

**Question for written answer E-007479/2013  
to the Commission**

Rule 117

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**Subject:** Compliance with rules on State aid for the financing of infrastructure projects

Following the Court of Justice ruling in the joined cases T-443/08 and T-455/08 (known as the Leipzig-Halle ruling), which confirmed the Commission's view that Germany's proposed measures in favour of Leipzig airport qualify as State aid, the DG Competition prepared a particularly broad 'authentic interpretation' of the issue.

Specifically, the DG rules that 'insofar as an infrastructure is intended to be exploited commercially, its construction also constitutes an economic activity,' and therefore the project in question should be subject to the established procedure for verifying its compliance with the rules on State aid. Among the structures classed as susceptible to commercial exploitation, the Commission mentions the following examples: ports, airports, transshipment facilities, sports stadiums, waste processing and water supply plants, as well as infrastructures for research and development, energy production and broadband services. Since 2011, this approach has been confirmed with regard to Italy in relation to the Augusta port hub and numerous other infrastructure projects, many of which form part of the Regional Operational Programmes co-financed by the Structural Funds and already approved by a Commission decision at the beginning of the 2007-2013 programming period.

The Commission started expressly applying this broad interpretation at the beginning of 2012, and specific guidelines were provided to the Member States in August 2012. To date, this has resulted in the blocking of numerous projects, in a procedure that freezes all planning activities until the DG Competition grants its approval. There is a risk that there may be an automatic de-commitment of co-financing from the Structural Funds.

Does the Commission not believe that this principle runs counter to its own declared priorities under the Europe 2020 Strategy, and that it has been applied in such a way as to cause significant harm to the construction of public works that could provide major social and economic benefits for citizens?

Does it not believe that the positive effects of public funding for infrastructure projects, in terms of cohesion, growth and employment, are at risk of being wiped out by an excessive bureaucratic burden, the lengthening of timescales and enormous uncertainty?