

## **Report under Article 9(a) to (d) of the SGEI Decision<sup>1</sup>**

### **Report on**

#### **Tyrol Disaster Management Contract signed with the Tyrol branch of the Austrian Red Cross pursuant to Article 15(2) of the Tyrol Disaster Management Act 2006**

##### **1. Description of the application of the SGEI Decision to the categories of services listed in Article 2(1) of the Decision; amount of aid granted:**

On 12 November 2011, pursuant to Article 15(1)(b) of the Law of 8 February 2006 on disaster management in the Tyrol (Tyrol Disaster Management Act, LGBl. 33/2006), the Tyrolean authorities and the Tyrol branch of the Austrian Red Cross signed the Tyrol Disaster Management Contract. This secured the participation in disaster prevention and relief of the Tyrol branch of the Austrian Red Cross as an assistance and rescue team.

A specific situation arose (disastrous floods in Kössen in the summer of 2013), which made it clear that it was necessary to amend the contract. In order to guarantee the continued participation of the Tyrol branch of the Austrian Red Cross to the extent required, the original contract was amended to broaden the obligation to participate in disaster prevention and relief and to enable the acquisition of additional equipment.

The contract with the Tyrol branch of the Austrian Red Cross was amended first with effect from 6 August 2014 and then again in 2016. The overall contract meets the requirements of the Commission's SGEI Decision of 20 December 2011. The maximum annual compensation is EUR 253 000.00 (up to EUR 185 000.00 under the original contract and up to a further EUR 68 000.00 in accordance with the first amendment of 6.8.2014). An additional one-off grant of EUR 200 000.00 was made in 2014 for the purchase of disaster prevention vehicles.

##### **2. Report pursuant to Article 9(a) to (d) of the SGEI Decision:**

<b>a. Description of the application of this Decision to the services falling within its scope</b>
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<sup>1</sup> Commission Decision 2012/21/EU of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OJ L 7, 11.1.2012, p. 3).

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.	<b>Disaster prevention and relief services within the meaning of Article 15(1) of the Law of 8 February 2006 on disaster management in the Tyrol (Tyrol Disaster Management Act, LGBl. 33/2006)</b>
Explanation of the (typical) <b>forms of entrustment</b> . If standardised templates for entrustments are used for a certain sector, please attach them.	<b>The entrustment is primarily by law (Article 15(1) Tyrol Disaster Management Act) and where appropriate also by concluding a contract (Article 15(2) Tyrol Disaster Management Act). Substantive changes to the contract between the Tyrolean authorities and the Tyrol branch of the Austrian Red Cross were introduced when the contract was amended in 2011.</b>
Explanation of the (typical) <b>duration</b> of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 years.	<b>The contract with the Tyrol branch of the Austrian Red Cross was originally concluded for an indefinite period. The amended contract was concluded for a period of 10 years from the date of signature.</b>
Explanation whether (typically) <b>exclusive or special rights</b> are assigned to the undertakings.	<b>The amendment to the contract assigned the Tyrol branch of the Austrian Red Cross special rights.</b>
Explanation of the (typical) <b>compensation mechanism</b> as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used.	<b>Compensation for the Tyrol branch of the Austrian Red Cross is calculated in different ways. Either, actual costs are compensated on submission of an invoice together with supporting documents up to the ceiling agreed (this is the only compensation mechanism allowed by the amendment to the contract), or a lump-sum payment is made twice a year for an amount that corresponds to the resources actually required in the previous year. Evidence of the expenditure must be provided. This method also applies</b>

	a ceiling.
Explanation of the (typical) arrangements for avoiding and repaying any overcompensation.	Over-compensation is not possible because only actual proven costs are compensated. The periodic lump-sum payments are based on the resources used in the previous year, evidence of which must be provided by the Tyrol branch of the Austrian Red Cross.
<b>b. Amount of aid granted</b>	
<b>Total amount of aid granted<sup>2</sup>.</b> This includes all aid granted in your territory, including aid granted by regional and local authorities.	<b>The maximum annual compensation is EUR 253 000.00 (up to EUR 185 000.00 under the original contract and up to a further EUR 68 000.00 in accordance with the amendment to the contract). An additional one-off grant of EUR 200 000.00 was earmarked in 2014 for the purchase of disaster prevention vehicles.</b>
<b>c. Difficulties in applying the SGEI Decision and Framework and/or complaints</b>	
Concluding the contract did not pose any problems with respect to the application of the SGEI Decision or Framework. We are not aware of any complaints in relation to the contract amendment.	
<b>d. Any other information concerning the application of the SGEI Decision requested by the Commission in due time before the date for submitting the report</b>	
The Commission did not notify us of any other information it required.	

Innsbruck, 14.9.2016

<sup>2</sup> As stipulated in Article 9(b) of the SGEI Decision and Para. 62(b) of the SGEI Framework. Please provide a breakdown by calendar year.

