

First and foremost, we suggest reconsidering the argument that competition policy is not in the lead of the fight against the climate change, when the whole roll-out of the EU member states' renewable energy resources have been based on measures controlled under the EU state aid rules. Even the taxation measures given as a prominent example of climate protection tools could well fall within the state aid framework. In our opinion the state aid rules have become a climate protection regulatory instrument on their own merits. Therefore, we believe that the amendments that we suggest below, especially as regards state aid, should be considered from this perspective (and not as a simple relaxation of competition discipline) and allowed accordingly to fulfil their unique function in protecting the climate.

1. What are the main changes you would like to see in the current State aid rulebook to make sure it fully supports the Green Deal? Where possible, please provide examples where you consider that current State aid rules do not sufficiently support the greening of the economy and/or where current State aid rules enable support that runs counter to environmental objectives.

Regarding the EU decarbonization efforts the state aid rules shall enable a support for new technologies (e. g. hydrogen and digitalization) as well as for the mature solutions such as renewables and nuclear energy that significantly contribute to the carbon neutrality target. In a view of the future research and development results the state aid measures shall be based on the technology neutrality principle considering market situation and the development of new technologies.

As an appropriate example of the situation, where current State aid rules do not sufficiently support the greening of the economy, can be provided the absence of possibility to combine investment aid together with operational aid in case of building charging infrastructure for EVs. In some developing regions the operation of the electric charging point for EVs is not economically recoverable despite the existence of prior investment aid.

Another positive incentive for the better support for green projects could be the increase of de minimis limit for all enterprises from 200.000 euros to 1,000.000 euros. Such increase shall be strictly bound to the higher positive environmental impacts of the project.

2. If you consider that lower levels of State aid, or fewer State aid measures, should be approved for activities with a negative environmental impact, what are your ideas for how that should be done? a. For projects that have a negative environmental impact, what ways are there for Member States or the beneficiary to mitigate the negative effects? (For instance: if a broadband/railway investment could impact biodiversity, how could it be ensured that such biodiversity is preserved during the works; or if a hydro power plant would put fish populations at risk, how could fish be protected?)

We have no response to this question.

3. If you consider that more State aid to support environmental objectives should be allowed, what are your ideas on how that should be done?

As stated in our first response, the technology neutrality principle shall be applied in the assessment if the specific measure included state aid. This principle should not only address the existing legislative framework (EEAG 2021+) but also enabling support for the long-term scenario.

4. How should we define positive environmental benefits? a. Should it be by reference to the EU taxonomy³ and, if yes, should it be by reference to all sustainability criteria of the EU taxonomy? Or would any kind of environmental benefit be sufficient?

We consider the EU taxonomy criteria as a useful tool for private investors helping them to choose between various investment assets on the unified sustainability standards. However, these standards shall not be used for the redistribution of the public funding through the state aid. The positive environmental effects of a specific measure need to be strictly considered in each case separately.

Part 2. Antitrust rules

2. *Should further clarifications and comfort be given on the characteristics of agreements that serve the objectives of the Green Deal without restricting competition? If so, in which form should such clarifications be given (general policy guidelines, case-by-case assessment, communication on enforcement priorities...)?*

Given the ever-increasing urgency and pace of fighting the climate change at the EU level, comprehensive clarification of the characteristics of agreements that serve the objectives of the Green Deal without restricting competition should be provided in the form of amendment to the Commission Guidelines on horizontal cooperation agreements and Guidelines on application of Article 101(3) of the Treaty respectively. Furthermore, using example of the Commission fighting the COVID crisis, offering *comfort letters* concerning agreements with declared significant contribution to combating climate change should be considered, especially in case of lack of leading cases to be summarized in possible amendments to the above-mentioned guidelines.