



European Commission
Directorate-General for Competition
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Positions for the draft of Commission Regulation amending Commission Regulation (EU) No 1408/2013

Dear sir/madam find below our positions,

On the 10th of July 2024, the Advisory Committee meeting on State Aid took place. The Commission informed the participants during that meeting that Member States could submit feedback until 21.07.2024 on the draft of Commission Regulation amending Commission Regulation (EU) No 1408/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the agriculture sector.

We are generally in support of the draft. We submit the following questions as feedback:

- Our first question is regarding the amended Article 6 paragraph 3, where it states that Member States have an obligation to keep records of the registered information for ten years. In the current regulation in Article 6 paragraph 4 there is a broader obligation to record and compile all information regarding the application of Regulation (EU) No 1408/2013 for 10 fiscal years. Does this change mean that we no longer need to keep all documentation relating to granting of aid and it is enough that only data listed in the article 6 paragraph 1 of the draft Regulation is available in the register?
- Our second question is regarding the new paragraph 2a of the amended article 5. The new paragraph states that “*de minimis* aid granted in accordance with this Regulation may be cumulated with *de minimis* aid granted in accordance with Commission Regulation (EU) 2023/2832 (SGEI) up to the ceiling laid down in that Regulation...”. In the new horizontal *de minimis* Regulation (EU) 2023/2831 there is article 5 paragraph 1 which allows that horizontal *de minimis* can just be cumulated with SGEI *de minimis*. We don't agree with the new paragraph 2a in the draft Regulation as it is a different approach from the horizontal *de minimis* Regulation. We would like the Commission to explain why the approach for *de minimis* aid in the agriculture sector is different from the horizontal *de minimis* aid regulation?

Yours sincerely,

Olavi Petron
Head of the Regional Development Department
(e-signed)

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