



Council of the  
European Union

038325/EU XXVII.GP  
Eingelangt am 05/11/20

Brussels, 5 November 2020  
(OR. en)

12593/20  
ADD 2

RC 14  
COMPET 534  
ECO 48  
MI 448  
RECH 431  
IND 198  
ENV 686  
REGIO 263  
TELECOM 205  
ENER 405  
EF 271  
TRANS 509  
CCG 44  
AVIATION 202

#### COVER NOTE

---

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 30 October 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

---

No. Cion doc.: SWD(2020) 257 final PART 2/4

---

Subject: COMMISSION STAFF WORKING DOCUMENT FITNESS CHECK of the 2012 State aid modernisation package, railways guidelines and short-term export credit insurance

---

Delegations will find attached document SWD(2020) 257 final PART 2/4.

---

Encl.: SWD(2020) 257 final PART 2/4



Brussels, 30.10.2020  
SWD(2020) 257 final

PART 2/4

**COMMISSION STAFF WORKING DOCUMENT**

**FITNESS CHECK**

**of the 2012 State aid modernisation package, railways guidelines and short-term export  
credit insurance**

{SEC(2020) 372 final} - {SWD(2020) 258 final}

## Annex 1

### Procedural information

#### 1. LEAD DG

European Commission Directorate-General for Competition (DG Competition).

#### 2. ORGANISATION AND TIMING

##### Organisation

At the beginning of 2019, the Commission formally launched the Fitness Check (Decide entry: PLAN/2018/4845). The press release announcing the evaluation exercise was published on 7 January 2019.<sup>1</sup>

The Fitness Check Roadmap was published on 7 February 2019 and set out the context, purpose and scope of the evaluation exercise. Stakeholders had until 7 March 2019 to comment on the Roadmap.

The Inter-Service Steering Group (ISSG) was set up in January 2019 and gathered representatives from the Commission's Secretariat General, the Joint Research Centre (JRC) and 15 Directorates-General: AGRI, CLIMA, CNECT, ECFIN, ENER, ENV, EMPL, GROW, MARE, MOVE, REGIO, RTD, SANTE, TAXUD and TRADE. The ISSG was consulted on the Roadmap, the Consultation Strategy, the questionnaires (public and targeted consultations), the factual summary report of the open public consultation, the terms of reference for the studies and the studies.

A public consultation was open from 17 April 2019 to 10 July 2019 on the Better Regulation Portal and later extended until 19 July 2019.<sup>2</sup> DG Competition launched targeted consultations in the form of online questionnaires (EU Survey tool) addressed to the main stakeholders and interested parties on specific issues related to the individual policy areas and rules. In total, eight such targeted consultations were run between March-October 2019. (See also Annex 2, Synopsis report.)

The Fitness Check was also supported by studies on specific aspects of the implementation of certain individual rules. The selection of the rules and the focus of the studies was inspired by case practice. The objective of these studies was to receive an independent evidence-based assessment on how the rules worked. The following rules were subject to an independent expert study: RAF, EEAG, RDI Framework, Risk Finance Guidelines, and Aviation Guidelines.

---

<sup>1</sup> [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_182](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_182)

<sup>2</sup> [https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-6623981/public-consultation\\_en](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-6623981/public-consultation_en)

