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*Changes to legislation: There are currently no known outstanding effects for the Commission Decision of 21 March 2012 on State aid SA.29864 (C 6/10) (ex NN 1/10) implemented by the Czech Republic for České aerolinie, a. s. (ČSA — Czech Airlines a.s. — possible State aid implications of a loan provided by Osinek a.s.) (notified under document C(2012) 1664) (Only the Czech version is authentic) (Text with EEA relevance) (2012/637/EU). (See end of Document for details)*

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- Article 1     The measure which the Czech Republic has implemented for České...
- Article 2     This Decision is addressed to the Czech Republic.  
Signature

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- (1) With effect from 1 December 2009, Articles 87 and 88 of the EC Treaty have become Articles 107 and 108 respectively of the Treaty on the Functioning of the European Union ('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 Article 87 and 88, respectively, of the EC Treaty when appropriate. The TFEU also introduced certain changes in terminology, such as the replacement of 'Community' by 'Union' and 'common market' by 'internal market'. The terminology of the TFEU will be used throughout this Decision.
- (2) Commission Decision C(2010) 987 final of 24 February 2010 (OJ C 43, 11.2.2011, p. 6).
- (3) The first addendum was concluded on 23 July 2009, the second on 22 September 2009, the third on 9 December 2009 and the fourth on 25 January 2010.
- (4) OJ C 244, 1.10.2004, p. 2.
- (5) OJ C 83, 7.4.2009, p. 1.
- (6) In 2009 the Czech market experienced a 6 % drop in passenger traffic at Prague Ruzyně airport.
- (7) OJ C 14, 19.1.2008, p. 6.
- (8) Additional comments made by the interested third parties concerning: (i) the capitalisation of the Osinek loan via the debt-for-equity swap; (ii) the alleged payment of remuneration of the Chairman of the Board of Directors and of the President of ČSA by the state-owned Prague Ruzyně airport, and (iii) transfers of property of ČSA to the state-owned Prague Ruzyně airport with the subsequent lease-back to ČSA, do not relate to this case and will be analysed in the final decision in Case SA.30908 ČSA — Czech Airlines — Restructuring plan.
- (9) Act No 182/2006
- (10) OJ L 318, 17.11.2006, p. 17.
- (11) Case C-482/99 *France v Commission* ('Stardust Marine') [2002] ECR I-4397, paragraphs 52 and 57.
- (12) Joined Cases T-228/99 and T-233/99 *Westdeutsche Landesbank GZ v Commission* [2003] ECR II-435, paragraph 251.
- (13) Commission Communication to the Member States *Application of Articles 92 and 93 of the EEC Treaty and of Article 5 of Commission Directive 80/723/CEE to public undertakings in the manufacturing sector*, OJ C 307, 13.11.1993, p. 3, point 11. The Communication deals with the manufacturing sector, but is applicable to other economic sectors. Cf. Case T-16/96 *Cityflyer* [1998] ECR II-757, paragraph 51.
- (14) See Case T-16/96 *Cityflyer Express Ltd v Commission* [1998] ECR II-757, paragraphs 45 and 46.
- (15) See Communication on the application of Articles 92 and 93 of the EC Treaty and Article 61 of the EEA Agreement to state aid in the aviation sector, OJ C 350, 10.12.1994, p. 5.
- (16) YBN Consult — Znalecký ústav, s.r.o. is an expert institute qualified to provide expert advice in economics and the building industry. PROSCON — s.r.o. is an expert institute qualified to provide expert advice with respect to economics. Mr Vladimír Čmejla is an expert in economics, patents and inventions.
- (17) For the daily PRIBOR rates see [http://www.cnb.cz/en/financial\\_markets/money\\_market/pribor/daily.jsp](http://www.cnb.cz/en/financial_markets/money_market/pribor/daily.jsp).
- (18) For the methodology of the PRIBOR see [http://www.cnb.cz/docs/ARADY/MET\\_LIST/prib\\_en.pdf](http://www.cnb.cz/docs/ARADY/MET_LIST/prib_en.pdf).
- (19) The average rates are derived from the arithmetic mean of the monthly three-month PRIBOR averages plus 300 basis points according to the Czech National Bank and the relevant reference rates plus 220 basis points between April 2009 and June 2010 (for the relevant data see the tables at [http://www.cnb.cz/en/financial\\_markets/money\\_market/pribor/averages\\_form.jsp](http://www.cnb.cz/en/financial_markets/money_market/pribor/averages_form.jsp) and [http://ec.europa.eu/competition/state\\_aid/legislation/reference\\_rates.html](http://ec.europa.eu/competition/state_aid/legislation/reference_rates.html)).
- (20) Interest was duly paid for five consecutive calendar quarters and on one occasion a contractual penalty was charged for two day's delay in payment.
- (21) CZEONIA (Czech Over Night Index Average) is defined as the weighted average of the interest rates of all unsecured O/N deposits placed by reference banks on the interbank market. It is

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calculated and published by the Czech National Bank ([http://www.cnb.cz/en/financial\\_markets/money\\_market/czeonia/daily.jsp](http://www.cnb.cz/en/financial_markets/money_market/czeonia/daily.jsp)).

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