



Ministry of Economic Affairs
and Employment of Finland


European Commission
Directorate-General for Competition
Unit H4 - State aid enforcement and monitoring
stateaidgreffe@ec.europa.eu
Re: HT.5303 – Review of Enforcement Notice

15. April 2021

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PRELIMINARY CONTRIBUTION FROM FINLAND REGARDING THE DRAFT NOTICE ON THE ENFORCEMENT OF STATE AID RULES BY NATIONAL COURTS

The following preliminary comments are the result of consultations between competent ministries and subject to the approval of the Finnish parliament. Finland supports the initiative to revise the 2009 Commission notice on the enforcement of State aid rules by national courts. The effective enforcement of State aid rules at national level is essential for the functioning of EU State aid control and the internal market and ensuring the harmful competitive effects of unlawful State aid are removed. The application of State aid rules by national courts is in an increasingly central role when a large proportion of aid is granted on the basis of exceptions to the requirement of prior notification such as the General Block Exemption Regulation. National courts are able to act in those cases where a particular type of unlawful aid is not prioritized in the Commission's enforcement policy. Finland considers the numerous examples of good cooperation practices between the Commission and Member State that the Commission highlights in the draft notice particularly useful. During the drafting process attention should continue be paid to facilitating the effective implementation of State aid control in national courts. Finland considers it important that when dealing with issues of State aid law, national courts should be able to protect the rights of third parties in accordance with the principle of effectiveness and the principles described in the draft notice.


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