

We would like to submit our observations regarding article 6 ‘monitoring’ of the draft regulation regarding **State aid – review of rules on exemptions for small amounts of aid to services of general economic interest**.

We agree that in an ideal world, a comprehensive central register could indeed supply more legal certainty and less red tape. However, such a register can only work if there are sufficient guarantees as to the correctness and completeness of such a register. And that is not easy to achieve, especially in countries where there are a lot of decentralized aid granting authorities.

We advocate our opposition against a mandatory central register based upon following arguments:

- First of all it is a principal matter. The control on de-minimis SGEI aid goes too far. De-minimis aid relates to very small and limited amounts of aid that don’t even have an effect on trade or competition. By definition it does not concern state aid as defined in article 107 of the Treaty. We find it disproportionate and administratively too burdensome to set up elaborate control systems and procedures.
- There are a lot of decentralized competences in Belgium. Not only the federal government, but also the regions and the communities often have exclusive state aid competences. Besides that, there are also more local authorities (such as provinces, communes, intercommunal co-operations,...) that can grant little amounts of aid within their territory and competences.
- There is no central controlling competent state aid agency in Belgium that has the competence to control other state aid granting bodies, let alone that it would have the competence to make the other granting authorities change their legislation. Each aid granting authority is by itself responsible for the compliance with the state aid rules.
- We do not intend or want to set up 1 central control agency to centralize all the data in Belgium. This does not comply with our constitutional set up, nor with the division of competences and internal state structure.
- The undertaking applying for the aid is the only one that can be 100% sure which aid was obtained by which granting authority. A declaration of honor is thus the only way to have legal certainty as there can never be 100% certainty that all de-minimis aid granted by national, regional or local entities would be entered correctly and completely in the register.
- Another relevant factor are the costs. The building, maintenance, updates,... of such an IT system would bring along considerable costs, both on a technical level as well as personnel costs. That would also lead to difficult choices regarding the right format, interfaces and operational issues to connect the different databases and let them all work together, which cannot be achieved within a short timeframe.
- We thus remain against the mandatory use of one central de-minimis register. If the Commission would indeed carry on with this obligation, there would be need for a longer transitory period.
- To conclude on this point, we repeat that this register could be a useful “historical” overview, but it can never be a legally binding and complete instrument as the granting authority can never be sure that at the moment of the granting of the aid,

all relevant data is already included in the register. In that way the register is a “nice to have” but in no way a solution to lower the administrative burden or to increase the legal certainty for undertakings and authorities. Quite to the contrary. For all of the reasons above we find the mandatory central register for SGEI de-minimis aid extremely disproportionate.