

WRITTEN QUESTION P-7024/08
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to the Commission

Subject: State aid assessment procedure

It appears that during the state aid assessment procedure of Dell's project in Łódź, Poland, the Commission is changing its earlier approach to the assessment of regional aid. In particular, despite having all the issues related to the project clarified by the Polish Government, the procedure has not been concluded. Apparently this is due to the Commission's remaining doubts whether the assessment of the capacity increase as a result of the project should be assessed for the beneficiary as a whole (at group level) or solely for the legal entity receiving the aid. But so far and in line with the Regional Aid Guidelines for the assessment of regional state aid, the Commission has assessed the capacity increase at the group level, see the Commission's state aid decision in case N 158/2005 (GETRAG FORD Transmissions Slovakia of 8 February 2006).

1. How does the Commission justify this change of policy, namely to move from assessment at group level to an assessment carried out only for the legal entity implementing the project, where the assessment is meant to verify the impact of the aid to the beneficiary on the common market?
2. Could the Commission explain why it deems it appropriate to assess the beneficiary's market share at group level for the purposes of point 68 (a) of the Regional Aid Guidelines, but capacities for the purposes of point 68 (b) at the level of the facility (not taking into account capacities at group level)?
3. Does this policy change mean that the Commission will subject all cases where the aid beneficiary has a number of production sites within the EEA to the formal investigation procedure under the criteria of the recently published draft guidance on the in-depth assessment of regional aid to large investment projects?