## Agenda planning – Timing

Date	Description
14 December 2018	Start of RAF study
7 January 2019	Announcement of the Fitness check <a href="https://ec.europa.eu/commission/presscorner/detail/en/IP_19_182">https://ec.europa.eu/commission/presscorner/detail/en/IP_19_182</a>
10 January 2019	1st ISSG meeting – presentation of the Fitness Check to the ISSG
7 February 2019	Publication of the Fitness Check Roadmap <a href="https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2044-Fitness-check-of-2012-State-aid-modernisation-package-railways-guidelines-and-short-term-export-credit-insurance">https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2044-Fitness-check-of-2012-State-aid-modernisation-package-railways-guidelines-and-short-term-export-credit-insurance</a>
15 February 2019	Start of Aviation study
25 March – 31 May 2019	STEC targeted consultation
26 March 2019	Start of Risk Finance study
9 April 2019	Upstream meeting with the Regulatory Scrutiny Board (RSB)
17 April – 19 July 2019	General public consultation <a href="https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2044-Fitness-check-of-2012-State-aid-modernisation-package-railways-guidelines-and-short-term-export-credit-insurance/public-consultation">https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2044-Fitness-check-of-2012-State-aid-modernisation-package-railways-guidelines-and-short-term-export-credit-insurance/public-consultation</a>
25 April – 19 June 2019	Risk Finance targeted consultation
14 May 2019	2nd ISSG meeting – presentation of the feedback received from the Regulatory Scrutiny Board (RSB)
14 May – 19 July 2019	EEAG targeted consultation RAG targeted consultation
24 May – 31 July 2019	<i>de minimis</i> targeted consultation Aviation targeted consultation
2 July 2019	Start of EEAG study
19 July 2019	Start of RDI study
9 August – 31 October 2019	IPCEI targeted consultation
24 September 2019	3rd ISSG meeting – presentation of feedback received from the stakeholders during the general public consultation and the targeted consultations
30 September 2019	Final RAF study
4 October 2019	Publication of the responses to the public consultation <a href="https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2044-Fitness-check-of-2012-State-aid-modernisation-package-railways-guidelines-and-short-term-export-credit-insurance/public-consultation">https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2044-Fitness-check-of-2012-State-aid-modernisation-package-railways-guidelines-and-short-term-export-credit-insurance/public-consultation</a>
21 October 2019	Publication of the summary report of the Open Public Consultation <a href="https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2044-Fitness-check-of-2012-State-aid-modernisation-package-railways-guidelines-and-short-term-export-credit-insurance/public-consultation">https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2044-Fitness-check-of-2012-State-aid-modernisation-package-railways-guidelines-and-short-term-export-credit-insurance/public-consultation</a>
21 October 2019	Final Aviation study
19 November 2019	Final RF study
4 February 2020	4th ISSG meeting - general overview on the status of the current Fitness Check and presentation of the first chapters of the SWD
5 February 2020	Final EEAG study
16 April 2020	Final RDI study
20 May 2020	5th ISSG meeting - the purpose of the meeting was to discuss members' comments on the draft Staff Working Document (SWD)
2 June 2020	Publication of studies <a href="https://ec.europa.eu/competition/state_aid/modernisation/fitness_check_en.html">https://ec.europa.eu/competition/state_aid/modernisation/fitness_check_en.html</a>
8 July 2020	Meeting with the RSB
17 July 2020	6th ISSG meeting - the purpose of the meeting was to inform members about the opinion of the RSB

### 3. EXCEPTIONS TO THE BETTER REGULATION GUIDELINES

No exceptions were made to the Better Regulation Guidelines<sup>3</sup> during this Fitness Check.

### 4. CONSULTATION OF THE RSB

An Upstream meeting with the Regulatory Scrutiny Board (RSB) was held on 9 April 2019.

The meeting with the RSB presenting the results of the Fitness Check took place on 8 July 2020. The outcome was a positive opinion, issued on 10 July 2020. The following table provides information on how the comments made by the RSB were addressed in this Staff Working Document:

RSB comment	Action taken
<p>The report should better justify its scope. It should explain why it includes the Railway Guidelines and the short-term export credit insurance Communication (STEC), and excludes the State aid guidelines for the broadband sector. It should explain the legal and economic rationale for deciding which State aid instruments to include in the analysis.</p>	<p>Section 1.2., which concerns the scope of the Staff Working Document (SWD), was revised accordingly: justification concerning the inclusion of the Railway Guidelines and the STEC was added.</p> <p>The exclusion of the Broadband Guidelines was better explained.</p> <p>Additional explanation regarding the exclusion from the scope of the Procedural Regulation and SGEI rules was added as well.</p>
<p>The report should provide a better overview of how the various instruments of the SAM package work together. It could improve its intervention logic to clarify and explain how the SAM instruments complement and reinforce each other to deliver better outcomes. The effectiveness and efficiency analyses should do more to show how the individual instruments have contributed to each of the SAM objectives.</p>	<p>The SWD was revised providing a better overview of how the different rules work together. In particular, Figure 1 details the “State aid universe”. Also, new section 2.3.2 which contains the intervention logic was revised. Section 5.1. (Effectiveness) and Section 5.2 (Efficiency) were revised extensively to take account of how the individual instruments have contributed to each of the SAM objectives.</p>
<p>The report should explain the relationship between the microeconomic dimension of State aid (its allocative function) and the macroeconomic dimension (counter-cyclical spending). It could clarify that the latter is addressed by other policy instruments. The report should also discuss whether increased spending on State aid by</p>	<p>Section 2.1.2. was revised to explain better the relationship between micro and macro-level. On increases spending, please see in particular Section 3.2.1. On the relations between block-exempted measures and notifications, please see in particular revised Section 5.2.</p>

