



6.5.2019

## NOTICE TO MEMBERS

**Subject: Petition No 0894/2018 by N. I. N. (Greek), on behalf of Xristiano Dimokratiko Komma Elados, on the financing of the construction of the Southern section of the E65 motorway and its compliance with Article 107.1 of TFEU**

### 1. Summary of petition

The petitioner questions the compliance with Article 107.1 TFEU of the financing by the Greek State of the construction of the Southern section of the E65 motorway. According to the petitioner, the initial concession agreement for this public work was modified by a ministerial decision, based on a negotiation carried out through an exchange of letters. In the petitioner's view, this decision introduced new terms and financial conditions and, in fact, constitutes a new contract, for which the applicable public procurement provisions should have been complied with. As a result, the petitioner alleges State aid distorting competition in the internal market.

### 2. Admissibility

Declared admissible on 18 December 2018. Information requested from Commission under Rule 216(6).

### 3. Commission reply, received on 6 May 2019

#### The Commission's observations

Greece notified to the Commission aid in favour of Kentriki Odos S.A., the concessionaire of the E65 motorway project, on 24 January 2018. The notified aid corresponded to a EUR 305.7 million grant to cover the construction costs of the E65 southern section. The Commission assessed the notified measure. Taking into account the safeguards put in place by Greece, it decided not to raise objections to the aid granted for the construction of the southern section

on the grounds that it was compatible with the internal market pursuant to Article 107(3)(c) of the Treaty on the Functioning of the European Union.

### Conclusion

The relevant Commission Decision, which was adopted on 19 October 2018, has been published on the Commission's website, so that interested parties have access to the reasoning that justifies the compatibility of the relevant aid with the internal market. The text of this Decision can be found at the following link:

[http://ec.europa.eu/competition/state\\_aid/cases/273039/273039\\_2042455\\_195\\_2.pdf](http://ec.europa.eu/competition/state_aid/cases/273039/273039_2042455_195_2.pdf).