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⁽¹⁾ Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 1259/2014**of 24 November 2014****on the reimbursement, in accordance with Article 26(5) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council, of the appropriations carried over from financial year 2014**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 26(6) thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) In accordance with Article 169(3) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽²⁾ non-committed appropriations relating to the actions referred to in Article 3(1) of Council Regulation (EC) No 1290/2005 ⁽³⁾ may be carried over to the following financial year. Such carry-over is limited to 2 % of the initial appropriations and to the amount of the adjustment of direct payments as referred to in Article 11 of Council Regulation (EC) No 73/2009 ⁽⁴⁾ which was applied during the preceding financial year. It may lead to an additional payment to the final recipients who were subject to that adjustment.
- (2) In accordance with Article 26(5) of Regulation (EU) No 1306/2013, by way of derogation from Article 169(3) of Regulation (EU, Euratom) No 966/2012, Member States are to reimburse that carry-over to the final recipients who are subject, in the financial year to which the appropriations are carried over, to the adjustment rate. That reimbursement only applies to final beneficiaries in those Member States where financial discipline applied ⁽⁵⁾ in the preceding financial year.
- (3) Furthermore, in accordance with Article 26(7) of Regulation (EU) No 1306/2013, any amount of the reserve for crises in the agricultural sector referred to in Article 25 of that Regulation not used is to be reimbursed in accordance with Article 26(5) of that Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

⁽³⁾ Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ L 209, 11.8.2005, p. 1).

⁽⁴⁾ Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers (OJ L 30, 31.1.2009, p. 16).

⁽⁵⁾ Financial discipline does not apply in Bulgaria, Croatia and Romania in accordance with Article 8(2) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

- (4) In accordance with Article 1(1) of Council Regulation (EU) No 1181/2013 ⁽¹⁾ financial discipline is applied to direct payments in respect of calendar year 2013.
- (5) The reserve for crises has not been called on until 15 October 2014, implying that the amount available in the reserve in the 2014 EAGF budget will not be used in this financial year. Moreover, on the basis of the execution of 2014 EAGF appropriations under shared management for the period from 16 October 2013 to 15 October 2014 and an estimated execution under direct management from 1 January 2014 to 31 December 2014, additional non-committed appropriations will remain in the 2014 EAGF budget.
- (6) On the basis of the Member States' declarations of expenditure for the period from 16 October 2013 to 15 October 2014, the financial discipline reduction effectively applied by the Member States in the financial year 2014 amounts to EUR 868,2 million.
- (7) Consequently, unused appropriations corresponding to the amount of financial discipline applied in 2014 financial year of EUR 868,2 million which remains within the limit of 2 % of the initial appropriations relating to the actions referred to in Article 3(1) of Regulation (EC) No 1290/2005 can be carried over to financial year 2015 following a decision of the Commission in accordance with the fifth subparagraph of Article 169(3) of Regulation (EU, Euratom) No 966/2012.
- (8) In order to ensure that the reimbursement of those appropriations to the final recipients remains proportionate to the amount of the financial discipline adjustment, it is appropriate that the Commission determines the amounts available to the Member States for the reimbursement.
- (9) To avoid compelling Member States to make an additional payment for that reimbursement, this Regulation needs to apply from 1 December 2014. Consequently, the amounts established by this Regulation are definitive and apply without prejudice to the application of reductions in accordance with Article 41(1) of Regulation (EU) No 1306/2013, to any other corrections taken into account in the monthly payment decision concerning the expenditure effected by the paying agencies of the Member States for October 2014, in accordance with Article 18(3) of Regulation (EU) No 1306/2013 and to any deductions and supplementary payments to be made in accordance with Article 18(4) of that Regulation or to any decisions which will be taken within the framework of the clearance of accounts procedure.
- (10) In accordance with Article 169(3) of Regulation (EU, Euratom) No 966/2012 the non-committed appropriations may be carried over to the following financial year only. It is therefore appropriate for the Commission to determine eligibility dates for the expenditure of the Member States in relation to the reimbursement in accordance with Article 26(5) of Regulation (EU) No 1306/2013, taking into account the agricultural financial year as defined in Article 39 of that Regulation.
- (11) In order to take into account the short time span between the communication of the execution of 2014 EAGF appropriations under shared management for the period from 16 October 2013 to 15 October 2014 by the Member States and the need to apply this Regulation from 1 December 2014, this Regulation should enter into force on the date of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the appropriations that will be carried over from financial year 2014 in accordance with Article 169(3) of Regulation (EU, Euratom) No 966/2012 and that in accordance with Article 26(5) of Regulation (EU) No 1306/2013 are made available to the Member States for the reimbursement to the final recipients who are subject, in financial year 2015, to the adjustment rate in accordance with Commission Implementing Regulation (EU) No 1227/2014 ⁽²⁾ are laid down in the Annex to this Regulation.

