

LATVIAN COMMENTS ON DRAFT COMMUNICATION ON THE ENFORCEMENT OF STATE AID RULES BY NATIONAL COURTS (HEREINAFTER- THE DRAFT)

No.	Place in the document text	Comments/Proposals
1.	<p>(1) Point 14, Footnote 13 (14) Where a measure does not constitute State aid, Member States can, therefore, implement it without prior notification to the Commission. The Commission provided guidance for the interpretation of the notion of State aid¹³.</p> <p>¹³ Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (OJ C 262, 19.7.2016, p. 1); Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest (OJ C 8, 11.1.2012, p. 4); Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (OJ C 155, 20.6.2008, p. 10).</p>	<p>Given that guidance on the concept of State aid is also provided in other specific state aid documents, in order to provide a comprehensive list of the relevant documents referred to in reference 13, Latvian authorities would propose to supplement it with horizontal and sector-specific documents, for instance, RDI Guidelines and Communication on Short-term export-credit insurance.</p>
2.	<p>(2) Point 80 If the Commission declares the aid compatible, European Union law only requires Member States to recover the illegality interest in respect of the period</p>	<p>Latvian authorities kindly ask the European Commission to clarify Point 80 of the Draft – from the wording used in the Point 80 it is not clear whether it is an obligation for the Member State itself to initiate proceedings against the aid recipient regarding recovery of illegality</p>

	<p>of unlawfulness⁹⁷, which runs from the payment of the aid until the declaration of compatibility. The Commission decision does not have the effect of retrospectively regularising implementing measures that were taken in breach of Article 108(3) TFEU⁹⁸.</p>	<p>interest for the period of unlawfulness or this is only perceived as a possibility to file the case to the court for the recovery of illegality interest by the interested party/ competitor. Latvian authorities kindly ask to amend Point 80 of the Draft with an explanation that such proceedings should be brought against (illegal) aid recipient by competitor's complaint.</p>
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