

## ANNEX

### Services of General Economic Interest: guidance for report to be submitted following the 2012 SGEI Decision and the 2012 SGEI framework

**The reporting obligations** are set out in the Article 9 of the 2012 SGEI Decision:

*Each Member State shall submit a report on the implementation of this Decision to the Commission every 2 years. The reports shall provide a detailed overview of the application of this Decision for the different categories of services referred to in Article 2(1), including:*

*(a) a description of the application of this Decision to the services falling within its scope, including in-house activities;*

*(b) the total amount of aid granted in accordance with this Decision, with a breakdown by the economic sector of the beneficiaries;*

*(c) an indication of whether, for a particular type of service, the application of this Decision has given rise to difficulties or complaints by third parties; and*

*(d) any other information concerning the application of this Decision required by the Commission and to be specified in due time before the report is to be submitted.*

Paragraph 62 of the 2012 SGEI Framework sets in principle identical reporting obligations for aid granted under the 2012 SGEI Framework.

Please structure your report as follows:

#### **1. EXPENDITURE OVERVIEW**

Please complete the following table:

<b>Total SGEI government expenditure by legal basis (millions EUR)</b>		
	2016	2017
<i>Compensation for Services of General Economic Interest (1+2)</i>	EUR 63.9m	EUR 64.1m
(1) Compensation granted on the basis of the SGEI Decision	EUR 63.9m	EUR 64.1m
(2) Compensation granted on the basis of the SGEI Framework	N/A	N/A

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<p><b>Non-compulsory:</b> If your Member State has not granted State aid for the provision of SGEI in certain sectors on the basis of the SGEI Decision or the SGEI Framework, information regarding other instruments to ensure the provision of those services would be very useful. If available, please provide a brief description of these instruments (e.g. direct aid to users, compensation complying with all four Altmark criteria, SGEI <i>de minimis</i> aid ...) and the sectors in which they are used.</p>

## **2. DESCRIPTION OF THE APPLICATION OF THE 2012 SGEI DECISION**

**Please structure this part of your report by the following sections:**

- 1) Hospitals (Art. 2(1)(b))
- 2) Social services (Art. 2(1)(c))
  - a) Health and long term care
  - b) Childcare
  - c) Access to and reintegration into the labour market
  - d) Social housing
  - e) Care and social inclusion of vulnerable groups
- 3) Air or maritime links to islands with average annual traffic not exceeding the limit set in Art. 2(1)(d)
- 4) Airports and ports with average annual traffic not exceeding the limit set in Art. 2(1)(e)
- 5) SGEI compensation not exceeding an annual amount EUR 15 million (Art. 2(1)(a))
  - i. Postal services
  - ii. Energy
  - iii. Waste collection
  - iv. Water supply
  - v. Culture
  - vi. Financial services
  - vii. Other sectors (please specify) – Public Broadcasting, Culture and Sports

For each of the items outlined above please provide information in the form of the following table:

<b>Clear and comprehensive description of how the respective services are organized in your Member State<sup>1</sup></b>
Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the <b>contents of the services entrusted as SGEI</b> as clearly as possible.
<p><b>The PSO covers operations of the national broadcasting service which provides a wide range of programmes and offers balanced and varied broadcasting for the social, democratic and cultural needs of Maltese society, which service is provided by the Public Broadcasting Services Ltd. (PBS).</b></p> <p><b>For the purposes of the PSO, PBS operates and maintains certain TV and radio channels to ensure the transmission of certain programmes, which include daily news bulletins, sports competitions, programmes conforming to Constitutional or legal provisions, events of national importance and current affairs programmes.</b></p> <p><b>PBS is also obliged to provide online services linked to PSO services.</b></p>
Explanation of the (typical) <b>forms of entrustment</b> . If standardized templates for entrustments are used for a certain sector, please attach them.
<b>PSO Agreement</b>
<b>Average duration of the entrustment (in years)</b> and the proportion of entrustments that are <b>longer than 10 years</b> (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified?
<b>The Agreement is valid for three years.</b>
Explanation whether (typically) <b>exclusive or special rights</b> are assigned to the undertakings.
<b>PBD Ltd. has the sole and exclusive right for PSO.</b>
Which <b>aid instruments</b> have been used (direct subsidies, guarantees, etc.)?
<b>Money grant.</b>
Typical <b>compensation mechanism</b> as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.
<b>The amount of compensation is limited to the amount required by PBS to cover</b>

