

Commission Decision of 8 February 2012 on State aid SA.28809 (C 29/10)
(ex NN 42/10 and ex CP 194/09) implemented by Sweden in favour of
Hammar Nordic Plugg AB (notified under document C(2012) 546) (Only
the Swedish text is authentic) (Text with EEA relevance) (2012/293/EU)

- Article 1 The State aid amounting to SEK 14,5 million, unlawfully granted
by...
- Article 2 (1) Sweden shall recover the aid referred to in Article...
- Article 3 (1) Recovery of the aid referred to in Article 1...
- Article 4 (1) Within two months following the date of notification of...
- Article 5 This Decision is addressed to the Kingdom of Sweden.
Signature

Changes to legislation: There are currently no known outstanding effects for the Commission Decision of 8 February 2012 on State aid SA.28809 (C 29/10) (ex NN 42/10 and ex CP 194/09) implemented by Sweden in favour of Hammar Nordic Plugg AB (notified under document C(2012) 546) (Only the Swedish text is authentic) (Text with EEA relevance) (2012/293/EU). (See end of Document for details)

- (1) [OJ C 352, 23.12.2010, p. 22.](#)
- (2) With effect from 1 December 2009, Articles 87 and 88 of the EC Treaty have become Articles 107 and 108, respectively, of the TFEU; the two sets of provisions are, in substance, identical. For the purposes of this Decision, references to Articles 107 and 108 of the TFEU should be understood as references to Articles 87 and 88, respectively, of the EC Treaty where appropriate.
- (3) See footnote 1.
- (4) The property subject to this measure represents the company's only asset and business activity. For the sake of clarity, it must be noted that in the opening decision an independent company (Hammar Nordic AB), also owned by the same shareholder Mr Anders Hammar, was erroneously identified as the parent company of Hammar Nordic Plugg AB.
- (5) Chips AB is a manufacturer of potato crisps based in Mariehamn, Åland, Finland, active in the Nordic and Baltic countries, with a consolidated turnover of approximately SEK 2,6 billion per year and around 800 employees. In 2005, Chips AB was acquired by the Norwegian group Orkla ASA.
- (6) The average exchange rate for 2008 is SEK/EUR 9,62. The amounts in euro in this decision are purely indicative.
- (7) The annual rent payable for years 1–5 was set at SEK 500 000, SEK 650 000, SEK 800 000, SEK 950 000 and SEK 1 100 000, respectively.
- (8) The annual rental payable for years 1 to 6 was set at SEK 3 500 000, SEK 3 500 000, SEK 7 000 000, SEK 7 000 000, SEK 10 500 000 and SEK 10 500 000, respectively.
- (9) See footnote 1.
- (10) Copenhagen Economics A/S is a consultancy firm. It provides advisory services in the fields of competition, regulation, international trade, impact assessment and regional economics. See www.copenhageneconomics.com
- (11) See Case T-55/99 *Confederación Española de Transporte de Mercancías (CETM) v Commission* [2000] ECR II-3207, p. 86.
- (12) [OJ C 209, 10.7.1997, p. 3.](#)
- (13) In relation to the sale by public authorities of land or buildings to an undertaking or to an individual involved in an economic activity, it must be pointed out that the Court has held that such a sale may include elements of State aid, in particular where it is not made at market value, i.e. where it is not sold at the price which a private investor, operating in normal competitive conditions, would have paid (Case C-290/07 P *Commission v Scott* [2010] not yet published in the ECR, p. 68, and Case C-239/09 *Seydaland* [2010] not yet published in the ECR, p. 34).
- (14) The Communication defines market value as the price at which land and buildings could be sold under private contract between a willing seller and an arm's length buyer on the date of valuation, it being assumed that the property is publicly exposed to the market, that market conditions permit orderly disposal and that a normal period, having regard to the nature of the property, is available for the negotiation of the sale (point II.2).
- (15) Colliers International is a global commercial real estate services organisation. It provides a range of services to commercial real estate users, owners, investors and developers worldwide. The organisation serves the hotel, industrial, mixed-use, office, retail and residential property sectors. See www.colliers.com
- (16) Swedbank Kommersiella Fastigheter is a subsidiary of the large banking group Swedbank and operates as a broker within the commercial real estate business in Sweden. See <http://www.swedbankkf.se>
- (17) Valuation of 17 590 m² as opposed to the total extent of the Facility (22 504 m²).
- (18) [OJ C 244, 1.10.2004, p. 2.](#)
- (19) Under the Swedish Land Code (Jordabalken), a binding transfer of land must be made, inter alia, in writing and contain a formal declaration of transfer of the property. In the present case, the 'option' contract contained only a 'right to purchase'.
- (20) [OJ L 83, 27.3.1999, p. 1.](#)

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