The amounts that will be carried over are subject to the carry-over decision of the Commission in accordance with the fifth subparagraph of Article 169(3) of Regulation (EU) No 966/2012.

⁽¹⁾ Council Regulation (EU) No 1181/2013 of 19 November 2013 fixing an adjustment rate to direct payments provided for in Council Regulation (EC) No 73/2009 in respect of calendar year 2013 and repealing Commission Implementing Regulation (EU) No 964/2013 (OJ L 313, 22.11.2013, p. 13).

⁽²⁾ Commission Implementing Regulation (EU) No 1227/2014 of 17 November 2014 fixing an adjustment rate for direct payments provided for in Council Regulation (EC) No 73/2009 in respect of calendar year 2014 and repealing Commission Implementing Regulation (EU) No 879/2014 (OJ L 331, 18.11.2014, p. 6).

Article 2

Member States' expenditure in relation to the reimbursement of the appropriations carried over shall only be eligible for Union financing if the relevant amounts have been paid to the beneficiaries before 16 October 2015.

Article 3

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 December 2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 November 2014.

*For the Commission,
On behalf of the President,*

*Jerzy PLEWA
Director-General for Agriculture and Rural Development*

ANNEX

Amounts available for reimbursement of appropriations carried over

	(EUR)
Belgium	13 551 741
Czech Republic	21 168 544
Denmark	23 196 648
Germany	125 613 712
Estonia	1 999 607
Ireland	27 196 811
Greece	35 594 447
Spain	110 713 618
France	193 513 120
Italy	71 006 784
Cyprus	689 016
Latvia	2 262 601
Lithuania	6 011 809
Luxembourg	813 093
Hungary	26 861 237
Malta	64 499
Netherlands	19 962 029
Austria	13 848 862
Poland	36 451 389
Portugal	13 001 479
Slovenia	1 777 463
Slovakia	8 891 177
Finland	11 301 184
Sweden	15 739 925
United Kingdom	86 964 834

COMMISSION IMPLEMENTING REGULATION (EU) No 1260/2014**of 25 November 2014****fixing a flat-rate reduction for the import duty for sorghum in Spain imported from third countries**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 180 thereof,

Whereas:

- (1) Within the context of the agreements made under the Uruguay Round of multilateral trade negotiations ⁽²⁾, the Union has committed to allowing Spain to import the amount of 300 tonnes of sorghum per year.
- (2) Between 1 January 2014 and 15 July 2014, the period during which the import duty for sorghum was set at EUR 0 per tonne, in accordance with Commission Regulation (EU) No 642/2010 ⁽³⁾, 41 580 tonnes of sorghum were imported into Spain. Since 16 July 2014, and following the reintroduction of an import duty of more than zero for sorghum in accordance with Regulation (EU) No 642/2010, no sorghum has been imported into Spain.
- (3) In accordance with Article 6 of Commission Regulation (EC) No 1296/2008 ⁽⁴⁾, a reduction may be applied to the import duty fixed in accordance with Regulation (EU) No 642/2010 in order to ensure that import quotas are fully used.
- (4) Bearing in mind the conditions of the sorghum market, particularly the fact that the price of sorghum on the global market is significantly higher than that of maize, it is necessary to apply a flat-rate reduction of 100 % of the import duty fixed in accordance with Regulation (EU) No 642/2010.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. As regards the available balance of the quantities of sorghum to be imported into Spain under the tariff quota opened on 1 January 2014, the flat-rate reduction of the import duty for sorghum referred to in Article 6 of Regulation (EC) No 1296/2008 is established at 100 % of the import duty for sorghum fixed in accordance with Regulation (EU) No 642/2010.

