

Commission Decision of 20 December 2011 on the State aid C 85/01 on ad hoc measures implemented by Portugal in favour of RTP (notified under document C(2011) 9429) (Only the English text is authentic) (Text with EEA relevance) (2012/365/EU)

*Article 1*

- 1 The following ad hoc measures granted by Portugal in favour of Radiotelevisão Portuguesa, SA, (RTP) constitute State aid within the meaning of Article 107(1) of the Treaty.
- a the rescheduling of a debt of PTE 1 206 million by Portugal to RTP in the form of an agreement with the body responsible for the social security in 1993;
  - b capital injections in the period 1994 to 1997 amounting to PTE 46 800 million;
  - c a loan of PTE 20 000 million granted in 1998;
  - d a temporary exemption from registration charges provided for in Article 11(1) of the Portuguese Law No 21/92 and amounting to PTE 11 000 000.

- 2 The State aid measures referred to in paragraph 1 of this Article are compatible with the internal market within the meaning of Article 106(2) of the Treaty since they did not lead to any overcompensation of the net costs of the public service tasks entrusted to RTP.

*Article 2*

The exemption from notarial deed charges and publication costs provided for in Article 11(1) of the Portuguese Law No 21/92 does not constitute State aid.

*Article 3*

- 1 The unlimited exemption accorded to RTP from the payment of any charges and fees in respect of any act of inscription, registration or annotation, as provided for Article 11(2) of the Portuguese Law No 21/92, constitutes State aid within the meaning of Article 107(1) of the Treaty.

- 2 The State aid unlawfully granted by Portugal, in breach of Article 108(3) of the Treaty, on the basis of Article 11(2) of Law No 21/92, in favour of RTP, is incompatible with the internal market.

*Article 4*

- 1 Portugal shall repeal the law referred to in Article 3(1) of this Decision and shall order recovery of any State aid received by RTP under that provision until the repeal of the law.

- 2 The sums to be recovered shall bear interest from the date on which they were put at the disposal of RTP until their actual recovery.

- 3 The interest shall be calculated on a compound basis in accordance with Chapter V of Regulation (EC) No 794/2004 and to Regulation (EC) No 271/2008 amending Regulation (EC) No 794/2004.

*Article 5*

- 1 Recovery of the aid granted under the law referred to in Article 3 shall be immediate and effective.

- 2 Portugal shall ensure that this Decision is implemented within four months following the date of notification of this Decision.

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 20 December 2011 on the State aid C 85/01 on ad hoc measures implemented by Portugal in favour of RTP (notified under document C(2011) 9429) (Only the English text is authentic) (Text with EEA relevance) (2012/365/EU). (See end of Document for details)

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### *Article 6*

1 Within two months following notification of this Decision, Portugal shall submit the following information to the Commission:

- a a detailed description of the measures undertaken to abolish Article 11(2) of Law No 21/92;
- b the total amount (principal and recovery interests) to be recovered from RTP;
- c a detailed description of the measures already taken and planned to comply with this Decision;
- d documents demonstrating that RTP has been ordered to repay the aid.

2 Portugal shall keep the Commission informed of the progress of the national measures taken to implement this Decision until recovery of the aid referred to in Article 3 has been completed. It shall immediately submit, on simple request by the Commission, information on the measures already taken and planned to comply with this Decision. It shall also provide detailed information concerning the amounts of aid and recovery interest already recovered from RTP.

### *Article 7*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 20 December 2011.

*For the Commission*

Joaquín ALMUNIA

*Vice-President*

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