

## AMS [Employment Service] report on SGEIs 2020/2021

2(a), (b) and (e) Healthcare and long-term care, child care, care and social integration of vulnerable groups

Content of the service	<b>Support by the Employment Service for qualification measures for people working in the field of social services of general interest (health and social services, pre-school teaching, since 2 February 2017 also asylum and migration).</b>
Form of entrustment	Funding agreement
Entrustment period	Varies according to training, usually under 3 years
Exclusive or specific rights	no
Compensation mechanism	Contribution to actual costs for clearly defined eligible expenditure. Duplication of funding is not permitted. A maximum of 60% of eligible expenditure may be funded by the AMS.
Arrangements for avoiding over-compensation	See above
Total financing provided	2020: EUR 0.98 million 2021: EUR 1.62 million

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

Content of the service	<p><b>Support by the Employment Service for employment projects, guidance and support services and training centres</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</p>
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	<p>employment, or to support access to vocational training. In addition, some guidance and support services provide careers advice services for school children in careers advice centres.</p> <p>The training centres make it possible to run training courses that are not necessarily profitable.</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.
Form of entrustment	Funding agreement
Entrustment period	Usually 1 year
Exclusive or specific rights	no
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	The parameters are set in the guidelines and agreements. A detailed statement is drawn up using these parameters. No more than the costs actually incurred can be financed. Making a profit is not permitted.
Total financing provided	2020: EUR 384.3 million 2021: EUR 479.8 million

Vienna, 26.07.2022

# OFFICE OF THE PROVINCIAL GOVERNMENT OF LOWER AUSTRIA

Planning, Environment and Transport Sector

Environment and Energy Department

3109 St. Pölten, Landhausplatz 1

Office of the Provincial Government of Lower Austria 3109

Federal Ministry of Digital and Economic Affairs,

'EU State aid rules' Division

Stubenring 1

1010 Vienna

Enclosures

RU3-EU-11/019-2022

Our reference (please quote in all correspondence)

Federal Ministry of Labour and  
Economy

Received: **28 July 2022**

Ref No. Department V  
Attachments 0

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[www.noe.gv.at/datenschutz](http://www.noe.gv.at/datenschutz)

(0 27 42) 9005

Reference

Case handler

Direct line:

Date

Mr Klaus

15175

25 July 2022

Bottensteiner

Subject

2022-0.516.283; Collection of reports in accordance with the SGEI Decision (2012/21/EU)

Dear Sir/Madam,

In reply to your letter '2022-0.516.283 - Collection of reports in accordance with the SGEI Decision (2012/21/EU)' dated 15 July 2022, the Environment and Energy Department would like to provide the following information:

Starting from 1 July 2014, the Government of Lower Austria concluded a contract agreeing to provide 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 this service 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 overcompensation, 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 payment.

The annual compensation payments are in principle capped at EUR 950 000.

To ensure continued attractiveness to visitors after 10 years, thereby allowing the continuation of the educational mission, investments could not be postponed beyond 2018. These included, for example, **botanical intermediation** (construction of botanical gardens), **investments in improving infrastructure** (for example repairing circular paths, improving the attractiveness of the treetop path, showcasing the site), and **awareness-raising activities for the Lower Austrian population**, such as the implementation of a 'digitisation garden' to explore new technologies, like the use of sensors to optimise gardening.

To guarantee the necessary investments referred to above and the continued operation of the site, while taking revenue into account, the compensation contract was adjusted so that the annual compensation, taking into account the revenue for the period from 2018 to 30 June 2023 at the latest, cannot exceed EUR 1 500 000. That amount must not be exceeded under any circumstances.

The beneficiary 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 that have used the service;  
and
- any other information that may be important for the service provider  
and/or the Province of Lower Austria in connection with the SGEI that is  
the subject of the contract.

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

For the reporting years 2020 and 2021, the compensation payments were EUR 1 425 203.00 and EUR 1 091 386.00 respectively.

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

Sent to:

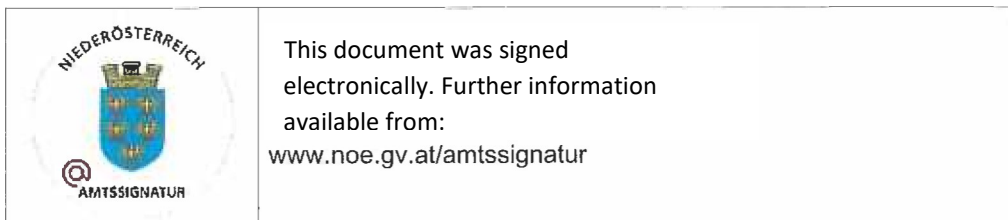
1. Unit for International and European Affairs
2. Die Garten Tulln GmbH, Am Wasserpark, 3430 Tulln

Lower Austrian Provincial Government

p.p.

