

**LATVIAN COMMENTS ON DRAFT COMMISSION REGULATION AMENDING THE GENERAL BLOCK EXEMPTION
REGULATION (REGULATION (EU) NO 651/2014) # 2**

No.	Place in the document text	Comments/Proposals
1.	<p><i>Article 1</i></p> <p>(e) paragraph 4 is replaced by the following: “4. This Regulation shall not apply to:</p> <p>(a) aid schemes which do not explicitly exclude the payment of individual aid in favour of an undertaking which is subject to an outstanding recovery order following a previous Commission decision declaring an aid granted by the same Member State illegal and incompatible with the internal market, with the exception of aid schemes to make good the damage caused by certain natural disasters and aid schemes in accordance with Section 2a as well as Section 16 of Chapter III;</p> <p>(b) ad hoc aid in favour of an undertaking as referred to in point (a);</p> <p>(c) aid to undertakings in difficulty, with the exception of aid schemes to make good the damage caused by certain natural disasters, start-up aid schemes, regional operating aid schemes, aid to SMEs under Article 56f and aid to financial intermediaries under Section 16 of Chapter III, provided undertakings in difficulty are not treated more favourably than other undertakings.</p>	<p>Given that aid to SMEs is intended in Article 56e, not in Article 56f, a technical correction is required in Article 1 paragraph 4 point (c) replacing the reference from the Article 56f to the Article 56e.</p>
2.	<p><i>Article 2</i></p> <p>(c) point 138 is replaced by the following:</p>	<p>For clarification reason please provide in the definition “next generation access (NGA) networks” additional information what is to be understood by a very</p>

	<p>“(138) “next generation access (NGA) networks” means advanced networks which have at least the following characteristics:</p> <ul style="list-style-type: none"> (i) they deliver services reliably at a very high speed per subscriber through optical (or equivalent technology) backhaul sufficiently close to user premises to guarantee the actual delivery of the very high speed; (ii) they support a variety of advanced digital services including converged all-IP services; and (iii) they have substantially higher upload speeds (compared to basic broadband networks). <p>At the current stage of market and technological development, NGA networks are:</p> <ul style="list-style-type: none"> (a) fibrebased access networks (FTTx), (b) advanced upgraded cable networks and (c) certain advanced wireless access networks capable of delivering reliable high- speeds per subscriber. <p>NGA networks include networks capable of providing 1 Gbps upload and download speeds. References to NGA networks include next generation backhaul networks (NGN), where these are necessary for the NGA deployment;”;</p>	<p>high speed and reliable high- speeds per subscriber (minimum level of speed required).</p> <p>Given that it is not clear from the definition what kind of services exactly are under IP services, please provide a broader definition what is to be understood by IP services.</p>
3.	<p><i>Article 2</i></p> <p>(170) “appropriate mapping” in the specific context of Article 56e(2)(b)(i) means mapping not older than 18 months of the NGA/NGN infrastructures that pass the premises of an eligible socio economic driver, as well as of the quality of service in terms of speed offered</p>	<p>Please align the deadlines for renewal of mapping provided in the Article 2 (170) with the deadline set in Article 22 (1) of the directive (EU) 2018/1972 of the European parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code that determines “National regulatory and/or other competent authorities shall update mapping at least every three years.”.</p>