<sup>3</sup> [https://ec.europa.eu/info/better-regulation-guidelines-and-toolbox\\_en](https://ec.europa.eu/info/better-regulation-guidelines-and-toolbox_en)

<p>almost all Member States – and especially the wealthier ones – might be an issue of concern. It should explore whether the increase in State aid under the block exemption includes undue reclassification of notification cases.</p>	
<p>The report should further complement (majority) stakeholder views with other (quantitative and qualitative) evidence. For example, it should take better account of minority stakeholder views, expert contributions and available national ex-post evaluations. The report could do more to triangulate across the different sources of evidence.</p>	<p>Section 4 (Methods) was revised detailing more specifically the external studies used. Please also see in particular Section 4.2. Adjustments were also made throughout the document to better triangulate all available sources of evidence.</p>
<p>The conclusions should take into account the uncertainties left by the evidence to provide an unbiased view of the instruments' fitness. The report should formulate more operational conclusions, indicating lessons for future policy development. They should provide more detail on which elements are fit for purpose, which need to be updated, and why. This also applies to the conclusions in annex on the individual State aid instruments, as the fitness check may inform future revisions. The report should place the conclusions in the context of the current economic situation and the impact of the Covid-19 crisis on the short-term and long-term prospects of the SAM instruments.</p>	<p>A new Section 6 (Lessons learnt) was introduced which provides for operational lessons. For changes proposed for each instrument please see in detail Annex 8. The conclusions (now Section 7) were also revised. The report was updated concerning the recent COVID-19 crisis and its possible impact on the SAM instruments (Section 3.4 and Section 5).</p>
<p>The report should highlight the simplification and burden-reduction potential, not only regarding the use of block exemptions but also regarding the sectoral SAM instruments. If the evidence does not allow a conclusion on this point, the report should say that.</p>	<p>In particular Section 5.2 (Efficiency) was revised to highlight the simplification and burden-reduction potential of both GBER and other SAM instruments.</p>

## 5. EVIDENCE, SOURCES AND QUALITY

The Fitness Check was supported by external studies. The studies were procured under the Framework contract COMP/2017/013 for the provision of support studies for evaluations and impact assessments in the area of State aid policy signed on 24 May 2018. The following rules were subject to an independent expert study: RAG, EEAG, RDI Framework, Risk Finance Guidelines, and Aviation Guidelines (see in detail Annex 7).

The project was also supported by several consultation activities (see Annex 2).

Data sources included the State Aid Scoreboard<sup>4</sup> which comprises aid expenditure made by Member States falling under the scope of Article 107(1) TFEU. Internal Commission/DG Competition data used for the internal assessment include for instance monitoring results and interpretation questions by Member States. DG Competition's case practice was a major source of insight. Court judgements, desk research, literature review and internal statistics such as the Transparency Award Module have also played a role in data gathering. DG Competition's Chief Economist Team supported the econometric analysis. The Commission also used several other external reports and several bilateral meetings were organised with stakeholders at their request. The Commission also used several other reports. Other publicly available data included in the analysis include company data, and data from EUROSTAT and OECD, as well as a Eurobarometer flash commissioned by DG Competition in 2016.<sup>5</sup> Finally, several bilateral meetings were organised with stakeholders at their request. Commission staff also participated to a number of forums and conferences. (See also Annex 7 and Section 4 of the SWD.)

---

<sup>4</sup> [https://ec.europa.eu/competition/state\\_aid/scoreboard/index\\_en.html#what](https://ec.europa.eu/competition/state_aid/scoreboard/index_en.html#what)

<sup>5</sup> 27,818 European citizens in all Member States were interviewed face-to-face and the results of the interviews were published on 13 July 2016. The Eurobarometer report can be downloaded here: <http://europa.eu/!qt44mu> The data collected is published here: <http://europa.eu/!UD38yv> .

