

Brussels, 21 JAN. 2015  
ARES(2015) 44884


Dear Ms Gomes,

Thank you for your letter of 10 December 2014 in which you explain that you submitted a complaint to the Commission on 20 December 2010 – registered in the EU Pilot system with reference 1712/11/MARK – concerning the alleged violation of the internal market rules as regards the acquisition by the Portuguese State of two submarines from the consortium GSC and an ancillary "offset" contract. According to your letter, an alleged renegotiation of the "offset" contract in July 2014 would have benefitted the companies Ferrostaal and Martifer and you ask the Commission to investigate whether this could amount to measures equivalent to State aid or otherwise violate internal market rules.

As you know, the Commission currently has a case open in relation to potential State aid to ENVC, namely 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 on 23 January 2013. It expresses the doubts of the Commission about the past measures provided to ENVC. If the Commission were finally 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.

In relation to the alleged renegotiation of the "offset" contract in July 2014, at this stage, on the basis of the information provided and the press report joined to your letter, my services have been unable to identify any relevant State aid aspect in the sense of Article 107(1) of the Treaty on the Functioning of the European Union.

Yours sincerely,



**Ms Ana Gomes**  
**Member of the European Parliament**  
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