



EUROPESE COMMISSIE

DG Concurrentie

Directeur-generaal

Brussel, 23 november 2011

Drs. M.M. Frequin
Directeur Generaal Wonen, Wijken
en Integratie
Ministerie van Binnenlandse Zaken
en Koninkrijksrelaties
Postbus 20011
2500 EA 'S-GRAVENHAGE

Via E-mail

Subject: Case SA.14175 (E2/2005) – The Netherlands

Dutch Social Housing

Dear Mr. Frequin,

I am writing with reference to our recent telephone conversation concerning Dutch social housing and in particular the recent suggestions in the Dutch press that the Commission might be prepared to change its Decision approving the Dutch Social housing scheme.

Please allow me to recall that the Commission Decision of 15 December 2009 is based on Dutch commitments, including the definition of social housing and the related SGEI, which ensure the provision in the Netherlands of social housing public according to objective criteria and at the same time secure a level playing field for all operators in the other parts of the housing market.

As regards the recent debate in the Netherlands, I would first of all like to point out that the Decision of the Commission is currently under appeal before the General Court, and, for the sake of respect of the Court proceedings, it would not be appropriate for me to discuss arguments put forward in the appeals that are *sub judice*. These appeals do not have a suspensory effect. The 2009 decision is therefore binding on the Netherlands and must be implemented in full.

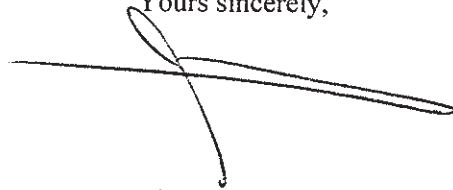
I would also like to recall that according to State aid rules, in case your authorities would like to consider a modification to the approved aid scheme, they would have to notify the modification to the Commission and obtain Commission approval before it could be put into effect. The Commission would have to assess the notified modification. The possible outcome of such an assessment cannot be anticipated, because it would depend on the contents of the notification.

As regards your concerns about the draft texts for the reform package for the State aid rules that apply to services of general economic interest (SGEI), it is important to note that this package is scheduled to be adopted only later this year and no definite statements can presently be made about the final design of the package. This being said, I would like to emphasize that the draft

texts published on DG Competition's website are not intended to alter the conditions and procedures for defining social housing as a service of general economic interest. The proposed new SGEI package would therefore in principle not change the requirements in this respect.

I hope these answers will be of assistance to you. If you have any further questions please let me know.

Yours sincerely,

A handwritten signature in black ink, consisting of a long horizontal stroke with a loop at the end and a vertical stroke crossing it.

Alexander Italianer