

Fitness check of State Aid Rules

Fields marked with * are mandatory.

Introduction

The modernisation of state aid rules launched by the Commission in 2012 had three main, closely linked objectives: 1) Foster growth in a strengthened, dynamic and competitive internal market; 2) Focus enforcement on cases with the biggest impact on the internal market; 3) Streamlined rules and faster decisions. In view of these objectives, since 2013 the Commission has revised a number of State aid rules. The aim of this Fitness check is to evaluate whether the State aid rules remain fit for purpose and whether they have contributed to achieving the EU 2020 policy objectives.

The Fitness check will cover the General Block Exemption Regulation, De Minimis Regulation, Regional Aid Guidelines, Research, Development and Innovation Framework, Important Projects of Common European Interest Communication, Risk Finance Guidelines, Airport and Aviation Guidelines, Energy and Environmental Aid Guidelines, Rescue and Restructuring Guidelines but also the Railways Guidelines as well as the Short Term Export Credit Communication (the two latter were not included in the 2012 State aid modernisation package).

The purpose of this consultation is to collect your views to assess the effectiveness, efficiency, coherence, relevance and EU added-value of the State aid rules subject to the current Fitness check.

A summary report of the public consultation will also be published in Q3 2019 on the European Commission's public consultations page of the (https://ec.europa.eu/info/law/better-regulation/have-your-say_en).

About you

Please provide your contact details below.

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian

- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* First name

Felicia

* Surname

Covalciuc

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* Organisation name

255 character(s) maximum

European Association of Guarantee Institutions (AECM)

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

67611102869-33

* Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|---|---|--|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Samoa |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> San Marino |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> São Tomé and Príncipe |
| <input type="radio"/> Andorra | <input type="radio"/> El Salvador | <input type="radio"/> Madagascar | <input type="radio"/> Saudi Arabia |
| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Senegal |
| <input type="radio"/> Anguilla | <input type="radio"/> Eritrea | <input type="radio"/> Malaysia | <input type="radio"/> Serbia |
| <input type="radio"/> Antarctica | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Seychelles |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Ethiopia | <input type="radio"/> Mali | <input type="radio"/> Sierra Leone |
| <input type="radio"/> Argentina | <input type="radio"/> Falkland Islands | <input type="radio"/> Malta | <input type="radio"/> Singapore |
| <input type="radio"/> Armenia | <input type="radio"/> Faroe Islands | <input type="radio"/> Marshall Islands | <input type="radio"/> Sint Maarten |
| <input type="radio"/> Aruba | <input type="radio"/> Fiji | <input type="radio"/> Martinique | <input type="radio"/> Slovakia |
| <input type="radio"/> Australia | <input type="radio"/> Finland | <input type="radio"/> Mauritania | <input type="radio"/> Slovenia |
| <input type="radio"/> Austria | <input type="radio"/> North Macedonia | <input type="radio"/> Mauritius | <input type="radio"/> Solomon Islands |
| <input type="radio"/> Azerbaijan | <input type="radio"/> France | <input type="radio"/> Mayotte | <input type="radio"/> Somalia |
| <input type="radio"/> Bahamas | <input type="radio"/> French Guiana | <input type="radio"/> Mexico | <input type="radio"/> South Africa |
| <input type="radio"/> Bahrain | <input type="radio"/> French Polynesia | <input type="radio"/> Micronesia | <input type="radio"/> South Georgia and the South Sandwich Islands |
| <input type="radio"/> Bangladesh | <input type="radio"/> French Southern and Antarctic Lands | <input type="radio"/> Moldova | <input type="radio"/> South Korea |
| <input type="radio"/> Barbados | <input type="radio"/> Gabon | <input type="radio"/> Monaco | <input type="radio"/> South Sudan |
| <input type="radio"/> Belarus | <input type="radio"/> Georgia | <input type="radio"/> Mongolia | <input type="radio"/> Spain |
| <input checked="" type="radio"/> Belgium | <input type="radio"/> Germany | <input type="radio"/> Montenegro | <input type="radio"/> Sri Lanka |
| <input type="radio"/> Belize | <input type="radio"/> Ghana | <input type="radio"/> Montserrat | <input type="radio"/> Sudan |
| <input type="radio"/> Benin | <input type="radio"/> Gibraltar | <input type="radio"/> Morocco | <input type="radio"/> Suriname |
| <input type="radio"/> Bermuda | <input type="radio"/> Greece | <input type="radio"/> Mozambique | <input type="radio"/> Svalbard and Jan Mayen |
| <input type="radio"/> Bhutan | <input type="radio"/> Greenland | <input type="radio"/> Myanmar /Burma | <input type="radio"/> Swaziland |

- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- North Korea
- Northern Mariana Islands
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
-

- | | | | |
|--|-------------------------------|---|---|
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Wallis and Futuna |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Helena Ascension and Tristan da Cunha | <input type="radio"/> Western Sahara |
| <input type="radio"/> Czechia | <input type="radio"/> Lebanon | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Yemen |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Lucia | <input type="radio"/> Zambia |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Martin | <input type="radio"/> Zimbabwe |

* Email (this won't be published)

felicia.covalciuc@aecm.eu

Please describe the main activities of your company/organisation/association, if applicable.

The 48 members of the European Association of Guarantee Institutions (AECM) are operating in 29 countries in Europe. They are either private sector guarantee schemes or public promotional institutions or banks. Their mission is to support SMEs in getting access to finance. They provide guarantees to SMEs that have an economically sound project but do not dispose of sufficient bankable collateral. AECM's members operate with counter-guarantees from regional, national and European level.

* Please describe the relevance of State aid rules for you:

The complex issue of the State aid impacts on the operating model of most of AECM's members.

* How would you best describe the nature of your understanding and involvement in matters related to State aid rules?

AECM members apply and comply with State aid rules when providing guarantees to SMEs.

* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

Effectiveness

Have the objectives been met?

In this section, we would like to have your opinion on the extent to which the State aid rules subject to the current Fitness check met their objectives.

1. Based on your experience, has the State aid modernisation package led to clearer rules?

	Yes	Partially	No	I do not know	These rules are not relevant for me
* General Block Exemption Regulation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* De Minimis Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Regional Aid Guidelines	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Research Development Innovation Framework	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Important Projects of Common European Interest Communication	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Risk Finance Guidelines	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Airport and Aviation Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Energy and Environmental Aid Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Rescue and Restructuring Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Railways Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Short Term Export Credit Communication	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

1.1. Please explain especially where you answered no or partially and please reference the rules in question:

5000 character(s) maximum

Referring to the General Block Exemption Regulation, there are several challenges and issues when applying GBER articles to financial instruments, namely:

- Eligibility largely restricted to SMEs <7 years from commercial sale;
- Too high private participation required for SMEs post 7 years from commercial sale (minimum 60%);
- Need to simplify the language.

In addition, the GBER lists a large number of different levels of aid intensity for SMEs, which makes it operationally difficult with different calculations for different articles/schemes using GBER. Hence, more streamlined and harmonized provisions are required.

Moreover, according to Article 17 paragraph 6, the aid intensity shall not exceed 10 % of the eligible costs in

the case of medium-sized enterprises. AECM is of the opinion that a higher threshold would facilitate a wider reach of loan size. Thus, we suggest increasing it as this threshold is too restrictive.

1.2. Which specific areas still remain unclear / could be clarified to improve the implementation?

3000 character(s) maximum

Under de minimis Regulation, further Commission's clarifications are needed as related to:

- Aid to export-related activities;
- How a public institution shall act as a public investor;
- Calculation of the gross grant equivalent.

Under the GBER, there is a need for a definition of 'public support'.

Under Risk finance aid remains unclear how to apply the open and transparent selection requirement to the co-investment model where co-investors are joining at the level of the final recipient.