<sup>1</sup> If in a certain sector only a small number of individual SGEIs exist in your Member State, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial.

**net expenses forecast for PSO services for a three-year period. The amount is reviewed each year on a continuous basis during the entire duration of the Agreement. The level of compensation in no way exceeds the level of fair compensation as established by Commission Decision 2012/21/UE.**

**Net expenditure for PSO services has to correspond to expenses for the carrying out of PSO, and this after deduction of total net income of PBS after a reasonable profit which is considered as a rate on income on capital, taking into account also the level of risk involved. Total net income has to include net income generated from services not included under PSO.**

**The total expenditure for the delivery of PSO services has to be taken in consideration when the net expenditure for PSO services is established.**

**Typical arrangements for avoiding and repaying any overcompensation.**

**In cases where compensation granted by Government is in excess of net expenses for PSO services incurred during the previous year, PBS allocates said excess in compensation to a reserve fund for PSO as a buffer against variations which might occur between expenditure and income.**

**This PSO Reserve Fund is limited to 10% of the average amount of annual compensation due. Compensation in excess is carried over to the following period and is deducted from the amount of compensation payable in the same following period.**

**PBS is obliged to refund to Government any favourable annual excess which is higher than the amount of 10% of the annual expenditure for carrying out PSO services.**

**By way of exception, PSB is permitted to retain a special Reserve Fund for PSO services and to allocate an amount which exceeds 10% of annual expenditure to carry out PSO. The PSO Special Reserve Fund can be used exclusively for specific one-off projects of a certain nature. Examples are restructuring measures which would be required for the continual operations of PBS and which would need to be carried out in a definite time period.**

**The Special Reserve Fund for PSO, as well as the money it carries, would have to be refunded to Government in case the planned project would not have yet been initiated after the elapse of not more than two years from the moment the implimentation of the project would have been specified in the period in which the Special Reserve Fund for PSO was created.**

**A short explanation of how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for the aid above 15 million euro to undertakings that also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and if so provide the link to this website), or alternatively explain if and how the**

publication takes place at the level granting the aid (e.g. central, regional or local level).	
<b>This information is being published here:</b>	
<a href="https://meae.gov.mt/en/Pages/Entities/SAMB%20pages/Other.aspx">https://meae.gov.mt/en/Pages/Entities/SAMB%20pages/Other.aspx</a>	
<b>Amount of aid granted</b>	
<b>Total amount of aid granted (in millions EUR)<sup>2</sup>.</b> This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
<b>2016</b>	<b>2017</b>
<b>EUR 3.9m</b>	<b>EUR 4.1m</b>
<b>A: Total amount of aid granted (in millions EUR) paid by national central authorities<sup>3</sup></b>	
<b>2016</b>	<b>2017</b>
<b>EUR 3.9m</b>	<b>EUR 4.1m</b>
<b>B: Total amount of aid granted (in millions EUR) paid by regional authorities<sup>4</sup></b>	
<b>2016</b>	<b>2017</b>
<b>N/A</b>	<b>N/A</b>
<b>C: Total amount of aid granted (in millions EUR) paid by local authorities<sup>5</sup></b>	
<b>2016</b>	<b>2017</b>
<b>N/A</b>	<b>N/A</b>
<b>Share of expenditure per aid instrument</b> (direct subsidy, guarantees etc.) (if available)	
<b>2016</b>	<b>2017</b>
<b>N/A</b>	<b>N/A</b>
<b>Additional quantitative information</b> (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) <sup>6</sup>	
<b>2016</b>	<b>2017</b>

<sup>2</sup> As stipulated in Article 9 b) of the 2012 SGEI Decision.

