

RO comments over the amendment of the Code of Best Practices for the conduct of State aid control procedures.

1. During the Multilateral meeting between the Commission and Member States' experts on State aid that took place on 12 March 2025, we clearly understood that the request for internal review does not involve a suspension of the application of the state aid decisions closing the formal investigation procedure. However, we consider it necessary to insert a clarification in this respect within the text, in order to provide more clarity for the authorities of the Member States involved in the process.
2. In the final part of the paragraph 93, 94 and 95, we found a reference to the time limits laid down in paragraphs 107 and 108 that should be suspended in particular cases. It is not clear for us whether this references should refer to the time limits set out in paragraph 97 and 98 within the same text draft.
3. In order to reduce the uncertainty state of the potential beneficiaries and of the national authorities involved in the process, we suggest that the time limit set out in paragraph 96 should be reduced to 4 weeks and the time limit set in paragraph 97 for the Commission to reply to the request for internal review to be reduced to 12 weeks. In the same way, we suggest a limitation of the deadline set out in paragraph 98, from 22 weeks to 16 weeks.
4. We understood that The Member States' confirmation in the notification form would not concern the aid notified under Article 107(2) TFEU and Article 107(3)(b) TFEU (crisis measures). However, we consider it necessary to insert a clarification in this respect within the text, in order to provide more clarity for the authorities of the Member States involved in the process.