

HT.5224 Targeted review of the General Block Exemption Regulation (State aid): extension to national funds combined with certain Union programmes

Estonia' position on I draft

1) European Territorial Cooperation projects:

Estonia supports amendments regarding aid for European Territorial Cooperation projects – to allow aid also to large undertakings and to add simplified block exemption for very small amounts. We also support the possibility to grant aid to ETC projects for fisheries sector and primary agricultural production sector.

2) Co-funded RDI projects:

We also support the amendments regarding R&D&I projects already assessed under Horizon 2020 or Horizon Europe.

Regarding *Technology Readiness Levels* - we suggest to explicitly stipulate that aid for Level 9 is not eligible (if this is the case) – it is not clear from the draft.

3) Article 9:

We agree with the amendments on Article 9 regarding aid amounts to be published for beneficiaries active in primary agricultural production, that is aid awards exceeding 60 000 euros. We suggest to add also provision on avoidance of double publication similar to Article 10 of the Commission agricultural block exemption regulation (i.e. Commission Regulation No 702/2014)

Article 10 Avoidance of double publication

If the individual aid award falls within the scope of Regulation (EU) No 1305/2013 and is either co-financed by the EAFRD or granted as additional national financing for such co-financed measures, the Member State may choose not to publish it on the State aid website referred to in Article 9(2) of this Regulation, provided that the individual aid award has already been published in accordance with Articles 111, 112 and 113 of Regulation (EU) No 1306/2013 of the European Parliament and the Council (1). In that case, the Member State shall make a reference to the website referred to in Article 111 of Regulation (EU) No 1306/2013 on the State aid website referred to Article 9(2) of this Regulation.

4) InvestEU:

In general we support the proposed amendments regarding InvestEU projects. But we are of the opinion that these new rules are not very clear and easy to implement. So we suggest the Commission to re-introduce the possibility of providing „confirmation letters“ for draft schemes falling under the new categories of GBER (mainly InvestEU projects) if the Member State asks for it. The system of „confirmation letters“ was used by the Commission in 2014 and we found it very useful.

Article 56e(7)(a)(v): this subpoint stipulates that aid for „rolling stock for the provision of rail transport services on lines fully opened to competition“ is eligible only if the beneficiary is a „new entrant“.

We are of the opinion that it should be possible and eligible to grant aid for rolling stock also in case public service obligation has been awarded in accordance with Council Regulation No 1370/2007, not only to „new entrants“.

So we suggest to add the following text „or in case of a public service obligation and public service contracts under direct award, in accordance with the provisions under Regulation 1370/2007 as amended.”

Technical comments:

- 1) Technology Readiness Levels: in recital 6 the term used is „Technological Readiness Levels“, in text the term used is „Technology Readiness Levels“ (art 2(83a), (84), (85), (86)). We suggest to unify the terms.
- 2) Recital 6: in sentence 4 no reference is made to „TRL 7“ („... and TRLs 5, 6 and 8 to experimental development ...“).
- 3) Article 20(3): in order to unify the notions used in the text we suggest to use instead of „The expertise and services“ the wording „The **external** expertise and services“ (this wording is used also in Art 20(2)(d)).
- 4) Article 25b(5): we suggest to add also aid intensity for „feasibility studies“ (currently only *experimental development, fundamental research* and *industrial research* are mentioned).
- 5) Article 56f: different notions are used in Art 56f(2) – „portfolio of financing“ and in Art 56f(2)(a), (b), 56f(3)) - „financing portfolio“. We suggest to unify the terms.
- 6) Article 56f(3): in Art 56f(2) the notion „risk tranche“ is used, but in paragraph 3 the word „tranche“ is used („... for at least 50% of each tranche in the financing portfolio“). We suggest to unify the notions as it also causes problems of translation.

Comments on translation (formulated in Estonian):

- 1) Määruse eelnõu artikkel 1(5): sissejuhatavas lauses on viidatud, et „Artikli 5 lõikesse 6 lisatakse punktid i, j ja k“, õige oleks „Artikli 6 lõikesse 5 lisatakse punktid i, j ja k“ (nii on kirjas ka eelnõu ingliskeelses versioonis).

Tallinn,
17 September 2019