

European Commission has launched a new public consultation on the revision of the de minimis Regulation

The European Commission has launched a new public consultation with a view to assessing the opportunity to modify the existing EC rules on de minimis State aid.

State funding meeting the criteria of Article 107(1) TFEU constitutes State aid. However, the Council, by adopting Regulation (EC) No. 994/98 ('Enabling Regulation') enabled the Commission to set out in a Regulation a threshold below which aid measures are exempted from the notification obligation under Article 108(3) TFEU even when they do not meet all the criteria of Article 107(1).

On this basis, the Commission adopted Regulation (EC) 1998/2006 to de minimis aid, in force since 1 January 2007. This Regulation set the de minimis ceiling at EUR 200 000 per undertaking granted over any period of three fiscal years, and thus considerably simplified the granting of small amounts of support. It will expire on 31 December 2013 and will therefore be reviewed.

On 8 May 2012, the Commission adopted a Communication on the State aid modernisation initiative ('SAM'), launching the political debate on the modernisation of State aid control. The review of the de minimis Regulation is an important element of SAM.

The Commission already invited the other institutions, Member States and stakeholders to provide input for the revision of the de minimis Regulation. The first consultation using an explanatory note took place between 13 July and 5 October 2012. The second consultation took place between 20 March and 14 May 2013. The present consultation aims to collect the views of the Member States and stakeholders on the new draft text of the de minimis Regulation.

The draft proposes the introduction of a central register of all de minimis measures as a gradual process, allowing Member States a generous transitional period for setting it up. The draft also substantially clarifies and simplifies the rules. For example, it introduces a safe-harbour for loans in addition to the existing safe-harbour for guarantees, and provides for a simplified definition of "undertaking" in order to increase legal certainty and reduce administrative burden.

The period for this consultation is: 17.07.2013 – 09.09.2013.

The consultation is available in:

DOCX:

http://ec.europa.eu/competition/consultations/2013_second_de_minimis/draft_regulation_en.docx

PDF:

http://ec.europa.eu/competition/consultations/2013_second_de_minimis/draft_regulation_en.pdf