

**Question for written answer E-004249/2014
to the Commission**

Rule 117

Kriton Arsenis (S&D)

Subject: Exemption of Lamda Development SA from any form of taxation relating to investments in the former Hellinikon Airport and Agios Kosmas

On 31 March, the HRADF announced the sale of 100 % of Hellinikon SA shares to Lamda Development SA. According to decision No 225/7-1-2013 of the Inter-Ministerial Privatisation Committee, the Greek government has ceded to the HRADF the right in rem for 99 years and 30 % of the full ownership, possession and occupation of the area of Agios Kosmas and the former Hellinikon Airport. In other words, in selling the Hellinikon SA shares to Lamda Development SA, the HRADF has sold to it the right in rem for 99 years and 30 % of the full ownership, possession and occupation of the above areas. Lamda Development SA, through Hellinikon SA, will be exploiting the above area for 99 years and will then return it to the Greek state, which still owns 70 % of it. Moreover, Article 42 of Law 3943/2011 concerning the establishment of Hellinikon SA states that the company 'shall be exempt from any tax, duty or fee, including income tax in respect of any form of income derived from its business, of transfer tax for any reason, capital accumulation tax (...)'.

In view of the above, will the Commission say:

Does the complete exemption from taxation of the company under Article 42, paragraph 6, of Law 3943/2011 constitute the payment of illegal state aid within the meaning of Article 107 of the Treaty on the Functioning of the European Union? Moreover, according to Greek press reports, a document signed by the then president and managing director of Hellinikon SA notes that 'the minimum fair value of the rights to the real estate in question of Hellinikon SA would be EUR 1 239 billion'. Is the Commission aware of this valuation? Does selling real estate at a price below its real value constitute illegal state aid? Does the sale of 100 % of Hellinikon SA constitute a public concession subject to the provisions of Directive 2004/18, given that Lamda Development SA will be exploiting the area in question for 99 years with the Greek state owning it? Have the provisions of this Directive been respected?