2. Based on your experience, did the factors below facilitate the compliance with the State aid rules by the Member States?

	Yes	Partially	No	I do not know	These rules are not relevant for me
* Clear definition of the scope of the rules by excluding sectors or types of aid and clear definitions of those sectors and types of aid that are excluded	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Clear definition of the scope of the rules by explaining the overlaps between the different rules	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Common principles to assess the compatibility of the State aid measures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Clear rules to identify the need for State intervention	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Clear rules to identify the incentive effect of the aid measure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Clear rules to ensure that the aid is limited to the minimum necessary	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Clear rules to identify the distortive effects of the aid measure	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Publication of aid awards above EUR 500,000 on a public webpage	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Evaluation of novel or large schemes with budgets above EUR 150 million	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Clear and simplified definition of a company in difficulty	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Simplified rules for projects that are financed with EU funds (including structural funds)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Simplified rules for SMEs	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2.1. Please explain especially where you answered no or partially and please reference the rules in question

5000 character(s) maximum

2.2. Please mention any other factors that led EU Member States to being more compliant with the State aid rules:

3000 character(s) maximum

* 3. Based on your experience, since 2014 has the Commission focused its scrutiny on cases having a significant impact on the internal market?

3.1. For the State aid modernisation as a whole

- Yes
- Partially
- No
- I do not know

3.1.1. Please explain:

3000 character(s) maximum

3.2. Have the scope and notification thresholds for the following types of aids allowed the Commission to focus its scrutiny on cases with a significant impact on the internal market?

	Yes	Partially	No	I do not know	These rules are not relevant for me
* Scope and amounts under the De minimis Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Scope and notification thresholds under the General Block Exemption Regulation (in general)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Scope and notification triggers for aid for regional development in assisted areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

* Scope and notification thresholds for aid for research, development, innovation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Scope and notification thresholds for aid for SME access to finance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Scope and notification thresholds for aid for airports and aviation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Scope and notification thresholds for aid for energy and environmental protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Scope for aid for Important projects of common European interest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Scope for aid for rescue and restructuring firms in difficulty	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Scope for aid for railways	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Scope for aid for short term export credit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

3.2.1. Please explain especially where you answered no or partially and please reference the rules in question:

5000 character(s) maximum

4. Based on your experience, have the State aid rules reduced the risk of subsidy races in the EU? For example, by setting maximum ceilings for public support, by laying down the conditions at EU level to grant public support, or by increasing the transparency of public support.

	Yes	Partially	No	I do not know	These rules are not relevant for me
* Rules for the categories of aid covered by the General Block Exemption Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Rules for De minimis aid	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Rules for aid for development in assisted areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Rules for aid for research, development, innovation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Rules for aid for important projects of common European interest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Rules for aid for access to finance for SMEs	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Rules for aid for airports and aviation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

* Rules for aid for energy and environmental protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Rules for rescue and restructuring aid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Rules for aid for railway and coordination of transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Rules for aid for short term export credit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

4.1. Please explain especially where you answered no or partially and please reference the rules in question

5000 character(s) maximum

5. Based on your experience, to what extent have the State aid rules achieved the objectives listed below while maintaining a competitive internal market?

5.1 Rules for lower amounts of aid under GBER

5.1.1 Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Simplification of rules	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.1.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

Please see the comments under point 1.1.

5.2. Rules for De minimis aid

5.2.1 Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Simplification	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.2.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

Referring to Article 3 paragraph 2 of the de minimis Regulation, we suggest increasing the ceiling of EUR 200 000 to EUR 300 000 as the amount of de minimis aid, that a single undertaking may receive over any period of three years, should be adapted to the inflation that will have occurred by the end of the next programming period (= end of 2027).