## 1. INTRODUCTION

This report covers feedback and input from public authorities, associations, companies and other organisations (“stakeholders”) as well as citizens as regards the Fitness Check of the SAM package, of the Railway Guidelines and of the STEC (“the Fitness Check”).

The objective of the consultations was to gather evidence from stakeholders on the five evaluation criteria including for the purpose of verifying to which extent the other State aid rules reached the envisaged objectives under the SAM package, to which extent consistency has been ensured and whether the original objectives are still in line with the EU priorities under the new Multiannual financial framework, new EU legislation or developments on the internal and global market.

The Commission carried out an **open public consultation** (see Section 3) in order to gather inputs from a broad range of stakeholders. The public consultation aimed at reaching out to all relevant stakeholders and gave unlimited access to everybody who wanted to contribute. It took the form of an extensive questionnaire covering certain provisions of all specific State aid rules as well as the horizontal provisions from a SAM perspective. The public consultation covered, among others, the SAM common principles.

In addition, for certain State aid rules covered by the Fitness Check, DG Competition made use of **targeted consultations** in the form of online questionnaires (see Section 4) addressed to the main stakeholders and interested parties (beyond the general public) on specific issues related to the individual policy areas and rules. The stakeholders for the targeted questionnaires depended on the State aid rules concerned and included those who are directly impacted by those rules, for example Member States, regional and local authorities, other granting authorities or beneficiaries. Some of these targeted consultations were open (i.e. published on DG Competition website), some of them closed (i.e. only sent to a selected, very specific group of stakeholders).

The full set of non-confidential replies to the open public consultation is published on the Commission’s Better Regulation Portal (“BRP”): [https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-6623981/public-consultation\\_en](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-6623981/public-consultation_en) , while the non-confidential version of the open targeted consultations can be accessed from DG Competition’s consultation website: <https://ec.europa.eu/competition/consultations/closed.html> .



## 2. FEEDBACK ON THE COMMISSION ROADMAP

Stakeholders had the opportunity to provide their feedback on a Commission roadmap on the Fitness Check<sup>6</sup> from 7 February 2019 to 7 March 2019. 7 stakeholders submitted their feedback on the Commission roadmap via the BRP. These were from Business organisations, such as the European Rail Freight Association, Confederation of Danish Industry (DI), Union des Ports de France, REScoop.eu, DIHK - Association of German Chambers of Commerce and Industry) and two national authorities, (DK, BG). The Commission also received 4 additional submissions outside BRP (FI, Transdev Group, NL, FR). The submissions largely supported the Commission's intention to evaluate the State aid rules under the Fitness Check. Some more concrete proposals were: ERFA hinted at the fact that the transitional character of the Railway Guidelines is outdated. The DIHK points out that the de minimis threshold should be increased. The Confederation of Danish Industry urges the Commission to publish a guide/vademecum on the enforcement of State aid law at national level.

Finland stated that the Commission should put an emphasis on thoroughly analysing the impact of SAM (especially extension of GBER) in view of competition distortions in the internal market and if it has achieved its objective of reducing "bad aid". According to the Dutch Authorities, the fitness check should also assess the Broadband rules, to see whether these are still fit for purpose, taking into account the future challenges regarding the demands of the gigabit society. The French authorities pointed out that there is a discrepancy between the revision of state aid rules and programmes such as, for instance, Invest EU.

## 3. OPEN PUBLIC CONSULTATION

An open public consultation, meeting the Commission's minimum standards, was open from 17 April 2019 to 10 July 2019 and later extended until 19 July 2019.<sup>7</sup>

The public consultation, targeting citizens and stakeholders, took the form of an online survey<sup>8</sup> published on the Commission's BRP. The questionnaire was published in all 24 EU official languages. Participants to the questionnaires could reply in any of those languages.

This public consultation was also promoted through Twitter, LinkedIn, DG Competition's State aid Newsletter, DG Competition's website and the Working group of Member States on SAM. A letter informing the European Parliament's ECON committee about the public consultation was sent out on 26 April 2019.

The input has been analysed using a data analysis tool, complemented by manual analysis. The tool used is Doris Public Consultation Dashboard, an internal Commission tool for analysing and visualising replies to public consultations.