2. The provisions of Regulation (EC) No 1296/2008 shall apply.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 336, 23.12.1994, p. 22.

⁽³⁾ Commission Regulation (EC) No 642/2010 of 20 July 2010 on rules of application (cereal sector import duties) for Council Regulation (EC) No 1234/2007 (OJ L 187, 21.7.2010, p. 5).

⁽⁴⁾ Commission Regulation (EC) No 1296/2008 of 18 December 2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal (OJ L 340, 19.12.2008, p. 57).

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It is due to expire on 31 December 2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 November 2014.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) No 1261/2014**of 25 November 2014****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 November 2014.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	64,0
	IL	45,2
	MA	83,9
	ZZ	64,4
0707 00 05	AL	59,9
	JO	203,0
	TR	133,4
	ZZ	132,1
0709 93 10	MA	38,3
	TR	126,3
	ZZ	82,3
0805 20 10	MA	79,0
	ZZ	79,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	59,1
	PE	74,4
	TR	70,8
	ZZ	68,1
0805 50 10	TR	73,4
	ZZ	73,4
0808 10 80	AU	203,7
	BR	55,5
	CA	133,4
	CL	75,0
	NZ	96,9
	US	94,8
	ZA	155,4
	ZZ	116,4
0808 30 90	CN	93,1
	US	201,1
	ZZ	147,1

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION DECISION

of 11 June 2014

on the State aid SA.18832 (2013/C) (ex 2013/NN) (ex 2011/MX) (ex N 44/2005) implemented by Lithuania for excise tax reductions on biofuels

(notified under document C(2014) 3600)

(Only the Lithuanian text is authentic)

(Text with EEA relevance)

(2014/830/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 108(2) thereof,

Having called on interested parties to submit their comments pursuant to the provision(s) cited above ⁽¹⁾

Whereas:

I. PROCEDURE

- (1) Since 2006, the Directorate-General for Competition carries out each year an *ex-post* monitoring exercise of a sample of aid measures implemented by Member States. The Lithuanian excise tax reduction on biofuels scheme was included in the 2011 monitoring exercise, in the context of which the Commission examined how Member States applied a sample of existing schemes for the period 2009-2010. This scheme was approved by the Commission under the case number N44/2005 by its decision K (2005) 2957C of 27 July 2005 (hereinafter referred to as the Commission decision).
- (2) The Commission has requested Lithuania to provide the necessary information in view of assessing the way the aid scheme has been implemented in 2009 and 2010, by letters dated 7 October 2011, 27 January 2012 and 26 June 2012. Lithuania provided the requested information by letters dated 10 November 2011, 24 February 2012 and 18 July 2012.
- (3) By letter dated 17 July 2013, the Commission informed Lithuania that it had decided to initiate the procedure laid down in Article 108(2) of the Treaty on the Functioning of the European Union in respect of the aid scheme, as it was concerned about a possible misuse of the aid. The Lithuanian authorities provided their observations on 13 August 2013.
- (4) The Commission decision to initiate the procedure was published in the *Official Journal of the European Union* on 8 November 2013. The Commission called on interested parties to submit their comments.
- (5) The Commission received no comments from interested parties.

II. DESCRIPTION OF THE AID SCHEME

- (6) The scheme N 44/2005 consisted of a reduction in the excise tax on biofuels blended with fossil fuels. This reduction applied only to the biofuel component of the mixture. Consequently, the tax rate of the excise duty to be applied to the blended biofuel products was reduced according to the proportion of biofuel in the final blend.

⁽¹⁾ OJ C 323, 8.11.2013, p. 74.

