

**LATVIAN COMMENTS ON AMENDMENTS TO (I) THE IMPLEMENTING REGULATION AND (II) THE CODE OF BEST PRACTICES FOR THE CONDUCT OF STATE AID CONTROL PROCEDURES (HT.6062)**

No.	Place in the document text	Comments/Proposals
<i>COMMISSION IMPLEMENTING REGULATION (EU) .../... of XXX amending Commission Regulation (EC) No 794/2004 as regards an internal review mechanism to follow up on the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2015/128 and other procedural updates DRAFT (Annex I)</i>		
1.	<p>Article 1 point 7:</p> <p>Article 8 is amended as follows:</p> <p>[..]</p> <p>(c) in paragraph 5a, ‘Article 6a(6) of Regulation (EC) No 659/1999’ is replaced by <b>Article 5(6) of Regulation (EU) 2015/1589</b>’;</p> <p>[..]</p>	<p>We would like to draw the Commission’s attention that there is a technical error in Article 1 point 7 – reference to Regulation (EU) 2015/1589 Article 5(6) is invalid and must be replaced by reference to Regulation (EU) 2015/1589 Article 7(6).</p>
<i>ANNEX to the Implementing Regulation COMMISSION IMPLEMENTING REGULATION (EU) .../... of XXX amending Commission Regulation (EC) No 794/2004 as regards an internal review mechanism to follow up on the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2015/128 and other procedural updates DRAFT (Annex II)</i>		
2.	<p>6.7. <i>In accordance with the Transparency Communication<sup>12</sup>, please indicate whether the following information will be published on a single national or regional website: the full text of the approved aid scheme or the individual aid granting</i></p>	<p>Given that for transparency requirements Member States have option to use the IT platform established by the European Commission (Transparency Award module), in order to ensure a common approach to transparency requirements in the State aid regulations, we kindly propose to use the following wording: "6.7. In accordance with the Transparency Communication, please indicate whether the following</p>

	<p><i>decision and its implementing provisions, or a link to it; the identity of the granting authority/(ies); the identity of the individual beneficiary(ies), the aid instrument<sup>13</sup> and amount of aid granted to each beneficiary(ies); the objective of the aid, the date of granting, the type of undertaking (for example SME, large company); the Commission's aid measure reference number; the region where the beneficiary is located (at NUTS level 2) and the principal economic sector of the beneficiary(ies) (at NACE group level)<sup>14</sup>.</i></p> <p><i><sup>14</sup>Such a requirement can be waived with respect to individual aid awards below EUR 500 000. For schemes in the form of tax advantages, the information on individual aid can be provided in the following ranges (in EUR million): [0.5-1]; [1-2]; [2-5]; [5-10]; [10-30]; [30 and more]</i></p>	<p>information will be published in the Commission's transparency award module or on a comprehensive State aid website, at national or regional level[..]"</p> <p>In addition, as transparency requirement can be waived with respect to individual aid awards below <b>EUR 100 000</b> and reporting ranges have changed as well, please clarify footnote 14.</p>
<p><i>ANNEX to the DRAFT Implementing Regulation COMMISSION IMPLEMENTING REGULATION (EU) .../... of XXX amending Commission Regulation (EC) No 794/2004 as regards an internal review mechanism to follow up on the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2015/128 and other procedural updates DRAFT (Annex V)</i></p>		
3.	<p><b>4.3 Independent status of your organisation: *</b></p> <p><i>Is your non-governmental organisation an independent organisation?</i></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>We kindly ask the Commission to elaborate the context and criteria of determining an organisation as independent.</p>

	<i>In the affirmative, please explain and indicate where this is registered (specifying the page and article/paragraph): ... (maximum 250 words</i>	
<i>COMMUNICATION FROM THE COMMISSION concerning the amendment of the Code of Best Practices for the conduct of State aid control procedures DRAFT (Annex VI)</i>		
4.	-	Latvian authorities would like to draw the Commission's attention that although the Amendments provide an internal review mechanism for certain State aid decisions and establish an obligation for Member States to certify compliance with EU environmental legislation, it is unclear whether they fully address the shortcomings identified by the Aarhus Convention Compliance Committee (hereinafter - ACCC) in case ACCC/C/2015/128. Regulation No 1367/2006 continues to exclude the Commission's State aid decisions from its scope, despite the ACCC's finding that is contrary to the requirements of the Aarhus Convention. Similarly, direct access to justice is not ensured and, even in situations where a review mechanism is applicable, it is not applicable to all aid cases affecting environmental law. At the same time, Latvian authorities are aware of the need to strike a balance between the protection of rights under the Aarhus Convention and the potential increase in administrative burden. In the light of the above, it would be appropriate to continue discussions at the European Union level on whether the Amendments strike a sufficient balance between compliance with the requirements of the Aarhus Convention, addressing the shortcomings identified in the ACCC case and the efficiency of the State aid process.
5.	<i>93. If, on the basis of the information provided in accordance with paragraphs 79 to 81, it is not possible for the Commission to fully assess whether the criteria or conditions are met, it should invite the requesting party to provide additional</i>	It is unclear which time limits laid down in paragraphs 107 and 108 and in what context should be suspended as mentioned in point 93. In this regard we kindly ask the Commission to clarify this aspect.

	<i>documentation or information, as well as a non-confidential version of such documentation or information, if the case. The requesting party should reply within a reasonable period to be specified by the Commission, not exceeding 30 days. <b>During that period, the time limits laid down in paragraphs 107 and 108 should be suspended.</b></i>	
6.	<i>Section 3 ('Pre-notification'), paragraph 16 of the Best Practices Code is amended as follows: 'The timing and format of pre-notification contacts largely depend on the complexity of the case. Although these contacts may last several months, they should, as a general rule, <b>not last more than 12 months.</b>'</i>	Latvian authorities regret prolongation of prenotification maximum period to 12 months as it is not in line with general aim to simplify and fasten all the procedures. We would welcome if the Commission reconsider and shorten the deadline.
<i>RULES OF PROCEDURE OF THE ADVISORY COMMITTEE ON STATE AID (Annex VIII)</i>		
7.	<i>Point 5 Opinions of the group As far as possible, the group shall adopt its opinions by consensus. Each Member State may ask to have its position recorded in the minutes of the meeting.</i>	It is unclear what kind of expert group opinions it is planned to adopt by consensus within the Advisory Committee. According to clarification provided during the meeting 12/03/2025, no changes are planned compared to current practice. We kindly ask the Commission to make relevant corrections in Point 5 of the document.
<i>RULES OF PROCEDURE OF THE EXPERT GROUP 'MULTILATERAL MEETINGS ON STATE AID (Annex IX)</i>		
8.	<i>Point 5 Opinions of the group Opinions of the group As far as possible, the group shall adopt its opinions, recommendations or</i>	It is unclear what kind of expert group opinions, recommendations or reports it is planned to adopt by consensus within the Multilateral meeting. According to clarification provided during the meeting 12/03/2025, no changes are planned

	<p><i>reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.</i></p> <p><i>The opinions of the group are not binding on the Commission.</i></p>	<p>compared to current practice. We kindly ask the Commission to make relevant corrections in Point 5 of the document.</p>
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