Mr Obricht

Head of Department





(Office of the Provincial Government of Vorarlberg)

Federal Ministry of Labour and Economy  
Stubenring 1  
1010 Vienna  
Email: POST.V4\_22@bmaw.gv.at

Enquiries:  
[Dr Martina Büchel-Germann](#)  
Tel. +43 5574 51120310

Number: PrsE-11101-2//-27

Bregenz, [24 August 2022](#)

Subject: Services of general economic interest (SGEIs), reports on the basis of the SGEI Decision (2012/21/EU)

Concerning: [Letter of 15 July 2022, ref. 2022-0.516.283](#)

Dear Sir/Madam,

Vorarlberg would like to comment as follows on the report requested by the above-mentioned letter under Article 9 of Decision 2012/21/EU on the application of Article 106(2) TFEU to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest.

By means of three entrustment acts, the Province of Vorarlberg has delegated two external bodies for the provision of services of general economic interest in the field of social assistance for people with disabilities. These are:

- the entrustment act between the Province of Vorarlberg and the Caritas (the social aid organisation of the Catholic Church) of the Feldkirch Diocese of July 2020 concerning the establishment of a housing association for people with disabilities at Kapuzinerstraße 9, Bludenz, with an aid amount of EUR 2 125 028.06,
- the entrustment act between the Province of Vorarlberg and the Caritas of the Feldkirch Diocese of July 2021 for the renovation of the *Thüringen* residential building with an aid amount of EUR 765 500,
- the entrustment act between the Province of Vorarlberg and Lebenshilfe Vorarlberg GmbH of December 2020 for the renovation of the Götzis workshop with an aid amount of EUR 2 389 891.

The acts are expressly based on the SGEI Decision and also contain the information referred to in Article 4 of that decision.

Kind regards,

For the Vorarlberg Provincial Government:

p.p.

Dr Martina Büchel-Germann

Copy to:

1. Home Affairs and Security Dept (Ia), internal
2. Housing Support Dept. (III d), internal
3. Social Affairs and Inclusion Dept (IVa), internal
4. Health and Sport Dept (IVb), internal
5. General Economic Affairs Dept (VIa), internal



This document has been signed electronically in accordance with the E-Government Act.  
Tools for checking electronic documents can be found at <https://pruefung.signatur.rtr.at/>. Copies of this document may be checked and verified at the  
Amt der Vorarlberger Landesregierung (Office of the Provincial Government of Vorarlberg)  
Landhaus  
A-6901 Bregenz  
Email: [land@vorarlberg.at](mailto:land@vorarlberg.at)

## Report under Article 9(a) to (d) of the SGEI Decision

### **‘Rescue Service Tyrol’ contract concluded between the Province of Tyrol and the Red Cross Tyrol gemeinnützige Rettungsdienst GmbH**

#### 1. Description of the application of the 2012 SGEI Decision

##### **1) Hospitals providing medical care, including, where applicable, emergency services and ancillary activities (Article 2(1)(b))**

- ☐ Public rescue service (professional transport of patients and rescue service)

<b>Clear and comprehensive description of how the respective services are organised in your Member State<sup>1</sup></b>
<i>Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the contents of the services entrusted as SGEI as clearly as possible.</i>
<p>The services are governed by Section 2(1) and (2) of the Act of 1 July 2009 regulating the public rescue service in Tyrol (Tyrol Rescue Service Act 2009), Provincial Law Gazette No 96/2009, as amended.</p> <p>The SGEIs in question include ground-based emergency rescue services, i.e. initial medical treatment of people who are sick, injured or otherwise in need of assistance and who are at risk of death or severe injury if they do not receive the required treatment immediately, as well as the preparation of those patients for transport and their transport under professional medical supervision in specifically equipped rescue vehicles to an appropriate care facility for further medical treatment.</p> <p>These SGEIs also include ground-based professional patient transport, in other words the transport, judged necessary by a doctor, of people who are sick, injured or otherwise in need of assistance but who are not emergency patients, under the supervision of doctors and/or paramedics in a rescue vehicle.</p>

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<sup>1</sup> If in a certain sector only a small number of individual SGEIs exist in your Member State, we would 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.