<sup>3</sup> If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

<sup>4</sup> See footnote 3.

<sup>5</sup> See footnote 3.

<sup>6</sup> The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Decision, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

### 3. DESCRIPTION OF THE APPLICATION OF THE 2012 SGEI FRAMEWORK

Please structure this part of your report by the following sections:

- 1) SGEI compensation exceeding EUR 15 million, falling outside the SGEI Decision (please specify the Commission decision approving each measure if applicable):
  - i. Postal services
  - ii. Energy
  - iii. Waste collection
  - iv. Water supply
  - v. Air or maritime links to islands with average annual traffic above the limits set in Art. 2(1)(d)
  - vi. Airports and ports with average annual traffic above the limit set in Art. 2(1)(e)
  - vii. Culture
  - viii. Financial services
  - ix. Other sectors (please specify)

For each of the items outlined above please provide information in the form of the following table:

Clear and comprehensive description of how the respective services are organized in your Member State <sup>7</sup>
Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the <b>contents of the services entrusted as SGEI</b> as clearly as possible.
Explanation of the (typical) <b>forms of entrustment</b> . If standardized templates for entrustments are used for a certain sector, please attach them.

<sup>7</sup> If in a certain sector only a small number of individual SGEIs exist in your Member State, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial. Since cases falling under the SGEI Framework will be limited in number, the Commission expects a detailed description of each concrete measure.

<p><b>Average duration of the entrustment (in years)</b> and the proportion of entrustments that are <b>longer than 10 years</b> (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified?</p>	
<p>Explanation whether (typically) <b>exclusive or special rights</b> are assigned to the undertakings.</p>	
<p>Which <b>aid instruments</b> have been used (direct subsidies, guarantees, etc.)?</p>	
<p>Typical <b>compensation mechanism</b> as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.</p>	
<p>Typical <b>arrangements for avoiding and repaying any overcompensation</b>.</p>	
<p>A short explanation of how the <b>transparency requirements</b> (see Paragraph 60 of the 2012 SGEI Framework) are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).</p>	
<p><b>Amount of aid granted</b></p>	
<p><b>Total amount of aid granted (in millions EUR)<sup>8</sup>. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)</b></p>	
<b>2016</b>	<b>2017</b>
<p><b>A: Total amount of aid granted (in millions EUR) paid by national central authorities<sup>9</sup></b></p>	
<b>2016</b>	<b>2017</b>

<sup>8</sup> As stipulated in Paragraph 62 b) of the 2012 SGEI Framework.

<sup>9</sup> If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

<b>B: Total amount of aid granted (in millions EUR) paid by regional authorities<sup>10</sup></b>	
<b>2016</b>	<b>2017</b>
<b>C: Total amount of aid granted (in millions EUR) paid by local authorities<sup>11</sup></b>	
<b>2016</b>	<b>2017</b>
<b>Share of expenditure per aid instrument</b> (direct subsidy, guarantees etc.) (if available)	
<b>2016</b>	<b>2017</b>
<b>Additional quantitative information</b> (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) <sup>12</sup>	
<b>2016</b>	<b>2017</b>

#### 4. COMPLAINTS BY THIRD PARTIES

Please provide an overview of complaints by third parties, in particular litigation before national courts, regarding measures in scope of the 2012 SGEI Decision or 2012 SGEI Framework. Please be as specific as possible in your reply and include the sector for which you have received the complaints, the contents of the complaints and the possible follow-up by your authorities or the likely outcome of the court proceedings.

#### 5. MISCELLANEOUS QUESTIONS

a. We kindly invite you to indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Decision and ask you to in particular consider the following issues:

- drawing up an entrustment act that complies with Article 4 of the SGEI Decision;
- specifying the amount of compensation in line with Article 5 of the SGEI Decision;

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<sup>10</sup> See footnote 9.