- (7) The objective of the scheme was to promote the production and use of biofuels. It was also meant to assist Lithuania in meeting the targets set out in Directive 2003/30/EC of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport ⁽¹⁾.
- (8) The tax excise reduction was open to any biofuel producer in Lithuania as well as to any importer of biofuels from another Member State or third countries to Lithuania.
- (9) The scheme was approved by the Commission on 27 July 2005 and expired on 31 December 2010.
- (10) During the monitoring exercise, the Commission noticed that Lithuania implemented the scheme in a way that apparently was not totally in compliance with the Commission decision.
- (11) First of all, as indicated in the Commission decision, Lithuania undertook to annually review the production costs of biofuels eligible for the excise tax reduction as well as the price movement of biomass relative to fossil fuel prices and to adjust the aid amount if necessary in order to avoid any overcompensation and to keep the price of biofuel at the same level of that of conventional fuels. Lithuania also undertook to provide annual monitoring reports to the Commission containing all relevant information on the production costs of the biofuels and the market price of fuels to show that there is no overcompensation. All these elements have been taken into account by the Commission, when assessing the aid scheme and concluding it was compatible with the internal market.
- (12) Since 2005 when the Commission decision was adopted, the Commission's relevant services (DG Competition) did not receive any annual report containing relevant information on the production costs of the biofuels and the market price of fuels to demonstrate that the absence of overcompensation was monitored and ensured. Such information was provided by Lithuania at the explicit request of the Commission during the monitoring procedure, but only for the years covered by the respective monitoring exercises.
- (13) In the notification of the scheme, Lithuania provided data on the production costs of bioethanol and biodiesel and such data were assessed by the Commission. Lithuania mentioned that apart from bioethanol and biodiesel aid could be granted also to pure vegetable oil and undertook to carry out an analysis as soon as a biofuel product would benefit from the tax reduction to ensure that the reduction would not lead to overcompensation. This information should have been submitted to the Commission in the annual monitoring reports. The Commission's relevant services (DG Competition) did not receive any information that such analysis was carried out by Lithuania.
- (14) Secondly, during the monitoring exercise, Lithuania submitted documents proving that the Ministry of Economy had already in 2009 requested that the beneficiaries should provide information on the average costs and sale prices of fuel for 2008. The Ministry of Economy received such data in 2009 and provided them for the selected beneficiaries to the Commission during the 2011 monitoring exercise. Nevertheless, Lithuania did not submit aggregate data on production costs of biofuels. Therefore the Commission was not able to properly verify the absence of overcompensation.

III. COMMENTS FROM LITHUANIA

- (15) Following the opening of the formal investigation, Lithuania submitted additional information to the Commission.
- (16) The Lithuanian authorities provided the Commission with copies of reports on the promotion of the use of biofuels from 2005 to 2010.
- (17) The Lithuanian authorities explained that although the legislation included the possibility to grant aid under the scheme to pure vegetable oil, no biodiesel was produced from pure vegetable oil. Therefore no such aid was granted under the scheme NN44/2005. This explains why no such report was submitted to the Commission.
- (18) For 2009 the annual report includes several tables containing information on the production costs of biofuels, the prices of fossil fuels, the prices of biofuels and the prices of different blends. This information is summarised in the tables below, based on an exchange rate of EUR 1 = LTL 3,4528.

⁽¹⁾ OJ L 123, 17.5.2003, p. 42.

Table 1

Production costs and sale price (before tax) of fuels (biodiesel and diesel) in 2009

Price of fuel, LTL (¹) per litre	Biodiesel (FAME)	Diesel
1. Raw material (+)	[...] (*)	[...]
2. Processing (+)	[...]	[...]
3. Other costs (research, reorganisation of production) (+)	[...]	—
4. the costs of production	[...]	[...]
5. Logistics (+)	[...]	[...]
6. By-product sale price (–)	[...]	—
7. Profit	—	[...]
8. Sale price set by producer (before tax)	3,42	1,25

(*) Business Secret

(¹) Exchange rate used: LTL 3,4528 = EUR 1

Table 2

Sale price of blended (diesel and biodiesel) fuel

Price of fuel blend, LTL per litre 5 % FAME	5 % FAME
Biodiesel (FAME) costs in blend (5 % × LTL 3,42 per litre)	0,171
Diesel costs in blend (95 % × LTL 1,25 per litre)	1,188
Excise duty (95 % × LTL/litre) 1,14	1,08
Total sale price of fuel blend	2,439
Adjustment due to lower energy content of blend (15 %) (¹)	0,025
Sale price of fuel blend (relative)	2,46

(¹) The energy value of biodiesel, as compared with mineral fuel (diesel), is lower: the amount of biodiesel needed to produce a unit of energy has been calculated to be 15 % higher than the amount of diesel needed to produce the same unit of energy.