*Explanation of the (typical) forms of entrustment. If standardised templates for entrustments are used for a certain sector, please attach them.*

In accordance with Section 3(3) of the Tyrol Rescue Service Act 2009, the provision of the services in question can be delegated by contract to appropriate rescue organisations, among others.

To that end, following negotiations, a new contract for the SGEI in question was concluded.

***Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEIs were entrusted with a duration exceeding 10 years and explain how this duration is justified.***

The contract with the Red Cross Tyrol gemeinnützige Rettungsdienst GmbH was concluded for 10 years.

***Explanation whether (typically) exclusive or special rights are assigned to the undertakings.***

Special rights are assigned to Red Cross Tyrol gemeinnützige Rettungsdienst GmbH.

***Which aid instruments have been used (subsidies, guarantees, etc.)?***

Monthly interim payments are made in the form of subsidies.

***Typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.***

Based on the cooperation over the previous 10 years, the prices for the SGEI to be provided were set in a new contract in a negotiated procedure without publication in which one tenderer took part, with the costs being borne on a pro rata basis by the Province of Tyrol and the statutory social insurers. The monthly interim payments are made on presentation of invoices. Settlement occurs at the end of the year based on an annual balance sheet.

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

Overcompensation is avoided by the presentation of annual balance sheets and their verification by the contracting authority. In the case of overcompensation, the contractor is obliged by the contract to repay such sums.

A short explanation of how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for the aid above EUR 15 million 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).

Alternatively, explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).


#### Amount of aid granted

Total amount of aid granted (in EUR million)<sup>2</sup>. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)

2020	2021
██████████	██████████

### 3. 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.

- ☐ An application for a declaratory judgment regarding the direct award of the 'Rescue Service Tyrol' contract concluded between the Province of Tyrol and the Red Cross Tyrol gemeinnützige Rettungsdienst GmbH was submitted in 2020. The procedure is still ongoing.

### 4. Remaining questions

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

- drawing up an entrustment act that complies with Article 4 of the SGEI Decision,

<sup>2</sup>As set out in Article 9(b) of the 2012 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.*

- ☐ Concluding the contract did not pose any problems with respect to the application of the SGEI Decision.

## Report under Article 9(a) to (d) of the SGEI Decision

### ‘Tyrol Disaster Management’ contract with the Tyrol branch of the Austrian Red Cross

#### 1. Description of the application of the 2012 SGEI Decision

##### 1) Hospitals providing medical care, where applicable including emergency services and ancillary services (Article 2(1)(b))

- Civil protection (implementation of disaster prevention and control)

<b>Clear and comprehensive description of how the respective services are organised in your Member State<sup>1</sup></b>
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<i>Please explain what kind of services in the respective sector have been defined as SGEIs in your Member State. <b>Please list the contents of the services entrusted as SGEIs as clearly as possible.</b></i>
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Implementation of disaster prevention and control within the meaning of Section 15(1) of the Tyrol Crisis and Disaster Management Act, Provincial Law Gazette ( <i>Landesgesetzblatt</i> , LGBL.) No 33/2006, as amended.
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This includes in particular purchasing and maintaining state-of-the-art equipment and command and control resources; medical equipment; the initial and ongoing training of management and operational staff; and ensuring operational capacity.
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<i>Please explain the (typical) <b>forms of entrustment</b>. If standardised templates for entrustments are used for a certain sector, please attach them.</i>
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The entrustment is made primarily by law (Section 15(1) of the Tyrol Crisis and Disaster Management Act) and where appropriate also by concluding a contract (Section 15(2) of the Tyrol Crisis and 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 2014.
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No standardised templates are used for entrustments.
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<i><b>Average duration of entrustments (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Please specify the sectors in which SGEIs were entrusted with a duration exceeding 10 years and explain how this duration is justified.</b></i>
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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
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<sup>1</sup> If a given sector in your Member State has only a small number of SGEIs, please provide a detailed description of those services. Conversely, if a large number of services are classed as SGEIs in your Member State (for example because the competence lies with regional or local authorities), it would be disproportionate to provide details of individual entrustments. However, it is nonetheless important to provide a clear and concise general description of the way the sector is organised, including the common features of the individual entrustments.