5.3. Development of disadvantaged areas in the EU

5.3.1. Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Allow for the development of disadvantaged areas in the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.3.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

5.4. Research, development and innovation

5.4.1. Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Allow for more research, development and innovation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.4.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

5.5. Important Projects of Common European Interest

5.5.1. Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Facilitate important projects of common European interest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.5.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

5.6. Access to finance for SMEs

5.6.1. Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Facilitate the access to finance for SMEs	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.6.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

5.7. Connectivity between regions by using air transport

5.7.1. Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Allowing connectivity between regions by using air transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.7.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

5.8. Clean and secure supply of energy and increased environmental protection

5.8.1. Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Allow for clean and secure supply of energy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Allow for increased environmental protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.8.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

5.9. Rescue and restructure ailing companies under specific conditions

5.9.1. Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Allow to rescue and restructure ailing companies under specific conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.9.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

5.10. Companies in difficulty by setting correct definition criteria

5.10.1. Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Identify companies in difficulty by setting correct definition criteria	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Maintaining a competitive internal market



5.10.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

AECM welcomes the fact that enterprises in difficulty are no longer excluded from the scope of the de minimis Regulation. Yet, Article 4 paragraph 6 point (a) stipulates that the “safe harbour” for the calculation of the gross grant equivalent (amount of state aid) included in guarantees and loans are only applicable to enterprises that are in a position to repay such loans in the meaning that:

- the beneficiary is not subject to collective insolvency proceedings nor fulfill the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors;
- in case of large undertakings, the beneficiary is in a situation comparable to a credit rating of at least B-.

AECM considers that the definition of insolvency is negative for start-ups and therefore suggests reintroducing an exception for the companies up to 3 years, as set out in the former de minimis Regulation. Finally, referring once again to the Article 4 paragraph 6, point (a) and (c), AECM suggests revising the levels of the safe harbour according to actual conditions and interest rate levels.

5.11. Railways sector

5.11.1. Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Stimulate the railways sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.11.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

5.12. Short term export credit insurances in non- marketable countries

5.12.1. Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Allow for short term export credit insurances in non- marketable countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.12.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

5.13. Simplify State aid rules for projects funded from EU funds (structural funds)

5.13.1. Objectives

	To a large extent	To some extent only	Not at all	I do not know
* Simplification	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Maintaining a competitive internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

5.13.2. What are the obstacles to achieving the objectives?

3000 character(s) maximum

EU legislation and State aid rules should co-exist seamlessly however, some provisions in structural funds create problems of interpretation and compliance i.e.:

When referring to RDI, it appears that the most difficult issue refers to eligible costs;

Referring to State aid for Risk Finance, the most difficult issue concerns the selection of and incentives to private investors.

Besides, ESIF and State aid rules are not fully aligned in terms of eligible costs and selection of intermediaries.

6. Based on your experience, have the State aid modernisation or the State aid rules under evaluation had any positive or negative impacts that were not expected or not intended? Please explain and reference the rules in question.

5000 character(s) maximum

7. Since mid-2016, the details of all individual State aid awards above EUR 500,000 are published on a public website.

7.1. Did the publication of individual awards above EUR 500,000 contribute to reaching the following objectives?

	To a large extent	To some extent only	Not at all	I do not know
* To promote accountability and enable citizens to be better informed about public policies and spending	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* To enable companies to check whether legal aid was granted to competitors	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* To reduce the administrative burden of Member States as regards reporting to the Commission State aid expenditure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

7.1.1. Please explain:

3000 character(s) maximum

* 7.2. Is the EUR 500,000 threshold appropriate to achieve the desired objectives listed above?

- Yes
- No, it is too high
- No, it is too low
- I do not know / no opinion

7.2.1. Please explain:

3000 character(s) maximum

* 8. Since mid-2014, the largest (annual average budget above EUR 150 million) State aid schemes are subject to ex-post evaluation studies to assess their effectiveness. Do you think that this threshold is appropriate?

- Yes
- No, it is too high
- No, it is too low
- I do not know / no opinion

8.1. Please explain:

3000 character(s) maximum

Efficiency

Were the costs involved proportionate to the benefits?

In this section, we would like to have your view concerning the efficiency of the State aid rules analysed under the Fitness check. Were the costs involved in complying with the State aid rules proportionate to the benefits of having such rules?

