



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 July 2013

**Interinstitutional File:
2012/0344 (NLE)**

**12256/13
ADD 1**

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ADDENDUM TO "I/A" ITEM NOTE

From: General Secretariat of the Council
To: Coreper/Council
Subject: Proposal for a Council Regulation amending Council Regulation (EC) No. 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid
– Adoption

Declaration of the Commission relating to the deletion of Article 1(1)(a)(xii) of the Commission proposal amending Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid (hereafter "the Enabling Regulation")¹

The Commission takes note of the Council decision not to follow its proposal to include to the list

¹ OJ L 142, 14.5.1998, p.1

of exemption categories in the Enabling Regulation the category of aid granted for the purposes of coordination of transport or reimbursement for the discharge of certain obligations inherent in the concept of a public service pursuant to Article 93 of the Treaty and to delete Article 9 of the Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road² once the Commission adopts the block exemption in this respect.

The Commission does not agree with the Council and European Parliament interpretation of the relationship between Articles 109 and 108(4) TFEU. However, in a spirit of compromise, it will not stand against a qualified majority vote but reserves its right to propose in the future provisions necessary to ensure that State aid block exemptions post-Lisbon are adopted in accordance with Article 108(4) TFEU.

² OJ L 315, 3.12.2007, p. 1