	<p>under usual peak-time condition by such infrastructure. This mapping shall be carried out by the competent public authority, shall take into account all NGA/NGN infrastructure existing or credibly planned in the next three years or within the same time frame of the planned supported intervention, and shall be performed at address level on the basis of premises passed (not premises connected);</p>	
4.	<p>(7) Article 8 is amended as follows: (a) in paragraph 3, point (b) is replaced by the following:</p> <p>“(b) any other State aid, in relation to the same eligible costs, partly or fully overlapping, only if such cumulation does not result in exceeding the highest aid intensity or aid amount applicable to this aid under this Regulation. Financing provided to the final beneficiaries under the support of the InvestEU Fund under Section 16 of Chapter III and the cost covered by it shall not be considered for determining compliance with the cumulation provisions of paragraph 3. Instead, the amount relevant for such compliance shall be calculated by first deducting the nominal amount of the financing supported by the InvestEU Fund from the total eligible project costs and subsequently calculating the highest aid intensity or aid amount applicable to the aid under this Regulation only on the basis of the total remaining eligible costs. The nominal amount of financing provided to the final beneficiaries under the support of the InvestEU Fund shall, in cases of Articles for which the notification threshold is expressed as a maximum aid amount, also not</p>	<p>Latvian authorities kindly ask to review the wording of Article 8 paragraph 3, point (b), to clarify, whether in calculating the aid intensity or aid amount applicable to the aid under this Regulation, entire support which beneficiaries have received from InvestEU Fund including the part of InvestEU fund resources over which the Member States have discretion must be deducted.</p> <p>In addition, Latvian authorities kindly ask the European Commission to provide further guidance on cumulation issues related to the financing provided from the InvestEU fund, indicating the methods of calculating the aid intensity or aid amount.</p>

	<p>be considered for determining whether the notification thresholds in Article 4 are respected.</p> <p>Alternatively, for senior loans or guarantees on senior loans supported by the InvestEU Fund under Section 16 of Chapter III, the aid entailed in such loans or guarantees provided to the final beneficiaries may be calculated on the basis of the reference rate prevailing at the time of the granting of the aid and can be used for ensuring that cumulation with any other aid for the same identifiable eligible costs does not result in exceeding the highest aid intensity or aid amount applicable to the aid under this Regulation or the relevant notification threshold under this Regulation.”;</p>	
5.	<p><i>Article 9</i></p> <p>(8) in Article 9, paragraphs 1 and 2 are replaced by the following:</p> <p>“1. The Member State concerned shall ensure the publication on a comprehensive State aid website, at national or regional level of:</p> <p>(a) the summary information referred to in Article 11 in the standardised format laid down in Annex II or a link providing access to it;</p> <p>(b) the full text of each aid measure, as referred to in Article 11 or a link providing access to the full text; (c) the information referred to in Annex III on each individual aid award exceeding EUR 500 000, or, for</p>	<p>In order to ensure common approach to transparency requirements in the State aid regulations and given that, Member states in order to comply with the European transparency requirements for state aid use also the IT platform established by the European Commission (Transparency Award module), we suggest the following wording in Article 9, paragraph 1:</p> <p>“1. The Member State concerned shall ensure the publication on a comprehensive State aid website, at national or regional level, <i>or Commission’s IT tool</i>¹ of:”</p>

¹ The state aid transparency public search gives access to state aid individual award data provided by Member States in compliance with the European transparency requirements for state aid and can be found at <https://webgate.ec.europa.eu/competition/transparency/public?lang=en>.

	<p>beneficiaries active in primary agricultural production, each individual aid award exceeding EUR 60 000.</p> <p>As regards aid granted to European Territorial Cooperation projects referred to in Article 20, the information referred to in this paragraph shall be placed on the website of the Member State in which the Managing Authority concerned, as defined in Article 21 of Regulation (EU) No 1299/2013 of the European Parliament and of the Council, or [Article 44 of new ETC Regulation], whichever is applicable, is located. Alternatively, the participating Member States may also decide that each of them shall provide the information relating to the aid measures within their territory on the respective websites. As regards aid granted to European Territorial Cooperation projects referred to in Article 20a the publication obligations laid down in this paragraph shall not apply.</p>	
6.	<p><i>Article 20</i></p> <p>Aid for costs incurred by undertakings participating in European Territorial Cooperation project</p> <p>4. The aid intensity shall not exceed the maximum co-financing rate provided for in Regulation (EU) No 1299/2013 or [new ETC Regulation].</p>	<p>Taking into account that the amended proposal for this Article 20 does not set a specific maximum aid intensity (%), but only contains references to the Regulation (EU) No 1299/2013 or [new ETC Regulation], for reasons of legal certainty, at the time of adoption of the Regulation, we propose to include the specific aid intensities applicable under this Article or precise references to the Articles in the Regulations, where information about the maximum State aid ceilings/intensities are defined to.</p>