

# Targeted consultation to the stakeholders on the De minimis Regulation

Fields marked with \* are mandatory.

## Introduction

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In 2012, the Commission launched the State aid modernization (SAM) with the objectives to: 1) foster sustainable, smart and inclusive growth in a competitive internal market; 2) focus Commission's ex ante scrutiny on cases with the biggest impact on the internal market; and 3) streamline the rules and provide for faster decisions. In view of these objectives, the Commission has revised a number of State aid rules, including the Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (hereinafter "De minimis Regulation").

In January 2019, the European Commission announced its intention to prolong seven sets of State aid rules for a period of two years<sup>[1]</sup> and launched a [comprehensive policy evaluation in the area of State aid \("fitness check"\)](#). The aim is to verify the extent to which the objectives of the SAM have been reached, whether there is scope for further updating of the rules in view of the EU priorities under the new Multiannual financial framework, new EU legislation or developments on the internal and global market. Part of this exercise is the evaluation of the De minimis Regulation in order to assess whether the current rules are still fit for purpose.

Besides the general public consultation on the fitness check of EU State aid rules, this targeted consultation aims at asking supplementary questions in order to gather stakeholders' views on the implementation of the De minimis Regulation and receiving insights about potential gaps, overlaps or excessive regulatory burden. The main target group of this questionnaire are actual or potential recipients of de minimis aid and their competitors.

You are kindly invited to reply to a set of 14 questions. Please make sure that you use the save button as you proceed with the questionnaire to avoid losing information that was already inserted - especially in the case of questions with open replies. At the end of the survey you will have an opportunity to provide broader, more general comments and to upload documents, which you consider to be relevant.

The Commission will publish an analysis of the results of the fitness check and examine possible follow up actions at the beginning of 2020.

Thank you for participating in this consultation.

[1] For details and state-of-play see the relevant initiatives on the Better Regulation Portal: [State aid – 2-year extension for general block exemption regulation](#); [State aid – 2-year extension for de minimis regulation](#); [Prolongation of state aid rules reformed under the state aid modernisation package expiring end of 2020](#).

## About you

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☒ I agree with the personal data protection provisions (see document in link below)

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\* Do you agree with the publication of your identity as described above:

- ☒ Yes.  
☐ No, I wish my contribution to be anonymous.

Please provide your contact details below.

\* Language of my contribution:

German

\* Name:

The Austrian Federal Chamber of Labour - Bundesarbeitskammer (BAK)

\* I am giving my contribution as:

Other

\* Country of origin:

Austria

\* E-mail address:

WPabt@akwien.at

Please describe the main activities of your company/organisation/association, if applicable.

*500 character(s) maximum*

Die Bundesarbeitskammer (BAK) ist die gesetzliche Interessenvertretung von 3,7 Millionen ArbeitnehmerInnen und KonsumentInnen in Österreich. Sie vertritt ihre Mitglieder in allen sozial-, bildungs-, wirtschafts- und verbraucherpolitischen Angelegenheiten auf nationaler wie auf EU-Ebene.

\* Scope of your activities

- ☐ International
- ☒ National
- ☐ Regional
- ☐ Local

\* Organisation size

- ☐ Micro (1 to 9 employees)
- ☐ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☒ Large (250 or more)

Transparency register number

*250 character(s) maximum*

Please if your organisation is on the transparency register. This is a voluntary database for organisations seeking to influence EU decision making.

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## Questionnaire

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\* **Factual information**

1. Have you received support under the De minimis Regulation?

- ☐ Yes
- ☒ No
- ☐ Not applicable

\* **Definitions**

2. Based on your experience with the application of the De minimis Regulation, is the definition of 'single undertaking' clear?

- ☐ Yes
- ☐ No
- ☒ I do not know

If not, please explain why and provide specific examples.

*3000 character(s) maximum*

\* 3. Based on your experience with the application of the De minimis Regulation, is the definition of 'single undertaking' adequate?

- ☐ Yes
- ☐ No
- ☒ I do not know

If not, please explain why and provide specific examples.

*3000 character(s) maximum*

### \* Amounts and cumulation

4. Have you encountered difficulties in applying the three-year-period to calculate the amount under the de minimis aid?

- ☐ Yes
- ☐ No
- ☒ I do not know

If yes, please explain why.

*3000 character(s) maximum*

### \* 5. Are the provisions on cumulation (Article 5) clear to apply?

- ☐ Yes
- ☐ No
- ☒ I do not know

If not, please explain why and provide specific examples.

