

## **HR VIEWS ON AMENDMENTS TO THE IMPLEMENTING REGULATION AND THE CODE OF BEST PRACTICES FOR THE CONDUCT OF STATE AID CONTROL PROCEDURES**

The Croatia welcomes the proposed amendments and sees them as a step towards strengthening transparency and compliance with EU environmental law.

We support the setting up an internal public review procedure complying with Article 9. Regulation (EC) 1367/2006 on the application of the provisions of the Aarhus Convention as well as the obligation to confirm the compliance of the measure by the MS with EU environmental law, with the development of clearer guidelines for the MS so that this obligation is legally established.

In particular, we also consider it justified to remove the streamlined procedure which is not applied by the MS, ensuring additional legal certainty for the entire procedure, as well as extending the time frame of the pre-notification phase from 6 to 12 months, which is particularly evident in more complex measures involving environmental issues and compliance with environmental legislation.

We believe that the introduction of a uniform annual reporting form will contribute to better alignment of state aid measures with environmental objectives.

We are positive about the proposed changes and would like to put an emphasis on the need to further strengthen the capacity of MS to implement the new obligations and to ensure legal certainty through detailed guidelines and further dialogue with the European Commission.

In addition, we would kindly ask for some clarifications if you can provide them at this point:

1. If we understand correctly, this obligation of the MS to confirm that their measures will not have a negative impact on the environment, i.e. that they are not contrary to EU environmental law apply only on state aid measures which must be notified to the Commission on the assessment, but not those which are exempted from the notification obligation?

So, in that sense we would like to ask whether such an obligation will also apply to crisis programmes and future CISAF?

Our proposal would be to exempt such future measures from the obligation of confirmation because they refer to crisis situations related mainly to liquidity and not potentially to harmful investments or harmful large joint EU projects.

2. How and on the basis of which act or guideline and also through which domestic body will be possible to verify compliance with EU environmental law?

Our suggestion is that there is a list of relevant regulations or check list of certain conditions and criteria that will simplify the procedure.