---

<sup>6</sup> [https://ec.europa.eu/info/law/better-regulation/initiative/2044/publication/510476/attachment/090166e5c159a460\\_en](https://ec.europa.eu/info/law/better-regulation/initiative/2044/publication/510476/attachment/090166e5c159a460_en)

<sup>7</sup> [https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-6623981/public-consultation\\_en](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-6623981/public-consultation_en)

<sup>8</sup> EUSurvey tool

A factual summary report giving a simple statistical presentation of the responses was published on the BRP on 21 October 2019 and is also attached as Annex 10 to the SWD.

In total, the public consultation received 137 replies<sup>9</sup>: 74 from organisations, 49 from public authorities, 6 from individuals and 8 from other respondents. The number of position papers attached to the questionnaire was 38. No campaigns were identified.

The replies came mainly from EU countries. The most common language of contributions was English (47), German (25) French (13), Portuguese (9), Spanish (8) and Italian (7). The countries with the highest number of respondents were Belgium (24) Germany (20) and France (10).<sup>10</sup>

In addition to the replies and position papers provided through the questionnaires, 17 submissions were sent<sup>11</sup> outside the online tool, mainly by public authorities and associations.

As described in the Consultation strategy, the main stakeholders are the Member States and other public authorities (for instance regional and local authorities) because they design public policies in line with State aid rules and apply the State aid rules when granting public support. The current synopsis report will thus focus in particular on the responses by public authorities. A further breakdown of replies to other respondent groups is not meaningful due to the low number of replies.

The questionnaire contained a total of 15 questions (including sub questions), with a mix of closed and open questions, which were devised around the five evaluation criteria effectiveness, efficiency, coherence, relevance and EU added value. All closed questions were obligatory, but the respondents had the choice of “I Do not know” and “Not relevant for me” options. The questionnaire was approved by the Steering Group.

The public consultation covered all 11 legal instruments subject to the Fitness Check. However, some respondents may be interested only in part of these instruments, therefore the percentage of “I Do not know” and “not relevant for me” responses was very high, in particular for non-public authorities.

Given the high percentage of these categories of replies, this synopsis report will only assess so-called meaningful replies (i.e. excluding “I do not know” and “Not relevant for me”). The replies containing “I do not know” and “Not relevant for me” are presented in detail in the factual summary (see also Annex 10).

---

<sup>9</sup> There was one reply to the questions received outside the online tool. This submission will be taken into account in the assessment but not included in the statistics for the online consultation

<sup>10</sup> Austria (6); Belgium (24); Bulgaria(1); Croatia (2); Cyprus (1); Czechia (4); Denmark( 1); Finland (4); France (10); Germany (20); Greece (1); Hungary (2); Ireland (1); Italy (8); Latvia (9); Lithuania (2); Luxembourg (4); Malta (1); Netherlands (2); Poland (6); Portugal (10); Romania (1); Reunion (1); Slovakia (1); Spain (6); Sweden (4); United Kingdom (4); Venezuela (1). See factual summary report figure 2.

<sup>11</sup> Until 31 March 2020.

As stated above, the public consultation received only 137 replies. “Public authorities”, the main stakeholder group which is the most relevant for State aid control (see also Sections 2.1 and 4.1 of the SWD) and who can provide the Commission with the best insight, is represented by 49 replies. The rest of the replies is extremely scattered: there are 6 replies from individuals and 8 from “other respondents”. While there is a group of 74 representing “organisations”, this is a very heterogeneous group including a myriad of NGOs, business associations, consumer associations companies etc., all of them only represented by a couple of respondents (see also Figure 1 of Annex 10, Factual summary report). In addition, given the nature of State aid proceedings, third parties such as beneficiaries or competitors are represented by these scattered groups, mostly business or associations. Moreover, large majority of this category of respondents often only replied concerning one single rule, the one by which they are mostly affected, and disregarded all the other questions. Therefore, the overall number of responses per question is even lower. Due to the low number of replies in the separate categories, representing the replies by category of respondent (apart from public authorities) does not always seem meaningful.

Against this background, the results have to be interpreted with caution and the public consultation is more to be seen as an opinion survey.

Overall, respondents are in favour of SAM. In essence, the main message is that SAM went in the right direction but that clarifications and adjustments are necessary, for instance in view of technological and market developments. Stakeholders also called for simplification and more guidance from the Commission as regards GBER. The support for SAM is even higher for the main stakeholder group, the public authorities.

