

Brussels, 1st September 2014

Dear Ms ~~Gomes~~, *Ana*,

Thank you for your e-mails of 2 and 18 July 2014 regarding the report of the Committee of inquiry of the Portuguese Parliament in relation to the discharge of responsibilities for the process leading to the sub-concession of Estaleiros Navais de Viana do Castelo (ENVC).

As I have already indicated to you, there is a pending case in relation to potential State aid to ENVC (case SA.35546 (2013/C) – Past measures in favour of Estaleiros Navais de Viana do Castelo S.A.). The formal investigation procedure in this case was initiated by decision of 23 January 2013. In this decision, the Commission expresses serious doubts about the past measures granted to ENVC and indicates that these measures seem to constitute unlawful State aid within the meaning of Article 107(1) TFEU. Moreover, the decision also states that, if the past measures were to entail State aid, there would be no clear basis for declaring them compatible with the internal market, noting in particular that none of the criteria of the Community guidelines on State aid for rescuing and restructuring firms in difficulty would appear to be fulfilled.

Since the opening of the formal investigation procedure, my services and the Portuguese authorities have exchanged views on numerous occasions, as in any other formal investigation procedure. The assessment of the case is still on-going.

Once the formal investigation procedure is concluded, the Commission will take a final decision in this case in full respect of the applicable EU State aid rules. If the Commission were to conclude that the past measures entail State aid that is incompatible with the internal market, this aid would in principle need to be recovered from the beneficiary except if there is no economic continuity in the sense of EU State aid rules between the beneficiary and its successor.

Yours sincerely,

Best regards,

Joaquín Almunia

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