

## **HT.6062: Estonia's comments on proposed amendments to the Commission Regulation (EC) No 794/2004 and to the Code of Best Practices**

Estonia in general supports the proposed amendments to the Commission Regulation (EC) No 794/2004 and to the Best Practices Code but have some concerns – please see below.

### Amendments to the Commission Regulation (EC) No 794/2004

1. Article 4(1) second sentence (sentence „existing aid scheme“ is replaced by „authorised aid scheme“: so far we have understood and this was also explained unofficially by DG Competition that the second sentence of Article 4(1) „However an increase in the original budget of an existing aid scheme by up to 20 % shall not be considered an alteration to existing aid“ is also applicable for aid measures implemented on the basis of general block exemption regulation (GBER). This means that if the original budget of the aid measure under GBER was increased up to 20% no new summary information sheet has to be submitted via SANI.  
By using „authorised aid scheme“ the assumption that the same principle can be used also for GBER measures is not clear any more.
2. General notification form (proposed point 6.8): we are not in favour that a specific confirmation about the measure not contravening Union environmental law is added. We ask the Commission to explain and specify what exactly is meant by „Union environmental law“ as the environmental law is a very broad topic. The reference in point 79 of the amendments to the Best Practices Code to the definition of „Union environmental law“ in Article 2(1)(f)<sup>1</sup> of Regulation (EC) No 1367/2006 of the European Parliament and of the Council is of no help. The list of such law should be made available (e.g. at DG Competition web page).

### Amendments to the Best Practices Code

1. Section 3 (paragraph 16, timing of pre-notification contacts): we regret and are not in favour of extending the timing of pre-notification phase (from 6 months to 12 months).
2. New Section 11.7 (time limits): we are very concerned about the time limits of the internal review – the time limits are too long. The proposed time limits indicate that there will be no legal certainty neither for the aid grantor nor aid beneficiary at least 7,5 months after the Commission's decision.

Tallinn

21 March, 2025

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<sup>1</sup> (f) 'environmental law' means Union legislation which, irrespective of its legal basis, contributes to the pursuit of the objectives of Union policy on the environment as set out in TFEU: preserving, protecting and improving the quality of the environment, protecting human health, the prudent and rational utilisation of natural resources, and promoting measures at international level to deal with regional or worldwide environmental problems.