

OPINION OF SLOVENIA

DRAFT DG COMPETITION PROPOSAL - COMMISSION REGULATION (EU) amending Regulation (EU) 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty

Slovenia welcomes the Commission proposal regarding the amendments of Commission Regulation (EU) 651/2014. Although Slovenia in general supports the view of the Commission there are some points and proposals of the Commission that need additional attention and discussion. Slovenia would also like to propose some other changes or clarification to the Regulation 651/2014.

CHAPTER I

Article 1(2)(c) (aid to export-related activities): Slovenia proposes to the Commission to better define "aid to export-related activities". That provision is not subject to proposed change of GBER but a lot of MS are dealing with this issue. Slovenia has already addressed the following question to the European Commission, but did not receive a clear answer. Therefore, in the context of changes of GBER we like to ask the Commission to give a clear answer to the following question:

Would it be in compliance with the SA rules if the criteria for selection of beneficiaries stipulate that the funding may be awarded to the companies whose share of sales in foreign markets is higher than the average of the branch or which sale in the foreign markets accounts for at least 25% of revenues. (It is a general "entry criteria" for the beneficiaries (to apply for the funds) and does not relate to the aided measure / activity which are subject of co-financing. Aided measure as such won't relate to export.)

Article 5 (Guaranties): Guaranties are considered as transparent aid instrument if, inter alia, the gross grant equivalent has been calculated on the basis of safeharbour premiums lay down in a Commission notice. Is this possibility valid only for SME's or also for large companies?

Article 7(1) (Aid intensity and eligible costs): Commission has proposed to add the following provision in Article 7: *»The amounts of eligible costs can be calculated in compliance with the simplified cost options set out in Articles 67 and 68 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council*, provided that the operation is at least partly financed through an EU fund that allows the use of these simplified cost options and that the category of costs is eligible according to the relevant exemption provision.«* This wording is not clear, therefore Slovenia propose to the Commission to explain whether this provision means that also lump sums costs could be considered as eligible costs, in line with Article 68 of Regulation (EU) No. 1303/2013. Slovenia proposes to Commission to provide an example of this type of costs.

Article 9(1)(c) (Publication and information): Slovenia proposes to the Commission to change Article 9 (1)(c) (and consequently footnote 1 to point 2 of Article 9 and the eighth indent of the information requirements set out in Annex III) in such a way that the requirement for publication: "(c) the information set out in Annex III for each grant of individual aid in excess of 500 000 EUR" changes to "(c) the information set out in Annex III for payment of aid exceeding 500 000 EUR."

With this change the reporting obligation would occur only after the actual payment of the aid and not after the aid is granted. This would ensure that the published data and information on the individual aid exceeding 500,000 EUR would be of better quality and would meet the actual situation regarding the actual received individual aid. There are many cases where the granting of aid itself does not mean that the aid would also be paid out in the approved amount or paid at all.

This would be merely a change in the requirements for publication of information from point 1 (c) of Article 9 (and Annex III), which will not affect Transparency of aid defined in Article 5.

CHAPTER III Specific Provisions for the Different Categories of Aid

SECTION 1 - REGIONAL AID

Article 14(6) (Regional investment aid): The first sentence of point 6 determines: *"The assets acquired shall be new except for SMEs and for the acquisition of an establishment"*. Slovenia proposes to the Commission, that the first sentence of paragraph 6 of Article 14 is amended to read as follows: "The assets acquired shall be new except for SMEs, for the acquisition of an establishment and for the acquisition of land and buildings."

The existing provision is irrational in the case of the acquisition of land and buildings by large companies. There are namely a lot of empty object on the market, which could not be eligible for regional aid therefore large companies prefer to build new facilities.

Another alternative is to clearly define, what is considered as "New assets".

SECTION 14 (Aid for regional airports) and SECTION 15 (Aid for ports)

Slovenia welcomes the Commission proposal to broaden the scope of aid measures that may be exempt from the notification obligation to regional airports and ports.

Regarding the compatibility criteria for the new categories of aid Slovenia will provide its opinion later on.