



**Ministry of Enterprise and Innovation**

**Answer to the consultation of the European commission revision  
of the guidelines on state aid to promote risk finance  
investments**

The Swedish government has the following comments regarding the draft of the revised guidelines on state aid to promote risk finance investments.

1. Sweden welcomes the efforts made by the commission to increase readability and clarify the guidelines. Concerning these types of guidelines that target areas where relatively complex assessments need to be made and that mainly target SMEs, clarity and streamlining is essential. Sweden therefore welcomes the proposed simplifications made in the revision draft.
2. While it is consistent that the criteria for the market economy operator (MEO) principle is contained in one instrument only, the guidance provided in the Notice on the Notion of Aid is too short to provide any real guidance on such a complex assessment. A comprehensive description is needed to give the Member States proper guidance and provide legal certainty, both regarding the field of this communication and regarding other fields. Today it is very hard to foresee how the Commission will apply the criteria in an individual case even for leading independent experts in the field. This makes it difficult to gain legal certainty even if a thorough assessment is made that is based on a report from a well-known independent expert.
3. It is not clear if the principles in the guidelines shall only be applied when the European Commission makes an assessment of the

compatibility of the scheme of the Member State or if such a scheme must contain such a provision that an assessment in each individual decision based on the approved scheme. It would be useful with a clarification to what extent presumption on the proportionality for aid for different categories of undertakings can be used in order to ease the burden to demonstrate the need and proportionality in each case.

4. It is very important that the burden on the individual undertaking is balanced as this instrument is directed at SMEs. Heavy burdens to provide complex calculations and assessments can render the instruments useless if the targeted undertakings cannot fulfil the demands or are deterred to apply for programs based on the instruments.
5. The 15 million Euro cap in article 21 of the General Block Exemption Regulation (GBER), has proven to be an obstacle in facilitating initial and subsequent investments in start-up tech companies as the demand for equity can be very high. A way to enable such measures for undertakings that otherwise fulfil the requirements of the GBER is desirable. The European Commission has informed of the plans to have a consultation on planned changes in the GBER relating to the topic of this consultation. It would be very useful if consultations in different legal documents can be held together in order to facilitate the submission of a coordinated answer.
6. The extension to ten years of the period in p. 27.a relating to the application of the criteria of undertaking in difficulties on SMEs that are new to the market is welcomed. It is desirable that the ten-year period in p. 27.a can be extended further in some cases as some undertakings have very long start-up phases, e.g. undertaking in biotech, life science clean tech and deep tech. The provision on assessment on aid to undertakings under p. 73 needs to be taken into account in the interest of coherency.
7. The prohibition to apply the guidelines to undertakings following p. 27.b. does not correspond to other legal documents or the case-law

and should be amended to correspond with the wording in Art. 1.4 of the GBER.

8. The *do no significant harm* criteria set up in p. 161, can impede the application of the instrument seriously as they are quite extensive, and all necessary investments cannot be expected to fulfil these criteria. It is absolutely essential that these criteria are merely applied as positive indicators, and that this inclusion does not provide for an interpretation that makes them *de facto* mandatory.
9. The lowering of the threshold in p. 178.b for reporting in the transparency award module to 100 000 € will lead to increased administrative burdens. The threshold should therefore be kept at 500 000 € in line with the GBER.