

SGEI of Social Housing

The french case



French case in the SGEI process



- 1957-2003 : Grey zone
- 2003 : SGEI Altmark ruling
- 2005 : EC Decision « Monti package»

Dutch and Swedish cases

- 2011 : EC Decision « Almunia package »
- **2012 : UNPI complaint 1**
- 2012 : ERDF control / OHLM energy : HLM tool
- **2013 : UNPI complaint 2 : 2 OHLM**
- 2014 : ALUR law : EC Decision in CCH L411-2
- 2015 : Compensations control / ANCOLS
- 2018 : ERDF control / OHLM energy

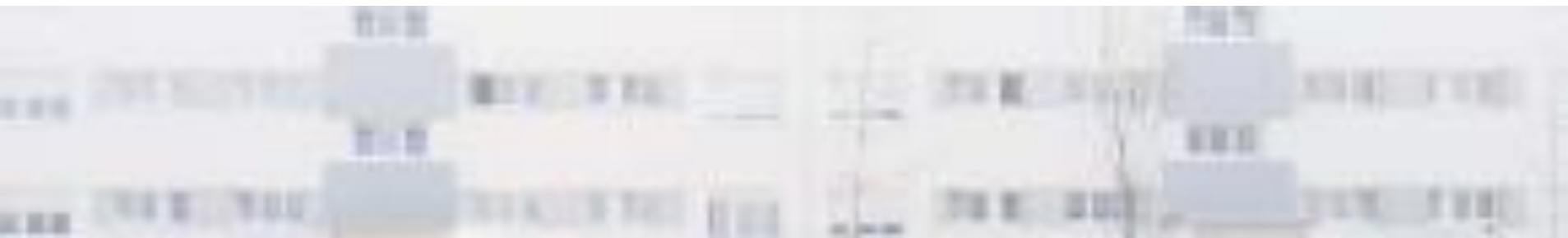
UNPI Complaints

05/05/12 : General complaint against France : no application of the EC Decision in the french SGEI of social housing

- No application of the Decision – illegal state Aids
- No control of over compensation
- No separation SGEI/commercial activities
- SGEI in all local housing markets

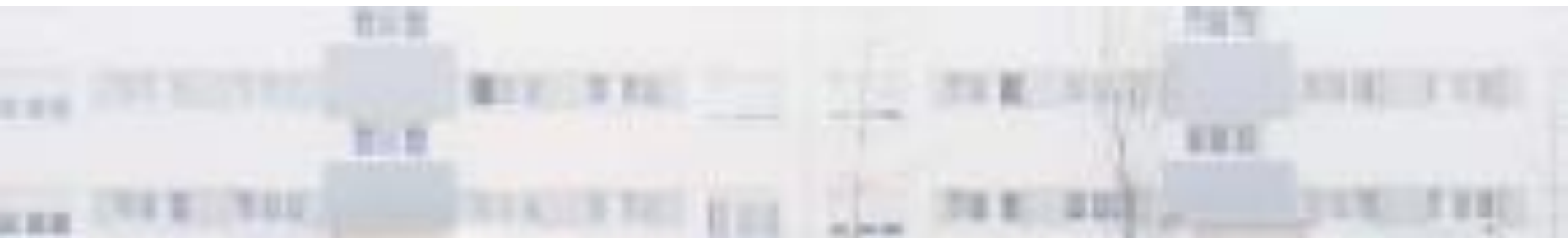
28/05/13 : new concret and legal complaint against 2 social landlords (Soginorpa + Pas de Calais Habitat)

- 2 concret cases of overcompensation
- No application of public service obligations
- No separation SGEI/commercial activities



French social housing SGEI

- Mission of general interest defined by the law including social mix and diversity of housing
- Special rights as OHLM providers by « agrément » registration
- Legal act of entrustments as SGEI
- Public service obligations :
 - income ceiling + allocation process
 - affordable rents set by the law
 - long term secured lease for tenants
 - extra-rent of solidarity
- Compensations (subsidies, LT public loans, VAT, tax exemptions, public lands, ERDF, EIB loans...)



Legal impact of complaints

- Exchange between DG COMP – French ministry of Housing
- Questions on local based SGEI / local housing markets and not at the national level
- No formal Decision of DG COMP on the 2 complaints (till now...)
- Implementation of the Decision in progress;
 - Reference of the Decision in the french law of social housing
 - entrustment acts of OHLM (CUS) + control (ANCOLS)
 - clarification of SGEI vs commercial activities – accounts
 - tool for calculation of compensation in ERDF projets
 - difficulties of calculation for LT investment projects