### **3.1. Effectiveness (Have the objectives been met?)**

In order to evaluate whether the SAM objectives were met, stakeholders were asked to answer eight sets of questions.

Question 1 inquired whether the SAM package has led to clearer rules. 13-40% respondents (depending on the rule) were of the opinion that a series of elements under SAM has helped to facilitate the compliance with the State aid rules by Member States, while 38-72% were of the opinion they did partially. Depending on the rule, only 3-10 respondents (out of which 1-4 public authorities) per rule replied that SAM did not lead to clearer rules. Hence, a further breakdown by respondent category does not seem to be meaningful.

The opinion that SAM at least partially led to clearer rules was particularly high for the RDI Framework (94% for all respondents and 93% for public authorities) and for the *de minimis* Regulation (94% for all respondents and 93% for public authorities). On the other hand, for the Aviation Guidelines the agreement rate was only 66% for all respondents (77% for public authorities). Hereto, it has to be noted that only 16 responses were received for the Aviation rules. Only 10 respondents replied that the Aviation guidelines did not lead to clearer rules, out of which 3 public authorities and 2 citizens. In case of the **Aviation Guidelines**, the main

problematic point concerns the transition period for operating aid that did not prove successful as many airports will continue to need operating aid beyond 2024.

Table 1: Summary of replies to Question 1

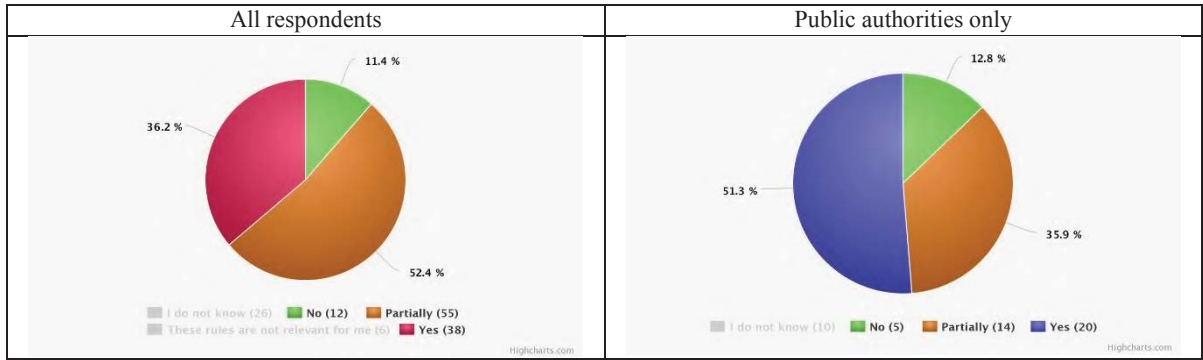
	All respondents						Public authorities only					
	Yes		No		Partially		Yes		No		Partially	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
GBER	30	29%	8	8%	67	64%	17	39%	2	5%	25	57%
<i>de minimis</i>	29	31%	6	7%	58	62%	16	38%	3	7%	23	55%
RAG	17	28%	7	12%	37	61%	7	30%	4	17%	12	52%
RDI	13	21%	4	6%	46	73%	5	19%	2	7%	20	74%
IPCEI	8	20%	5	13%	27	68%	2	15%	1	8%	10	77%
RF	4	13%	5	16%	23	72%	-	-	1	8%	12	92%
Aviation	8	28%	10	35%	11	38%	4	31%	3	23%	6	46%
EEAG	11	19%	5	9%	42	72%	3	15%	1	5%	16	80%
R&R	5	15%	5	15%	23	70%	2	14%	2	14%	10	71%
Railway	8	29%	8	29%	12	43%	3	33%	1	11%	5	56%
STEC	8	40%	3	15%	9	45%	2	22%	2	22%	5	56%

Any incoherence in the percentages is due to rounding.