Table 3

Diesel sale price

Diesel sale price (before tax)	1,25
Excise duty on diesel	1,14
Diesel sale price in 2009 (¹)	2,39

(¹) Without VAT.

Table 4

Bioethanol and petrol production costs and sale price (before tax) in 2009

Price of fuel, LTL per litre	Bioethanol (ETBE)	Petrol
1. Raw material, incl. seed/grain payments (+)	[...]	[...]
2. Processing (+)	[...]	[...]
3. Other costs (research, reorganisation of production) (+)	[...]	—
4. Cost of production	[...]	[...]
5. Logistics (+)	[...]	[...]
6. By-product sale price (–)	[...]	—
7. Profit	—	[...]
8. Sale price set by producer (before tax)	2,04	1,36

Table 5

Sale price of fuel (bioethanol and petrol) blend

Price of fuel blend per litre	Containing 5 % bioethanol
Bioethanol costs in blend (5 % × 2,04 LTL/litre);	0,102
Petrol costs in blend: (95 % × LTL 1,36 per litre);	1,292
Excise duty (95 % × LTL 1,50 per litre);	1,425
Total sale price of fuel blend	2,819
Adjustment due to lower energy content of blend (60 %) ⁽¹⁾	0,0612
Sale price of fuel blend (relative)	2,88

⁽¹⁾ The energy value of bioethanol, as compared with mineral fuel (petrol), is lower: the amount of bioethanol needed to produce a unit of energy has been calculated to be 60 % higher than the amount of petrol needed to produce the same unit of energy.

Table 6

Petrol sale price

Petrol sale price (before tax) (100 % × LTL 1,36 per litre)	1,36
Excise duty on petrol	1,50
Petrol sale price in 2009 ⁽¹⁾	2,86

⁽¹⁾ Without VAT.

- (19) The Lithuanian authorities argued that the data provided for 2009 and 2010 (reflected in the tables above) clearly demonstrates that neither the production of biodiesel nor of bioethanol were overcompensated.

IV. ASSESSMENT OF THE AID

- (20) The Commission concluded already in its decision on N44/2005 that the measure at hand involved aid in the meaning of Article 107(3) of the Treaty on the Functioning of the European Union (TFEU). The Commission assessed this aid scheme on the basis of the 2001 Environmental Aid Guidelines ⁽¹⁾, especially its section E.3.3, and concluded that aid was compatible with the internal market.
- (21) The Lithuanian authorities confirmed to the Commission that they had submitted annual reports on NN44/2005. These reports were submitted to DG Energy as an annex to the report on the promotion of the use of biofuels or other renewable fuels for transport.
- (22) The Lithuanian authorities have now provided DG Competition with copies of the reports they had submitted for the years 2005, 2006, 2007, 2008, 2009 and 2010. These reports contain detailed information on the biofuel production costs and sale prices. Furthermore, the price of different fuel blends is included.
- (23) In the course of the investigation, the Commission was able to assess that the Lithuanian authorities have complied with point 34 of decision N44/2005 and submitted the necessary annual monitoring reports on the scheme to the Commission.
- (24) The Lithuanian authorities explained no biofuels were produced from pure vegetable oil during the period the scheme was operating.
- (25) In the course of the investigation the Commission was able to assess that as no biofuel was produced from vegetable oil during the period the scheme was operating that there was no information that needed to be included in the reports submitted to the Commission.
- (26) Having now assessed all the information provided by Lithuania on production costs of biofuels and prices of fuels for 2009 and 2010, the Commission agrees that no overcompensation took place on an aggregate basis in 2009 or 2010.

V. CONCLUSION

- (27) The Commission finds that Lithuania has correctly implemented the aid scheme N44/2005, in line with the Commission decision approving it.

HAS ADOPTED THIS DECISION:

Article 1

The State aid scheme N44/2005 which Lithuania has implemented is compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty on the Functioning of the European Union and has been correctly implemented, in line with the Commission decision K (2005) 2957C of 27 July 2005.

Article 2

This Decision is addressed to the Republic of Lithuania.

Done at Brussels, 11 June 2014.

For the Commission
Joaquín ALMUNIA
Vice-President

⁽¹⁾ OJ C 37, 3.2.2001, p. 3.