*3000 character(s) maximum*

### \* Transparency of aid and financial instruments

6. Are the transparency requirements for aid clear?

- ☒ Yes
- ☐ No
- ☐ I do not know

If not, please explain why and provide specific examples.

*3000 character(s) maximum*

### \* 7. Have you encountered difficulties in applying the transparency requirements?

- ☐ Yes
- ☐ No
- ☒ I do not know

If yes, please explain why and provide specific examples.

*3000 character(s) maximum*

\* 8. What has been your experience in using loan, guarantee and equity instruments (financial instruments) under the De minimis Regulation? In particular:

a. Have you encountered any difficulties in calculating the gross grant equivalent of aid in loans or guarantees?

- ☐ Yes  
☐ No  
☒ I do not know

If yes, please explain why and provide specific examples.

*3000 character(s) maximum*

\* b. Have the criteria for small loans and guarantees of short duration under Article 4(3)(b) and Article 4(6)(b) simplified the handling of these instruments?

- ☐ Yes  
☐ No  
☒ I do not know

If not, please explain why and provide specific examples.

*3000 character(s) maximum*

\* c. For loan and guarantee instruments involving financial intermediaries, have you encountered any difficulties in passing on the aid to the final beneficiaries?

- ☐ Yes  
☐ No  
☒ I do not know

If yes, please explain why and provide specific examples.

*3000 character(s) maximum*

### \* **Monitoring**

9. Have you encountered difficulties in the application of the rules on monitoring (Article 6)?

- ☐ Yes  
☐ No  
☒ I do not know

If yes, please explain why and provide specific examples.

*3000 character(s) maximum*

- \* 10. If your national authorities do not have a central registry, what is your cost estimate in applying the requirements under Article 6 (such as the declaration to submit to your national authorities)?

*3000 character(s) maximum*

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- \* 11. If your national authorities have a central registry, have you found such a central registry adequate to ensure compliance with the Article 6 conditions on awarding de minimis aid?

- ☐ Yes  
☐ No  
☒ I do not know

If not, please explain why and provide specific examples.

*3000 character(s) maximum*

- \* 12. Should there be a centralised de minimis registry at the EU level?

- ☐ Yes  
☒ No  
☐ I do not know

If yes, please explain why and provide specific examples.

*3000 character(s) maximum*

Nach Ansicht der BAK sollte die Kommission künftig die Beihilfenkontrolle nur auf jene Fälle konzentrieren, die potentiell geeignet sind, den innereuropäischen Wettbewerb zu beeinträchtigen. Dies trifft auf De-minimis-Beihilfen nicht zu. Die Einrichtung eines Zentralregisters für De-mimimis-Beihilfen auf EU-Ebene würde zu einem zusätzlichen Bürokratieaufwand führen, der nicht zweckmäßig wäre und einer gezielteren Beihilfenpolitik im Wege stünde.

## Other

13. Do you have any additional comments on the application of the De minimis Regulation?

*3000 character(s) maximum*

Aus unserer Sicht müsste zusätzlich ein insgesamt großzügigerer Ansatz für De -minimis Beihilfen bemessen werden. Der zulässige Beihilfenhöchstbetrag müsste vor dem Hintergrund der allgemeinen Preisentwicklung und Inflation des seit 2006 geltenden Höchstbetrages von 200.000 Euro auf zumindest 500.000 Euro angehoben werden. Eine negative Beeinträchtigung des Wettbewerbs wäre durch eine solche Anhebung nicht zu befürchten. Vielmehr erwies sich die kurzfristige Anhebung der De- minimis- Grenze auf 500.000 Euro im Zuge der Finanzkrise als geeignet, unbürokratisch kurzfristige Überbrückungshilfen zu

gewähren. Eine Verzerrung des Wettbewerbs blieb damals aus. Die BAK gibt zudem zu bedenken, dass eine Anhebung des De-minimis-Schwellenwertes auf 500.000 Euro auch zu einem Wegfall von Bürokratie- und Kontrollkosten führen würde– sonst ein wesentliches Ziel der EU-Kommission, um die Wettbewerbsfähigkeit und das Wachstum zu erhöhen. Aus unserer Sicht wäre daher der gesamtwirtschaftliche Vorteil einer Anhebung auf 500.000 Euro für die Europäische Union jedenfalls ungleich größer als mögliche Nachteile.

**14. Please provide copies of any documents, data or studies that may be relevant for assessing the application of the De minimis Regulation.**

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

## **Additional information**

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Further to your replies of the questionnaire, you may provide below any additional comments, observations, information, or suggestions you deem relevant to share with us.

*3000 character(s) maximum*

**You may also upload a file in relation to your response here:**

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Thank you for your participation.

## **Contact**

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