

CROATIAN COMPETITION AGENCY:

Case No.: UP/I 430-01/12-03/003

Case: Ministry of Economy – State guarantee for loan financing of Uljanik Brodogradilište d.d., Pula for the construction of newbuilding 491

Type of case: State aid

Type of decision: Decision on termination of the proceeding

Summary:

In November 2012 the Croatian Competition Agency (CCA) received from the Ministry of Economy a request for its opinion regarding the state guarantee of 15.800.000 USD for loan financing of the construction of newbuilding No. 491 in shipyard Uljanik Brodogradilište d.d., Pula.

After analyzing the received documentation the CCA was unable to determine whether in the concerned case all the conditions from point 3.2. of the Decision on Publication of Rules on State Aid in the Form of Guarantees (Official Gazette No.: 39/09) were fulfilled which could rule out the presence of state aid within the meaning of the State Aid Act (Official Gazette No.: 140/05 and 49/11; hereinafter: SAA). This especially concerns the condition that Uljanik Brodogradilište d.d. is not in financial difficulty.

The CCA determined that the concerned guarantee was issued on 14 December 2012, but after that date the CCA did not receive any additional data or documents from the Ministry and was therefore unable to terminate the proceeding before 30 June 2013.

The new State Aid Act (Official Gazette No.: 72/13) entered into force on the day of accession of the Republic of Croatia to the European Union and according to Article 17(1) of that Act all the ongoing proceedings initiated in conformity with the old SAA should be terminated. Therefore, the CCA terminated the proceeding in question.