

Comments of the Czech Republic on the public consultation – Draft amendment to Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest.

- **Art. 1(2)(a):** In the third draft of Regulation (EU) No 717/2014, it was proposed that, due to the nature of the activities in the processing and marketing of fishery and aquaculture products, and the similarities with other processing and marketing activities, Regulation (EU) No 1407/2013 should apply to the processing and marketing of fishery and aquaculture products, provided that certain conditions are met. Regulations (EU) No 717/2014 and (EU) No 1407/2013 should therefore be amended to allow undertakings active in the processing and marketing of fishery and aquaculture products to benefit from *de minimis* aid under Regulation (EU) No 1407/2013. For the purpose of such alignment, the scope of this Regulation should also be amended accordingly, excluding only aid granted to undertakings active in the primary production of fishery and aquaculture products while aid for processing or marketing should be treated in the same manner as in the case of agricultural products under Art. 1(2)(c).
- **Art. 2(1)(a):** In the definition of “agricultural products” should be added “Annex I” between the words “set out in” and “of Regulation (EU) No 1379/2013” since fishery and aquaculture products are actually listed in Annex I of that regulation. Please note that this definition referring to Annex I has already been used in relevant Commission Regulations such as 2022/2472 [cf. Art. 2(45)] and 2022/2473 [cf. 2(13)].
- **Art. 3 (2)** We welcome the intention of the European Commission to increase the ceiling of de minimis aid granted to undertakings providing services of general economic interest.. Nevertheless, we consider the proposed ceiling of **EUR 650 000** insufficient. Given the economic conditions, we propose to increase the ceiling to at least **EUR 1 200 000** which more accurately reflects the current economic situation (inflation - especially price increase in the food processing sector and energy sector, increased investment cost etc.). The higher ceiling also creates space to respond quickly and effectively to the effects of crises (epidemics, energy crisis, geopolitical situation) thanks to the simpler administration of the support provided as de minimis aid. At the level of municipalities and regions, infrastructure for services of general economic interest should be significantly strengthened in the short term in a number of areas, notably education, health and social services. For these reasons, a significant increase of limit for SGEIs would be very welcome.
- **Art. 6(4):** The Czech Republic calls for an extension of the period of 6 months for the establishment of the central *de minimis* aid register or, in our case, for its modification in accordance with the new regulation **to one year**, so that the national legislation and the technical modification of the national register can be prepared. Both can start to be prepared only after the final wording of the new regulation is known.
- **Art. 6(4):** According to the proposed regulation, Member States shall publish the information about any granted de minimis aid in the central register at the latest within 20

working days following the grant of the aid. In our opinion, the period of 20 working days is too long to enable an effective control whether the *de minimis* limit is complied. In the Czech Republic, granting authority has a legal obligation to register data about any granted *de minimis* aid to the (Czech) central register within 5 working days after the granting date. The deadline of 5 working days is a compromise - on the one hand it gives the granting authorities enough time to enter data, on the other hand it ensures that the data and limits are up-to-date. This national deadline has been in place since 2010 and it is already well-established practice among granting authorities. Proper and timely recording of any granting aid to the central register is absolutely essential to enable control of compliance with the *de minimis* limit. For these reasons, we recommend in the proposed regulation to **delete the period for publishing information about any granted *de minimis* aid in the central register** and to leave the deadline up to Member States and their established practice.

- **Art. 6(6)(f):** Based on this provision, the information to be published in a mandatory central *de minimis* aid register should – *inter alia* – include sector involved on the basis of the statistical classification of economic activities in the European Community (“NACE classification”). While we understand the necessity for other information laid down in Art. 6(6), we would like to highlight our **strong concern about the NACE classification**. It must be borne in mind that *de minimis* should remain a simple, flexible and quick tool for granting limited amounts of aid which have no impact on competition and trade within the single market. This tool should be used judiciously, with only most necessary information provided to avoid increasing administrative requirements and associated costs. In light of the above, we see no reason for a precise identification of the NACE classification in case of *de minimis* aid. Such a requirement would only significantly and disproportionately increase the level of administrative burden for granting authorities. In this respect, **we urge the Commission to remove the NACE classification requirement from the draft regulation.**

Formal comments on the wording of the draft regulation

- **Recital 4 of the Preamble (English wording):** In the last sentence, the word “**expiry**” should be replaced by “**expire**”.
- **Recital 6 of the Preamble (Czech wording):** There is a misspelled word in the text (sixth line) “**zohlednněna**” that should be spelled “**zohledněna**.”
- **Recital 9 of the Preamble (Czech wording):** In the first sentence, the word “**odvětví**” refers to multiple sectors (just as the English version reflects), thus should be replaced by its plural form “**odvětvích**”.
- In the whole Czech version of the proposed regulation, the English term “*period of 3 fiscal years*” is translated as “*tříleté účetní období*”. We consider the translation “*tříleté účetní období*” incorrect. We **recommend to translate** the term “*period of 3 fiscal years*” as “**tři po sobě jdoucí účetní období**” in the Czech version of the proposed regulation. In this context, we recommend to translate Art. 3(2) of the proposed regulation as: „*Celková výše podpory de minimis, kterou členský stát udělí jednomu podniku poskytujícímu služby obecného hospodářského zájmu, nesmí v žádném tříletém účetním období za libovolná*”

tři po sobě jdoucí účetní období přesáhnout částku 650 000 EUR. ~~Třileté~~ **Účetní období** se stanoví podle účetního období používaného podnikem v příslušném členském státě. “