<sup>11</sup> See footnote 9.

<sup>12</sup> The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Framework, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.



- determining the reasonable profit level in line with Article 5(5)-(8) of the SGEI Decision;

- regularly checking overcompensation as required by Article 6 of the SGEI Decision;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

b. We kindly invite you to indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Framework and ask you to in particular consider the following issues:

- carrying out a public consultation in line with paragraph 14 of the SGEI Framework;

- complying with public procurement rules in line with para 19 of the SGEI Framework;

- determining the net avoided cost as required by paras 25-27 of the SGEI Framework;

- determining the reasonable profit level in line with paras 33-38 of the SGEI Framework;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

c. If you have any other comments on the application of the SGEI Decision and the SGEI Framework on issues other than the ones covered in the previous questions please feel free to provide them within your report.

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## ANNEX

### Services of General Economic Interest: guidance for report to be submitted following the 2012 SGEI Decision and the 2012 SGEI framework

The reporting obligations are set out in the Article 9 of the 2012 SGEI Decision:

*Each Member State shall submit a report on the implementation of this Decision to the Commission every 2 years. The reports shall provide a detailed overview of the application of this Decision for the different categories of services referred to in Article 2(1), including:*

*(a) a description of the application of this Decision to the services falling within its scope, including in-house activities;*

*(b) the total amount of aid granted in accordance with this Decision, with a breakdown by the economic sector of the beneficiaries;*

*(c) an indication of whether, for a particular type of service, the application of this Decision has given rise to difficulties or complaints by third parties; and*

*(d) any other information concerning the application of this Decision required by the Commission and to be specified in due time before the report is to be submitted.*

Paragraph 62 of the 2012 SGEI Framework sets in principle identical reporting obligations for aid granted under the 2012 SGEI Framework.

Please structure your report as follows:

#### **1. EXPENDITURE OVERVIEW**

Please complete the following table:

Total SGEI government expenditure by legal basis (millions EUR)		
	2016	2017
<i>Compensation for Services of General Economic Interest (1+2)</i>	EUR 0.6m	EUR 2.5m
(1) Compensation granted on the basis of the SGEI Decision	EUR 0.6m	EUR 2.5m
(2) Compensation granted on the basis of the SGEI Framework	N/A	N/A

<p><b>Non-compulsory:</b> If your Member State has not granted State aid for the provision of SGEI in certain sectors on the basis of the SGEI Decision or the SGEI Framework, information regarding other instruments to ensure the provision of those services would be very useful. If available, please provide a brief description of these instruments (e.g. direct aid to users, compensation complying with all four Altmark criteria, SGEI <i>de minimis</i> aid ...) and the sectors in which they are used.</p>

## **2. DESCRIPTION OF THE APPLICATION OF THE 2012 SGEI DECISION**

**Please structure this part of your report by the following sections:**

- 1) Hospitals (Art. 2(1)(b))
- 2) Social services (Art. 2(1)(c))
  - a) Health and long term care
  - b) Childcare
  - c) Access to and reintegration into the labour market
  - d) Social housing
  - e) Care and social inclusion of vulnerable groups
- 3) Air or maritime links to islands with average annual traffic not exceeding the limit set in Art. 2(1)(d)
- 4) Airports and ports with average annual traffic not exceeding the limit set in Art. 2(1)(e)
- 5) SGEI compensation not exceeding an annual amount EUR 15 million (Art. 2(1)(a))
- viii. Postal services
- ix. Energy
- x. Waste collection
- xi. Water supply
- xii. Culture
- xiii. Financial services
- xiv. Other sectors (please specify)

For each of the items outlined above please provide information in the form of the following table:

<b>Clear and comprehensive description of how the respective services are organized in your Member State<sup>13</sup></b>
Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the <b>contents of the services entrusted as SGEI</b> as clearly as possible.
<p><b>Wasteserve Malta (WSM) has been entrusted by the Malta Government with:</b></p> <p><b>The design, construction and commission of a waste treatment plant for municipal solid waste, which type of plant is usually referred to as a Mechanical and Biological Treatment Plant;</b></p> <p><b>The operation and maintenance of such an MBT plant to offer to the Maltese State services as regards to the collection and processing of municipal waste in conformity with the Malta Government's Waste Management Plan.</b></p>
Explanation of the (typical) <b>forms of entrustment</b> . If standardized templates for entrustments are used for a certain sector, please attach them.
<b>Entrustment Act</b>
<b>Average duration of the entrustment (in years)</b> and the proportion of entrustments that are <b>longer than 10 years</b> (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified?
<b>15 years from construction of the plant. This period is justified due to the necessity of significant investment on the side of the service provider that would need to be amortised across a longer period of entrustment according to generally accepted accounting principles.</b>
Explanation whether (typically) <b>exclusive or special rights</b> are assigned to the undertakings.
<b>Not applicable.</b>
Which <b>aid instruments</b> have been used (direct subsidies, guarantees, etc.)?
<b>Direct subsidies from the Malta Government</b>
Typical <b>compensation mechanism</b> as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.

<sup>13</sup> If in a certain sector only a small number of individual SGEIs exist in your Member State, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial.

The mechanism for compensation used is one based on the principle of net cost. Compensation is calculated as the difference between the necessary net cost for the operation of a general economic interest service, calculated according to general acceptable accounting principles; and the income generated less a reasonable profit.

Payment is done in advance in three payments per annum based on an annual estimate established according to an agreement with Government, and this is adjusted according to actual expenses and income registered during the current year, which adjustments are deducted or added to the company's claims for the following year.

Typical arrangements for avoiding and repaying any overcompensation.

Regular audits are carried out to ascertain that WSM does not receive more compensation than that provided in the agreement with Government. If, at any time, it results that WSM has received excessive compensation from Government, WSM would be obliged to reimburse this compensation to Government as soon as Government demands it.

In case that excessive compensation does not exceed 10% of the current amount of the annual average compensation agreed upon, the excess in compensation is transferred to the following period and will be deducted from compensation due for that period.

A short explanation of how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for the aid above 15 million euro to undertakings that also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).

**This information is published here:**

<https://meae.gov.nt/en/Pages/Entities/SAMB%20%pages/Other.aspx>

**Amount of aid granted**

**Total amount of aid granted (in millions EUR)<sup>14</sup>.** This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)

2016	2017
EUR 0.6m	EUR 2.5m
<b>A: Total amount of aid granted (in millions EUR) paid by national central authorities<sup>15</sup></b>	

<sup>14</sup> As stipulated in Article 9 b) of the 2012 SGEI Decision.

2016	2017
EUR 0.6m	EUR 2.5m
<b>B: Total amount of aid granted (in millions EUR) paid by regional authorities<sup>16</sup></b>	
2016	2017
N/A	N/A
<b>C: Total amount of aid granted (in millions EUR) paid by local authorities<sup>17</sup></b>	
2016	2017
N/A	N/A
<b>Share of expenditure per aid instrument</b> (direct subsidy, guarantees etc.) (if available)	
2016	2017
N/A	N/A
<b>Additional quantitative information</b> (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) <sup>18</sup>	
2016	2017

### 3. DESCRIPTION OF THE APPLICATION OF THE 2012 SGEI FRAMEWORK

Please structure this part of your report by the following sections:

- 2) SGEI compensation exceeding EUR 15 million, falling outside the SGEI Decision (please specify the Commission decision approving each measure if applicable):
  - i. Postal services
  - ii. Energy
  - iii. Waste collection
  - iv. Water supply
  - v. Air or maritime links to islands with average annual traffic above the limits set in Art. 2(1)(d)

<sup>15</sup> If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

<sup>16</sup> See footnote 3.

