



Brussels, 21 November 2018
(OR. en)

14352/18

Interinstitutional File:
2018/0222(NLE)

LIMITE

RC 32
COMPET 785
IND 351
ECO 98
EF 291
REGIO 123
CADREFIN 362

'A' ITEM NOTE

From: General Secretariat of the Council
To: Council of Ministers

No. prev. doc.: 14228/18
14237/18

No. Cion doc.: 10050/18 + COR1

Subject: Proposal for a Council Regulation amending Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty of the Functioning of the European Union to certain categories of horizontal State aid
- Adoption

1. On 12 June 2018, the Commission submitted to the Council a Proposal for a Council Regulation amending Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid (the State aid enabling Regulation).
2. This proposal amends the State aid Enabling Regulation in order to improve the interplay of EU funding programmes with State aid rules. Two new categories of State aid are proposed for inclusion in the State aid enabling Regulation:
 - a. Member States' financing channelled through or supported by EU financial instruments or budgetary guarantees managed centrally by the Commission.
 - b. Aid for European Territorial Cooperation.

3. The State aid enabling Regulation will empower the Commission to declare later, by means regulations (such as the Commission Regulation (EU) 2014/651 - General Block Exemption Regulation - GBER), that certain categories of State aid are compatible with the internal market and are exempted from the notification requirement provided for in Article 108(3) TFEU. This will enable the Commission to extend the scope of the Commission GBER and to evolve with new instruments proposed under the Multiannual Financial Framework (MFF), namely InvestEU Fund, Horizon Europe as well as the promotion of European Territorial Cooperation (ETC).
4. The proposal was examined by the Working Party Competition on 18 June, 3 September and 12 November 2018.
5. The European Parliament adopted its Opinion on the proposal on 14 November 2018¹. This Opinion does not amend the Commission proposal.
6. The Committee of Permanent Representatives (Part 1) examined the proposal at its meeting on 21 November and recommended to the Council to adopt, as an "A" point, at one of its forthcoming meetings, the proposed draft Regulation amending Council Regulation No (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid as set out in doc. 14237/18.

¹ A8 - 0315/2018, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2018-0450+0+DOC+XML+V0//EN&language=EN>