

Luxembourg contribution to the first draft proposal for the revision of the Regulation *de minimis* granted to undertakings providing services of general economic interest (SGEI)

Luxembourg welcomes the revision of the SGEI *de minimis* regulation, which it considers an important tool at the disposal of Member States to grant small amounts of aid to undertakings providing services of general economic interest. As a preliminary remark, Luxembourg refers the Commission to the position paper submitted in the public consultation on the first draft of the general *de minimis* regulation. In our view, it is of paramount importance that the two regulations are entirely aligned on all levels (eg. notion of single undertaking).

Regarding the provisions of the draft regulation, Luxembourg would like to raise the following points:

➤ National register

Luxembourg expresses its disagreement with the implementation of a public *de minimis* register, as foreseen in art. 6.4 of the draft regulation. As mentioned before, such a register would lead to a disproportionate increase of administrative burden regarding measures that do not qualify as state aid and are therefore not subject to state aid control.

Moreover, not only would the implementation of such a register not provide the desired legal certainty, in particular because of the complexity of the notion of single undertaking and the time lag between granting and registering the aid, but it would also risk making potential beneficiaries believe that they are entitled to the aid.

For these reasons, Luxembourg strongly believes that a public register on which undertakings and different granting authorities can rely on only seems reasonable if the amount of aid is assessed at the level of the aid beneficiary (legal entity) rather than on the one of the single undertaking.

Moreover, Luxembourg would like to point out that the 6 months delay foreseen by new *de minimis* SGEI regulation (i.e. by mid-2024) is unrealistic from a Member State point of view, given the necessity for such a change to pass through the national legislative process, IT development, as well as require training for the subsequent users.

Therefore, Luxembourg is of the opinion that the implementation of the *de minimis* register should take place at EU level and not at Member State level. Furthermore, should this option be considered, Luxembourg strongly advocates in favor of the implementation of a single register for aid falling within the scope of either the general *de minimis* regulation, *de minimis* agriculture regulation and the *de minimis* SGEI regulation.

Lastly, Luxembourg is in favor of publishing the aid at the level of the legal entity, not the group. Moreover, in its view, it would make sense to include a minimum threshold for the publication. For example, *de minimis* aid below 10,000€ should not be published on the register.

➤ *De minimis* ceiling

Luxembourg welcomes the increase of the *de minimis* ceiling for SGEI to 650.000€. In addition, Luxembourg believes that checking the respect of the *de minimis* threshold at the end of every fiscal year is too cumbersome, as it also varies between entities. A much easier way would be to use the calendar year as a reference period.

Due to our limited experience, we have no further comments on this.

➤ Transitional period

Considering the length of its national legislative process, the 6 months provided for in the current version of art. 7.3 of the draft regulation do not allow for a proper transition. Therefore, Luxembourg invites the Commission to increase the transition period to 18 months.