of signature.
<i>Please explain whether (typically) <b>exclusive or special rights</b> are assigned to the undertakings.</i>
Special rights are assigned to the Tyrol branch of the Austrian Red Cross by means of the amendment to the contract.
<i>Which <b>aid instruments</b> have been used (direct subsidies, guarantees, etc.)?</i>
Only direct subsidies have been used.
<i>Please provide information about the typical <b>compensation mechanism</b> for the various services concerned and indicate whether a methodology based on cost allocation or the net-avoided-cost methodology is used.</i>
<p>Compensation for the Tyrol branch of the Austrian Red Cross is calculated in two ways:</p> <p>firstly, actual costs are compensated on submission of an invoice together with supporting documents up to the maximum amount agreed (this is the only compensation mechanism allowed by the amendment to the contract).</p> <p>Secondly, a lump-sum payment is made twice a year in 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.</p>
<i>Typical <b>arrangements for avoiding and repaying any overcompensation</b>.</i>
Overcompensation 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 branch of the Austrian Red Cross by means of appropriate documentation. In the event of overcompensation, the recipient is contractually obliged to repay the sums involved.
<i>Please provide a short explanation of how the <b>transparency requirements</b> (see Article 7 of the 2012 SGEI Decision) for the aid above EUR 15 million to undertakings that also have activities outside the scope of the SGEI are being complied with. Please also include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please 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, please provide the link to the website). Alternatively, please explain if and how publication takes place at the level granting the aid (e.g. central, regional or local level).</i>

Amount of aid granted	
Total amount of aid granted (in EUR million) <sup>2</sup> . This includes all aid granted in the territory of your Member State, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
EUR 0.3 million	EUR 0.3366 million

### 3. Complaints by third parties

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

- We are not aware of any complaints in relation to the contract amendment.

### 4. Miscellaneous questions

*a) Please indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Decision and consider the following issues in particular:*

- *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, indicate the sector concerning which the difficulties are (most) relevant.*

- Concluding the contract did not pose any problems with respect to the application of the SGEI Decision.

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

## Report under Article 9(a) to (d) of the SGEI Decision

### Contract with the Tyrol branch of the Austrian Water Rescue Federation

#### 1. Description of the application of the 2012 SGEI Decision

##### 1) Hospitals providing medical care, including, where applicable, emergency services and ancillary activities (Article 2(1)(b))

- ☐ Rescue organisations (water rescue)

Clear and comprehensive description of how the respective services are organized in your Member State <sup>1</sup>
<i>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.</i>
Carrying out services governed by Section 2(11) of the Tyrol Rescue Service Act, Provincial Law Gazette No 69/2009, as amended.  The services comprise in particular the provision of rescue and emergency medical assistance services to individuals who are injured, sick or otherwise require assistance in or near bodies of water, and their transport to a location where they can be transferred to the emergency services.
<i>Explanation of the (typical) <b>forms of entrustment</b>. If standardised templates for entrustments are used for a certain sector, please attach them.</i>
The entrustment is primarily by law (Section 2(11) of the Tyrol Emergency Services Act in conjunction with the Guidelines of the Tyrolean Provincial Government on the promotion of rescue organisations active in Tyrol) and where appropriate also by concluding a contract.

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<sup>1</sup> If in a certain sector only a small number of individual SGEIs exist in your Member State, we would 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.

No standardised templates are used for entrustments.
<b><i>Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEIs were entrusted with a duration exceeding 10 years and explain how this duration is justified.</i></b>
The contract with the Tyrol branch of the Austrian Water Rescue Federation was originally concluded for an indefinite period. The contract was concluded for a period of 10 years from the date of signature.
<b><i>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</i></b>
The amendment to the contract assigned special rights to the Tyrol branch of the Austrian Water Rescue Federation.
<b><i>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</i></b>
Only direct subsidies have been used.
<b><i>Typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.</i></b>
<p>Compensation for the Tyrol branch of the Austrian Water Rescue Federation is provided in two ways:</p> <p>Firstly, actual costs are compensated on submission of an invoice together with justifying documents up to the maximum amount agreed (this is the only compensation mechanism allowed by the amendment to the contract).</p> <p>Secondly, 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.</p>
<b><i>Typical arrangements for avoiding and repaying any overcompensation.</i></b>
Overcompensation 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 branch of the Austrian Water Rescue Federation with appropriate documentation. In the case of overcompensation, the contractor is obliged by the contract to repay such sums.
<b><i>A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for the aid above EUR 15 million 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</i></b>



information for all aid measures concerned in your Member State (and if so provide the link to this website). Alternatively, explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).

