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**Subject: State aid No. SA.37812 (2013/N) – Poland**  
**Prolongation of the approved State aid scheme N 405/2008 (Regional aid scheme for investments in energy, telecommunications infrastructure, R&D infrastructure and spa therapeutics) until and including 30 June 2014**

## **1. PROCEDURE**

- (1) On 28 June 2013 the Commission adopted the Guidelines on Regional State Aid for 2014-2020<sup>1</sup> (hereinafter "RAG 2014-20"), in which it extended the period of application of the Guidelines on National Regional Aid 2007-2013<sup>2</sup> (hereinafter "RAG 2007-13") until 30 June 2014 (paragraph 186). The Commission invited Member States to notify the prolongation of their regional aid maps approved for 2007-13 and the prolongation of the approved aid schemes under RAG 2007-13 for the period from 1 January 2014 to 30 June 2014 (paragraph 187).
- (2) By its decision of 31 October 2013, the Commission approved the extension of application of the regional aid map for Poland for 2007-2013 (SA.37484)<sup>3</sup> until and including 30 June 2014.

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<sup>1</sup> OJ C 209, 23.07.2013, p.1.

<sup>2</sup> OJ C 54, 04.03.2006, p. 13.

<sup>3</sup> Not yet published in the Official Journal.

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- (3) On 25 November 2013, Poland notified by electronic notification the prolongation of the approved aid scheme N 405/2008 (Regional aid scheme for investments in energy, telecommunications infrastructure, R&D infrastructure and spa therapeutics) by using the simplified notification procedure laid down in Article 4 of the Implementing Regulation<sup>4</sup> (hereinafter "Implementing Regulation").

## **2. DESCRIPTION OF THE AID SCHEME AND THE NOTIFIED AMENDMENT**

- (4) The aid scheme N 405/2008 has been declared compatible with the internal market pursuant to Article 107 of the Treaty on the Functioning of the European Union (hereinafter "TFEU")<sup>5</sup> by Commission decision of 30 June 2009 (N 405/2008)<sup>6</sup>. With the present notification Poland seeks to extend the period of application of the aid scheme N 405/2008 until and including 30 June 2014.
- (5) Poland confirmed that all other conditions and commitments contained in the Commission decision approving the State aid scheme N 405/2008 remain unchanged.
- (6) Poland confirmed that the notification does not contain business secrets. Therefore, the full text of the letter will be published on the Internet site <http://ec.europa.eu/competition/elojade/iseef/index.cfm>.

## **3. ASSESSMENT**

- (7) The Commission assesses the notified amendment in accordance with Article 4 of the Implementing Regulation, on the basis of the RAG 2007-13 and of paragraphs 186 and 187 of the RAG 2014-20.
- (8) The Commission notes that the notification concerns the prolongation of the authorised aid scheme N 405/2008 until and including 30 June 2014, which is in conformity with paragraph 187 of the RAG 2014-2020. As the prolongation of this authorised aid scheme is limited to six months (i.e. from 1 January 2014 until 30 June 2014), it is significantly shorter than the six year period provided for in Article 4(2)(b) of the Implementing Regulation.
- (9) The Commission is therefore of the view that the prolongation of the aid scheme N 405/2008 until and including 30 June 2014 is compatible with the internal market pursuant to Article 107 of the TFEU.

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<sup>4</sup> Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty, OJ L 140, 30.04.2004, p. 1.

<sup>5</sup> With effect from 1 December 2009, Articles 87 and 88 of the EC Treaty have become Articles 107 and 108, respectively, of the TFEU. The two sets of provisions are, in substance, identical. For the purposes of this Decision, references to Articles 107 and 108 of the TFEU should be understood as references to Articles 87 and 88, respectively, of the EC Treaty where appropriate.

<sup>6</sup> OJ C 208, 31.7.2010, p.1

#### **4. CONCLUSION**

- (10) The Commission has accordingly decided to consider the prolongation of the State aid scheme N 405/2008 compatible with the internal market pursuant to Article 107 of the TFEU.

Yours faithfully,

For the Commission

*Joaquín ALMUNIA*  
Vice-President