## **Report under Article 9(a) to (d) of the SGEI Decision<sup>1</sup>**

### **Report on**

#### **Mountain rescue service grant agreement with the Tyrol branch of the Austrian Mountain Rescue Service pursuant to the Tyrol Emergency Services Act 2009**

##### **1. Description of the application of the SGEI Decision to the categories of services listed in Article 2(1) of the Decision; amount of aid granted:**

On 18 February 2010, pursuant to the provisions of the Tyrol Emergency Services Act 2009 (LGBI. 96/2009) in conjunction with the Tyrol Government's Guidelines on aid to emergency services operating in Tyrol, the Tyrolean authorities and the Tyrol branch of the Austrian Mountain Rescue Service signed the mountain rescue service grant agreement. This secures the provision of rescue and emergency medical assistance services to individuals who are injured, sick or otherwise require assistance in alpine or rough terrains, and their transport to a location where they can be transferred to the emergency services, within the meaning of § 2(9) of the Tyrol Emergency Services Act 2009 (LGBI. 96/2009).

With a view to ensuring that the rescue teams and the 96 active local units in Tyrol have the best possible equipment so that the Austrian mountain rescue service is at all times ready for deployment, the mountain rescue service grant agreement was amended on 2 December 2010 and again in 2016. To provide a better overview, all agreements were consolidated into a single agreement and brought into line with the Commission's SGEI Decision of 20 December 2011.

The annual compensation amount is EUR 732 240.00. On the basis of the first amendment to the agreement on 2 October 2010, a one-off grant of EUR 200,000.00 was made in 2016 for the purchase of equipment.

##### **2. Report pursuant to Article 9(a) to (d) of the SGEI Decision:**

<b>a. Description of the application of this Decision to the services falling within its scope</b>	
Explanation of what kind of services in the respective sector	<b>Services within the meaning of § 2(9) of the Act of 1 July 2009 governing public</b>

<p>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>	<p><b>emergency services in Tyrol (Tyrol Emergency Services Act 2009, LGBl. 96/2009) in conjunction with the Tyrol Government's Guidelines on aid to emergency services operating in Tyrol, adopted under § 12 of the Tyrol Emergency Services Act 2009. The services comprise the provision of rescue and emergency medical assistance services to individuals who are injured, sick or otherwise require assistance in alpine or rough terrains, and their transport to a location where they can be transferred to the emergency services.</b></p>
<p>Explanation of the (typical) <b>forms of entrustment</b>. If standardised templates for entrustments are used for a certain sector, please attach them.</p>	<p><b>The entrustment is primarily by law (§ 2(9) in conjunction with § 12 of the Tyrol Emergency Services Act 2009) and where appropriate also by concluding a contract.</b></p>
<p>Explanation of the (typical) <b>duration</b> of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 years.</p>	<p><b>The contract with the Tyrol Mountain Rescue Service was originally concluded for an indefinite period. The amended contract was concluded for a period of 10 years from the date of signature.</b></p>
<p>Explanation whether (typically) <b>exclusive or special rights</b> are assigned to the undertakings.</p>	<p><b>The contract amendment confers special rights on the Tyrol Mountain Rescue Service.</b></p>
<p>Explanation of the (typical) <b>compensation mechanism</b> as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used.</p>	<p><b>Compensation for the Tyrol Mountain Rescue Service is calculated in different ways. Either, actual costs are compensated on submission of an invoice together with supporting documents up to the ceiling agreed, or a lump-sum payment is made twice a year for an amount that corresponds to the resources actually required in the previous year. Evidence of the expenditure must be provided. This method also applies a ceiling.</b></p>

Explanation of the (typical) arrangements for avoiding and repaying any overcompensation.	Over-compensation is not possible because only actual proven costs are compensated. The periodic lump-sum payments are based on the resources used in the previous year, which must be justified by the Tyrol Mountain Rescue Service.
<b>b. Amount of aid granted</b>	
<b>Total amount of aid granted<sup>2</sup>.</b> This includes all aid paid in your territory, including aid granted by regional and local authorities.	<b>The annual compensation amount is EUR 732 240.00. In 2016, there is also a one-off grant of EUR 200 000.00 for the purchase of equipment.</b>
<b>c. Difficulties in applying the SGEI Decision and Framework and/or complaints</b>	
Concluding the contract did not pose any problems with respect to the application of the SGEI Decision or Framework. We are not aware of any complaints in relation to the contract amendment.	
<b>d. Any other information concerning the application of the SGEI Decision requested by the Commission in due time before the date for submitting the report</b>	
The Commission did not notify us of any other information it required.	