<sup>17</sup> See footnote 3.

<sup>18</sup> The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Decision, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

- vi. Airports and ports with average annual traffic above the limit set in Art. 2(1)(e)
- vii. Culture
- viii. Financial services
- ix. Other sectors (please specify)

**For each of the items outlined above please provide information in the form of the following table:**

<b>Clear and comprehensive description of how the respective services are organized in your Member State<sup>19</sup></b>
Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the <b>contents of the services entrusted as SGEI</b> as clearly as possible.
Explanation of the (typical) <b>forms of entrustment</b> . If standardized templates for entrustments are used for a certain sector, please attach them.
<b>Average duration of the entrustment (in years)</b> and the proportion of entrustments that are <b>longer than 10 years</b> (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified?
Explanation whether (typically) <b>exclusive or special rights</b> are assigned to the undertakings.
Which <b>aid instruments</b> have been used (direct subsidies, guarantees, etc.)?
Typical <b>compensation mechanism</b> as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.

<sup>19</sup> If in a certain sector only a small number of individual SGEIs exist in your Member State, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial. Since cases falling under the SGEI Framework will be limited in number, the Commission expects a detailed description of each concrete measure.

<b>Typical arrangements for avoiding and repaying any overcompensation.</b>	
A short explanation of how the <b>transparency requirements</b> (see Paragraph 60 of the 2012 SGEI Framework) are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).	
<b>Amount of aid granted</b>	
<b>Total amount of aid granted (in millions EUR)<sup>20</sup>. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)</b>	
<b>2016</b>	<b>2017</b>
<b>A: Total amount of aid granted (in millions EUR) paid by national central authorities<sup>21</sup></b>	
<b>2016</b>	<b>2017</b>
<b>B: Total amount of aid granted (in millions EUR) paid by regional authorities<sup>22</sup></b>	
<b>2016</b>	<b>2017</b>
<b>C: Total amount of aid granted (in millions EUR) paid by local authorities<sup>23</sup></b>	
<b>2016</b>	<b>2017</b>
<b>Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available)</b>	
<b>2016</b>	<b>2017</b>

<sup>20</sup> As stipulated in Paragraph 62 b) of the 2012 SGEI Framework.

<sup>21</sup> If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

<sup>22</sup> See footnote 9.

<sup>23</sup> See footnote 9.



<b>Additional quantitative information</b> (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) <sup>24</sup>	
<b>2016</b>	<b>2017</b>

#### **4. COMPLAINTS BY THIRD PARTIES**

Please provide an overview of complaints by third parties, in particular litigation before national courts, regarding measures in scope of the 2012 SGEI Decision or 2012 SGEI Framework. Please be as specific as possible in your reply and include the sector for which you have received the complaints, the contents of the complaints and the possible follow-up by your authorities or the likely outcome of the court proceedings.

#### **5. MISCELLANEOUS QUESTIONS**

- a. We kindly invite you to indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Decision and ask you to in particular consider the following issues:

- drawing up an entrustment act that complies with Article 4 of the SGEI Decision;
- specifying the amount of compensation in line with Article 5 of the SGEI Decision;
- determining the reasonable profit level in line with Article 5(5)-(8) of the SGEI Decision;
- regularly checking overcompensation as required by Article 6 of the SGEI Decision;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

- b. We kindly invite you to indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Framework and ask you to in particular consider the following issues:

- carrying out a public consultation in line with paragraph 14 of the SGEI Framework;
- complying with public procurement rules in line with para 19 of the SGEI Framework;
- determining the net avoided cost as required by paras 25-27 of the SGEI Framework;

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<sup>24</sup> The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Framework, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

- determining the reasonable profit level in line with paras 33-38 of the SGEI Framework;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

- c. If you have any other comments on the application of the SGEI Decision and the SGEI Framework on issues other than the ones covered in the previous questions please feel free to provide them within your report.

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