9. Based on your experience, to what extent have the following State aid rules ensured efficient State expenditure?

	To a large extent	To some extent only	Not at all	I do not know	These rules are not relevant for me
* General Block Exemption Regulation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* De Minimis Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Regional Aid Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Research Development Innovation Framework	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Important Projects of Common European Interest Communication	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Risk Finance Guidelines	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Airport and Aviation Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Energy and Environmental Aid Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Rescue and Restructuring Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Railways Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Short Term Export Credit Communication	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

9.1. Please explain especially where you answered not at all or to some extent and reference the respective rules:

5000 character(s) maximum

10. Based on your experience, have the State aid rules subject to the current Fitness check reduced the administrative burden compared to the State aid rules in force before the State aid modernisation?

	Yes	Partially	No	I do not know	This question is not relevant for me
* For the public authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* For the beneficiaries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

10.1. Please explain especially where you answered not at all or to some extent and reference the respective rules:

5000 character(s) maximum

Relevance

Is EU action still necessary?

In this section, we would like to understand if the State aid rules analysed under the Fitness check are still relevant considering the changes in EU priorities and/or new market and technological developments

* 11. Based on your experience, how well do the objectives of State aid modernisation and of individual State aid rules still correspond to the current EU priorities?

11.1. On the State aid modernisation as a whole

- Fully
- Partially
- Not at all
- I do not know

11.1.1. Please explain:

3000 character(s) maximum

11.2. On the individual rules

	Fully	Partially	Not at all	I do not know	These rules are not relevant for me
* General Block Exemption Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* De Minimis Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Regional Aid Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Research Development Innovation Framework	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Important Projects of Common European Interest Communication	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Risk Finance Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Airport and Aviation Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Energy and Environmental Aid Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Rescue and Restructuring Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Railways Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

* Short Term Export Credit Communication



11.2.1. Please explain especially where you answered no or partially and specify which rules you refer to:

5000 character(s) maximum

12. Based on your experience, how well adapted are the following State aid rules to recent developments in markets and technology?

	Fully	Partially	Not at all	I do not know	These rules are not relevant for me
General Block Exemption Regulation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* De Minimis Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Regional Aid Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Research Development Innovation Framework	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Important Projects of Common European Interest Communication	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Risk Finance Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Airport and Aviation Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Energy and Environmental Aid Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Rescue and Restructuring Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Railways Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Short Term Export Credit Communication	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

12.1. Please explain especially where you answered no or partially and please reference the rules in question:

5000 character(s) maximum

Coherence

Does the policy complement other actions or are there contradictions?

In this section, we would like to understand the extent to which the State aid rules subject to the current Fitness check are coherent with each other and with other EU rules

*

13. Based on your experience, are the State aid rules subject to the current Fitness check coherent with each other?

- Fully
- Partially
- Not at all
- I do not know

13.1. Please explain especially where you answered no or partially and please reference the rules in question:

5000 character(s) maximum

Referring to the de minimis Regulation, GBER and Risk finance Guidelines, AECM is of the opinion that to a larger extend, the aforementioned State aid rules are coherent with each other. Yet, there is a strong need for grouping State aid rules applicable to financial instruments in a clearer manner and equally important, aligning with other regulations such as the ESIF rules. Finally, the legislator should use a more straightforward language.

14. Based on your experience, to what extent are the State aid rules subject to the current Fitness check coherent with changes in EU legislation which have occurred since the State aid rules were adopted (such as for instance in the Cohesion and Regional policy, Research and Innovation, Energy Union and Climate, Environmental protection and Circular Economy, Entrepreneurship and SMEs, Capital Markets Union, Investment Plan for Europe)?