#### Amount of aid granted

Total amount of aid granted (in EUR million)<sup>2</sup>. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)

2020	2021
EUR 0.12 million	EUR 0.12 million

### 3. 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.

☐ We are not aware of any complaints in relation to the contract amendment.

### 4. Remaining questions

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

☐ Concluding the contract did not pose any problems with respect to the application of the SGEI Decision.

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

## Report under Article 9(a) to (d) of the SGEI Decision

### Contract with the Austrian Mountain Rescue Service Tyrol

#### 1. Description of the application of the 2012 SGEI Decision

##### 1) Hospitals providing medical care, where applicable including emergency services and ancillary services (Article 2(1)(b))

- Rescue organisations (mountain rescue service)

**Clear and comprehensive description of how the respective services are organised in your Member State<sup>1</sup>**

*Please explain what kind of services in the respective sector have been defined as SGEIs in your Member State. Please list the **contents of the services entrusted as SGEIs** as clearly as possible.*

These are services governed by Section 2(9) of the Act of 1 July 2009 regulating the public rescue service in Tyrol (Tyrol Rescue Service Act 2009), Provincial Law Gazette (*Landesgesetzblatt*, LGBI.) No 69/2009 as amended. They comprise the provision of rescue and emergency medical assistance services to people who are injured, sick or otherwise in need of assistance in mountainous or rough terrains, and their transport to a location where they can be transferred to the emergency services.

*Please explain the (typical) **forms of entrustment**. If standardised templates for entrustments are used for a certain sector, please attach them.*

The entrustment is made primarily by law (Section 2(9) in conjunction with Section 12 of the Tyrol Rescue Service Act 2009) and where appropriate also by the conclusion of a contract.

No standardised templates are used for entrustments.

***Average duration of entrustments (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Please specify the sectors in which SGEIs were entrusted with a duration exceeding 10 years and explain how this duration is justified.***

The contract with the Austrian Mountain Rescue Service Tyrol was originally concluded in 2016 for a period of 10 years from the date of signature.

*Please explain whether (typically) **exclusive or special rights** are assigned to the undertakings.*

Special rights are assigned to the Tyrol branch of the Austrian Mountain Rescue Service by

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<sup>1</sup> If a given sector in your Member State has only a small number of SGEIs, please provide a detailed description of those services. Conversely, if a large number of services are classed as SGEIs in your Member State (for example because the competence lies with regional or local authorities), it would be disproportionate to provide details of individual entrustments. However, it is nonetheless important to provide a clear and concise general description of the way the sector is organised, including the common features of the individual entrustments.

means of the amendment to the contract.
<i>Which <b>aid instruments</b> have been used (direct subsidies, guarantees, etc.)?</i>
Only direct subsidies have been used.
<i>Please provide information about the typical <b>compensation mechanism</b> for the various services concerned and indicate whether a methodology based on cost allocation or the net-avoided-cost methodology is used.</i>
<p>The compensation mechanism is calculated in two ways: firstly, actual costs are compensated on submission of an invoice together with supporting documents up to the maximum amount agreed.</p> <p>Secondly, a lump-sum payment is made twice a year in 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 in accordance with the contract.</p>
<i>Typical <b>arrangements for avoiding and repaying any overcompensation.</b></i>
Overcompensation is not possible because only actual proven costs are compensated. The periodic capped lump-sum payments are based on the resources used in the previous year, which must be justified by the Austrian Mountain Rescue Service Tyrol by means of appropriate documentation. In the event of overcompensation, the recipient is contractually obliged to repay the sums involved.
<i>Please provide a brief explanation of how the <b>transparency requirements</b> (see Article 7 of the 2012 SGEI Decision) for aid above EUR 15 million to undertakings that also have activities outside the scope of the SGEI are being complied with. Please also include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please 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, please provide the link to the website). Alternatively, please explain if and how publication takes place at the level granting the aid (e.g. central, regional or local level).</i>

<b>Amount of aid granted</b>	
<i>Total amount of aid granted (in EUR million)<sup>2</sup>. This includes all aid granted in the territory of your Member State, including aid granted by regional and local authorities. (A+B+C)</i>	
<b>2020</b>	<b>2021</b>
EUR 0.93 million	EUR 0.93 million

### 3. Complaints by third parties

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

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

- We are not aware of any complaints in relation to the conclusion of the contract.

#### 4. Miscellaneous questions

a) *Please indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Decision and consider the following issues in particular:*

- *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, indicate the sector concerning which the difficulties are (most) relevant.*

- Concluding the contract did not pose any problems with respect to the application of the SGEI Decision.