

European Commission  
Directorate-General for Competition, Unit A.3  
State aid registry  
1049 Brussels

**Dansk Industri**  
Confederation of Danish Industry

## **Ref.: HT.5647 - State aid – exemptions for small amounts of aid (de minimis aid) (update)**

The Confederation of Danish Industry (DI) – is Denmark's largest business and employers' organization. DI represents more than 19,500 small and big companies from virtually all areas of the Danish business community across the country. DI manages both employer interests and political interests of our member companies – nationally and globally. DI's registration number in the EU Transparency Register is 5749958415-41.

The EC's state aid rules play an important role in the regulation of the internal market. State aid control is the result of the need to maintain a level playing field for all undertakings in the internal market, no matter in which Member State they are established. Hence, DI endorses a transparent and effective state aid control.

We welcome the opportunity to comment on Commissions proposal to revise the de minimis threshold to adapt it to the current economic context and proposed to improve transparency requirements. The comments below may be published and does not contain confidential information.

### **Ad. the amount of the de minimis threshold**

The draft Regulation proposes a higher ceiling of 275.000 Euro as the amount of de minimis aid that a single undertaking may receive per Member State over any period of three years.

DI has previously held that the current aid ceiling should be maintained. Especially in sectors with overcapacity – in combination with many smaller undertakings – even small aid amounts could risk creating distortions of competition and affecting trade between Member States.

However, considering inflation for 2014-2030 and reflecting economic developments DI can support an increase of the threshold to no more than 250.000 Euro. An increase of the de minimis aid ceiling has to be closely linked to the strengthening of the transparency requirements.

### **Ad. the transparency requirements**

DI believes that a mandatory central register will increase transparency and lower administrative burden and legal uncertainty for companies that are currently subject to a self-declaration system. This is particularly important for small and micro-enterprises, which usually have less capacity for administrative tasks. A mandatory register will also

be beneficial for larger companies structured in groups, where de minimis aid must be cumulated at group level. Hence, DI highly welcomes a mandatory central register because it will significantly reduce administrative burdens for companies and reduce the risk of exceeding ceilings.

It should be noted that some Member States already has a central de minimis register. And in the field of agricultural de minimis aid more than ten Member States have established central aid registers, which are either earmarked for de minimis aid or part of a larger register for recording public aid in general.

### **Ad. export-related activities**

Export-related activities are excluded from the de minimis regulation. But the interpretation of what constitutes export aid seems to create problems in practice for some aid granting authorities. Thus, DI finds it positive that Recital (9) in the draft has been elaborated with references to case law from the Court of Justice of the European Union.

However, DI believes further elaborating on the notion of export-related activities would be very useful. One example is the Commission decision from 5 March 2003 concerning an export-promotion scheme of the Land of Mecklenburg-Vorpommern.

### **Supplementary comments**

To further increase transparency DI believes it would useful that Member States should report to the Commission on the application of the de minimis regulation on a yearly basis. Such annual de minimis reports should be made public on the Commission's website. This would make it easier to assess and analyse the overall level and effect of de minimis aid on competition in the different member states.

DI would also suggest introducing a state aid hearing officer to safeguard the effective exercise of procedural rights throughout state aid proceedings before the Commission. A similar hearing officer initiative already exists in merger and antitrust proceeding.

Finally, more should be done to raise awareness of the State aid rules in general and to help Member States, businesses and citizens interpret the rules. The platform e-State Aid Wiki, the Q&A-portal between the Commission and the Member States, could play a more important role in this respect, for example by publishing the questions and answers (whilst respecting confidentiality) not only for public authorities but for all stakeholders, and by providing clear information about relevant procedures.

If further information is needed, DI would be happy to elaborate on its views.

Regards,

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