	Fully	Partially	Not at all	I do not know	These rules are not relevant for me
* General Block Exemption Regulation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* De Minimis Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Regional Aid Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Research Development Innovation Framework	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Important Projects of Common European Interest Communication	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Risk Finance Guidelines	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Airport and Aviation Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Energy and Environmental Aid Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Rescue and Restructuring Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Railways Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>



14.1. Please explain especially where you answered no or partially and please reference the rules in question:

5000 character(s) maximum

Some provisions in Cohesion policy as well as Research and innovation create problems of interpretation and compliance i.e.:

When referring to RDI, it appears that the most difficult issue refers to eligible costs;

Referring to State aid for Risk Finance, the most difficult issue concerns the selection of and incentives to private investors.

Besides, ESIF and State aid rules are not fully aligned in terms of eligible costs and selection of intermediaries.

Therefore, there is a further need for harmonization of aid rules with EU legislation.

EU added value

Did EU action provide clear added value?

In this section, we would like to have your view concerning the EU added value of the State aid rules subject to the current Fitness check.

15. Based on your experience, have the State aid rules subject to the current Fitness check helped to deliver EU policies more efficiently?

- Yes
- Partially
- No
- I do not know

15.1. Please explain especially where you answered no or partially and please reference the rules in question:

3000 character(s) maximum

Final Comments and Document Upload

Is there anything else that you would like to add?

5000 character(s) maximum

You may attach relevant supporting documents to this questionnaire.

The maximum file size is 10 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

5fb94551-d9a3-41d4-8b52-07e4a733ea35/AECM_State_Aid_Position_Paper.pdf

* Please indicate whether the Commission services may contact you for further details on the information submitted, if required.

- Yes
 No

THANK YOU FOR RESPONDING TO THIS QUESTIONNAIRE.

Useful links

[EU 2020 Policy Objectives \(https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester/framework/europe-2020-strategy_en\)](https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester/framework/europe-2020-strategy_en)

[General Block Exemption Regulation \(https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32014R0651\)](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32014R0651)

[De Minimis Regulation \(https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2013.352.01.0001.01.ENG&toc=OJ:L:2013:352:TOC\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2013.352.01.0001.01.ENG&toc=OJ:L:2013:352:TOC)

[Regional Aid Guidelines \(https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.198.01.0001.0.ENG&toc=OJ:C:2014:198:TOC\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.198.01.0001.0.ENG&toc=OJ:C:2014:198:TOC)

[Research, Development and Innovation Framework \(https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.198.01.0001.01.ENG&toc=OJ:C:2014:198:TOC\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.198.01.0001.01.ENG&toc=OJ:C:2014:198:TOC)

[Important Projects of Common European Interest Communication \(https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.188.01.0004.01.ENG&toc=OJ:C:2014:188:TOC\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.188.01.0004.01.ENG&toc=OJ:C:2014:188:TOC)

[Risk Finance Guidelines \(https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014XC0122%2804%29\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52014XC0122%2804%29)

[Airport and Aviation Guidelines \(https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.099.01.0003.01.ENG&toc=OJ:C:2014:099:TOC\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.099.01.0003.01.ENG&toc=OJ:C:2014:099:TOC)

[Energy and Environmental Aid Guidelines \(https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.200.01.0001.01.ENG&toc=OJ:C:2014:200:TOC\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.200.01.0001.01.ENG&toc=OJ:C:2014:200:TOC)

[Rescue and Restructuring Guidelines \(https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.249.01.0001.01.ENG&toc=OJ:C:2014:249:TOC\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2014.249.01.0001.01.ENG&toc=OJ:C:2014:249:TOC)

[Short Term Export Credit Communication \(https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A52012XC1219%2801%29\)](https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A52012XC1219%2801%29)

[Communication on the State aid Modernisation \(https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52012DC0209\)](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52012DC0209)

[Better Regulation Toolbox \(https://ec.europa.eu/info/sites/info/files/better-regulation-toolbox_2.pdf\)](https://ec.europa.eu/info/sites/info/files/better-regulation-toolbox_2.pdf)

[Fitness check of State aid rules \(https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-6623981_en\)](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-6623981_en)

Contact

COMP-SA-FITNESSCHECK@ec.europa.eu