Innsbruck, 14.9.2016

**Letter from:**

OFFICE OF THE LOWER AUSTRIA PROVINCIAL GOVERNMENT  
Sector for planning, environment and transport  
Department for environment and energy  
3109 St. Pölten, Landhausplatz 1

**To:**

Federal Ministry of Science, Research and Economy  
Stubenring 1, 1010 Vienna

**Dated:**

5 September 2016

**Subject**

BMWFW-57.008/0004-C1/8/2016; Circular No 6/2016

Please find below the reply from the Department for environment and energy to your Circular No 6/2016.

Starting from 1 July 2014, the Government of Lower Austria agreed to pay compensation to Die Garten Tulln GmbH. The SGEI was entrusted by way of a civil-law contract in accordance with the Commission Decision of 20 December 2011 (2012/21/EU).

The SGEI covers the operation of a show garden as part of the province's 'Natural Gardens' project, the ecological management of the whole site in strict compliance with the project's principles and criteria, showcasing the site and demonstrating the ecological approach to visitors, in particular by raising awareness of garden ecology, botany, garden management, plant protection and garden design, and by organising conferences and events. Specifically in the light of the first indent of Article 191(1) TFEU, and given that protecting the environment is one of the Union's primary goals, the Province of Lower Austria assumes that these services can be classed as a service of general economic interest.

The compensation payments cover net costs, i.e. the difference between the actual costs of providing the SGEI and the revenue obtained from the SGEI.

The recipient of the compensation payments provides services of general economic interest only, so there is only one set of accounts and net costs are calculated and verified using the cost allocation method.

To verify net costs and avoid over-compensation, a budget forecast for the next year is submitted annually, by 30 September at the latest, by the recipient, and the Lower Austrian authorities then set a ceiling for the compensation payments. However, the contract limits the compensation to a maximum of EUR 950 000.00 per calendar year, and this amount cannot be exceeded in any event.

The recipient is required to submit quarterly reports and an annual report to show that the SGEI has been provided and to allow net costs to be verified and traced.

In particular, the reports must cover:

- the services of general economic interest that have been provided;
- procurement procedures launched and/or completed;
- the number of people and/or organisations involved in providing the service; and

- any other information that may be important for the service provider and/or the province in connection with the SGEI that is the subject of the contract.

In addition, with a view to avoiding over-compensation, the recipient has to submit the annual accounts each year, audited and issued with an unqualified audit opinion.

For the six months of 2014, the compensation came to EUR 370 904.00, and for the reporting year 2015, EUR 921 279.00.

There were no difficulties with applying the Decision and no complaints from third parties of any kind.

Cc:

1. Die Garten Tulln GmbH, Am Wasserpark, 3430 Tulln



## REPORT FROM THE AMS (Employment Service) on SGEI 2014/2015

### 2a) Health and long-term care

Content of the service	<b>Funding of skills training for employees in health and social care, and since 2015 nursery education, by the Employment Service</b>
Form of entrustment	Funding agreement
Duration of the entrustment	Varies depending on the type of training, usually less than 3 years
Exclusive or special rights	None
Compensation mechanism	Contribution to actual costs for clearly defined eligible costs. Duplication of funding is not permitted. Since 2015 a maximum of 60 % of eligible costs can be funded by the AMS.
Arrangements for avoiding over-compensation	See above.
Total funding paid	2014 EUR 2.0 million 2015 EUR 0.1 million

### 2c) Access to and reintegration into the labour market

Content of the service	<p><b>Funding of employment projects, guidance and support services and training centres by the Employment Service</b></p> <p>The objective of non-profit employment projects and social enterprises is the integration of people who are at a disadvantage on the employment market. Creating relatively protected temporary jobs should encourage the sustainable integration of people who find it hard to find employment (placement support).</p> <p>The guidance and support services help to increase employability and to carry out specific placement activities using special methods, to support professional integration and secure employment, or</p>
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	<p>to support access to vocational training. In addition, some guidance and support services provide careers advice services for school children.</p> <p>The training centres make it possible to run training courses that are not necessarily profitable.</p> <p>In general they are non-profit organisations or social enterprises that are active at a very local level and as a result are definitely not in a position to distort trade between Member States. Therefore, in general, aid within the meaning of Article 107 TFEU is not involved. Should aid be involved, it would be compatible in accordance with the Commission Decision of 20 December 2011.</p>
Form of entrustment	Funding agreement
Duration of the entrustment	Usually 1 year
Exclusive or special rights	None
Compensation mechanism	Contribution to actual costs or public funding to cover the deficit ( <i>‘Abgangsfinanzierung’</i> ). Any revenue reduces the amount of eligible costs
Arrangements for avoiding over-compensation	<p>The parameters are set in the guidelines and agreements. A detailed statement is drawn up using these parameters. No more than</p> <p>the costs actually incurred can be financed.</p> <p>It is not permitted to make a profit.</p>
Total funding paid	<p>2014 EUR 329.7 million</p> <p>2015 EUR 339.5 million</p>

Vienna, 24 August 2016