) Article 3.1.g.x. and h.xi of Law 2601/1998.
- (69) Article 3.1.i.vii. of Law 2601/1998.
- (70) Article 3.1.p.viii. of Law 2601/1998.
- (71) Article 3.1.p.ix. of Law 2601/1998.
- (72) Established according to the Commission notice on the method for setting the reference and discount rates, OJ C 273, 9.9.1997, p. 3 and published on [http://europa.eu.int/comm/competition/state\\_aid/others/reference\\_rates.html](http://europa.eu.int/comm/competition/state_aid/others/reference_rates.html)
- (73) The maximum possible aid intensities are calculated as the highest possible percentage of aid in the eligible costs, both discounted to the year of granting the aid:  
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- (74) Commission Report on the implementation of the Commission notice on the application of state aid rules to measures relating to direct business taxation, 9 February 2004, C(200)434, paragraph 56.

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- (75) Commission Report on the implementation of the Commission notice on the application of state aid rules to measures relating to direct business taxation, 9 February 2004, C(200)434, paragraph 51. See also Commission Decisions: 11/07/2001 (OJ L 174, 4.7.2002, p. 31), 20/12/2001 (OJ L 40, 14.2.2003) etc.
- (76) Case C-44/93 *Namur-Les Assurances du Crédit SA v Office National du Ducroire and the Belgian State*, [1994] ECR II-2309, paragraph 83, Joint cases T-195/01 and T-207/01, *Government of Gibraltar v Commission of the European Communities*, [2002] ECR II-2309, paragraph 109-111.
- (77) OJ C 68, 6.3.1996, p. 9.
- (78) OJ C 74, 10.3.1998, p. 9.
- (79) OJ C 70, 19.3.2002, p. 8.
- (80) OJ L 237, 6.9.2001, p. 16.
- (81) OJ C 45, 17.2.1996, p. 5.
- (82) OJ L 10, 13.1.2001, p. 20.
- (83) OJ L 10, 13.1.2001, p. 33.
- (84) OJ C 232, 12.8.2000, p. 17.
- (85) OJ C 229, 14.9.2004, p. 5 and OJ C 19, 20.1.2001, p. 7.
- (86) ECJ Decision in Case C-209/03, *Bidar v London Borough of Ealing, Secretary of State for Education and Skills* [2005] ECR I-2119, paragraph 68-69; Advocate-General Opinion in Case C-475/03, *Banca Popolare di Cremona v Agenzia Entrate Ufficio Cremona* [2006] ECR I-9373, paragraph 75; Advocate-General Opinion in Case C-292/04, *Wienand Meilicke and others v Finanzamt Bonn-Innenstadt*, not yet published, paragraph 34.
- (87) OJ C 384, 10.12.1998, p. 3.
- (88) Case C-6/97 *Italian Republic v Commission* [1999] ECR I-2981, paragraph 16.
- (89) EC State aid reference, published on [http://ec.europa.eu/comm/competition/state\\_aid/others/reference\\_rates.html](http://ec.europa.eu/comm/competition/state_aid/others/reference_rates.html)
- (90) OJ C 273, 9.9.1997, p. 3.
- (91) Commission Decision in State aid Case No NN 59/A/98 (No SG(99) D/884 of 3 February 1999), OJ C 84, 26.3.1999, p. 7.
- (92) In Joined Cases T-195/01 and T-207/01: *Government of Gibraltar v Commission of the European Communities*, [2002] ECR 2002, II-2309, paragraphs 109 and 111.
- (93) See footnote 78.
- (94) See footnote 91.
- (95) See footnote 81.
- (96) See footnote 91.
- (97) C-44/93, *Namur Les Assurances du Crédit SA v Office National du Ducroire and the Belgian State*, [1994] ECR I-3829, paragraph 28.
- (98) For detailed argumentation, see Section VI.3 below.
- (99) See footnote 78.
- (100) See footnote 79.
- (101) OJ C 244, 1.10.2004, p. 2.
- (102) See footnote 80.
- (103) See footnote 81.
- (104) See footnote 82.
- (105) See footnote 83.

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- (106) See footnote 84.
- (107) See footnote 85.
- (108) See Case T-349/03 *Corsica Ferries v Commission* [2005] ECR II-2197, paragraph 64.
- (109) [OJ L 10, 13.1.2001, p. 30.](#)
- (110) Case C-172/03, *Wolfgang Heiser v Finanzamt Innsbruck* [2005] ECR I-1627.
- (111) [OJ L 325, 28.10.2004, p. 4.](#)
- (112) [OJ L 379, 28.12.2006, p. 5.](#) Regulation replacing Regulation (EC) No 69/2001.
- (113) RAG, footnote 23.
- (114) RAG, point 4.6.
- (115) The regional aid map for Greece has been approved by the Commission with State aid Decision N 469/1999 (Commission letter of 21 January 2000, SG(2000) D/100661) and modified with State aid Decision N 349/2002 (Commission letter of 17 July 2002, C(2002) 2604 fin) for the period 2000-2006.
- (116) Community Support Framework for Greece for the period 2000-2006, Commission Decision E(2000) 3405.
- (117) That is investments concerning the protection of the environment, the restriction of ground, underground, water and air pollution, the restoration of the natural environment and water recycling.
- (118) Environmental Guidelines, point 29 in connection with point 18(b).
- (119) WRAP environmental grant funding and WRAP lease guarantee fund. [OJ L 102, 7.4.2004, p. 59](#) for a general scheme on recycling investments. For cases in related to recycling paper C61/2002 — WRAP published in [OJ L 314 of 28.11.2003, p. 26](#) and *Stora Enso Langerbrugge* published in [OJ L 53, 26.2.2005, p. 66](#) respectively. The criteria used in these cases are also commented upon in the Annual Competition report of 2004.
- (120) Case T-176/01 *Ferriere Nord v Commission* [2004] ECR II-3931, paragraph 94.
- (121) [OJ C 323 of 30.12.2006, p. 1.](#)
- (122) See footnote 81.
- (123) [OJ C 48, 13.2.1998, p. 2.](#)
- (124) Article 3.1.a.vi. et al. of Law 2601/1998.
- (125) Article 3.1.p.vi. of Law 2601/1998.
- (126) Article 3.1.a.xv., e.v. and g.xii. of Law 2601/1998.
- (127) Article 3.1.o.i of Law 2601/1998.
- (128) Article 3.2 of Law 2601/1998.
- (129) [OJ L 325, 28.10.2004, p. 4.](#)
- (130) [OJ L 160, 26.6.1999, p. 80.](#) Regulation replaced by Regulation (EC) No 1698/2005 ([OJ L 277, 21.10.2005, p. 1.](#)).
- (131) [OJ C 19, 20.1.2001, p. 7.](#)
- (132) [OJ C 229, 14.9.2004, p. 5.](#)
- (133) Case T-176/01 *Ferriere Nord v Commission* [2004] ECR II-3931, paragraph 94.
- (134) See in particular Case C-404/00 *Commission v Spain* [2003] ECR I-6695, paragraph 45 and Case C-415/03 *Commission v Greece* [2005] ECR I-3875, paragraph 35.
- (135) See footnote 88.
- (136) ECJ Judgement in Case C-209/03, *Bidar v London Borough of Ealing, Secretary of State for Education and Skills* [2005] ECR I-2119, para. 68-69; ECJ Judgment in Case C-292/04, *Wienand Meilicke and others v Finanzamt Bonn-Innenstadt*, not yet published, para. 34.

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(137) Case C-91/01 *Italy v Commission of the European Communities* [2004] ECR I-4355, paragraph 66.

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