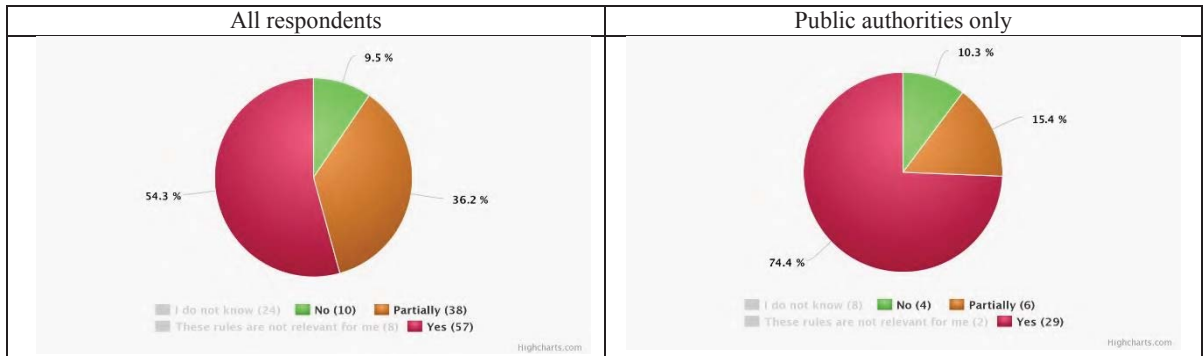
- In reply to Question 2 (“Based on your experience, did the factors below facilitate the compliance with the State aid rules by the Member States?”), respondents were of the opinion that a series of elements under SAM has helped to facilitate the compliance with the State aid rules by Member States: Clear definition of the scope of the rules by excluding sectors or types of aid and clear definitions of those sectors and types of aid that are excluded (100 or 89% for all respondents; 39 or 89% for public authorities). Only 12 respondents (out of which 5 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.



- Clear definition of the scope of the rules by explaining the overlaps between the different rules (93 or 89% for all respondents; 34 or 87% for public authorities). Only 12 respondents (out of which 5 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.



- Common principles to assess the compatibility of the State aid measures; (95 or 96% for all respondents; 35 or 90% for public authorities). Only 10 respondents (out of which 4 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.



- Clear rules to identify the need for State intervention (83 or 84% for all respondents; 35 or 88% for public authorities). Only 16 respondents (out of which 5 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.



- Clear rules to identify the incentive effect of the aid measure (86 or 84% for all respondents; 38 or 86% for public authorities). Only 17 respondents (out of which 6 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.



- Clear rules to ensure that the aid is limited to the minimum necessary (84 or 85% for all respondents; 36 or 88% for public authorities). Only 15 respondents (out of which 5 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.

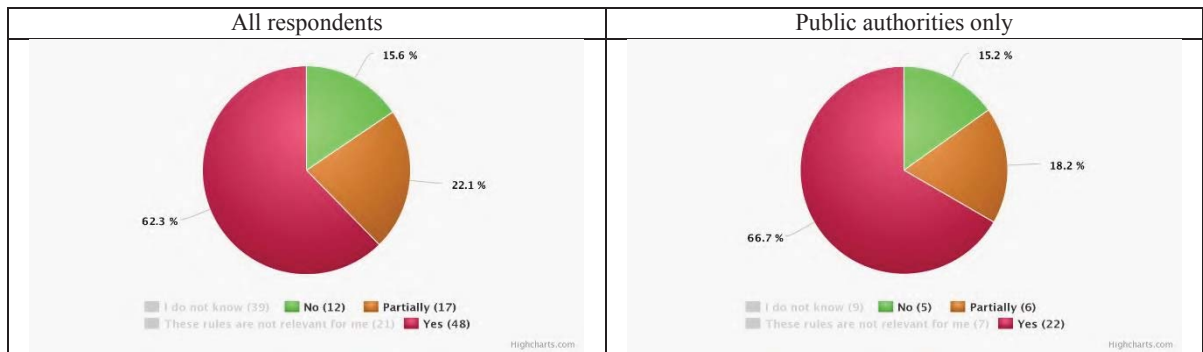


- Clear rules to identify the distortive effects of the aid measure (80 or 81% for all respondents; 34 or 87% for public authorities). Only 17 respondents (out of which 5 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.



- Publication of aid awards above EUR 500,000 on a public webpage (65 or 84% for all respondents; 28 or 85 % for public authorities). Only 12 respondents (out of which 5 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.





- Evaluation of novel or large schemes with budgets above EUR 150 million (39 or 74% for all respondents; 19 or 91% for public authorities). Only 14 respondents (out of which 2 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.



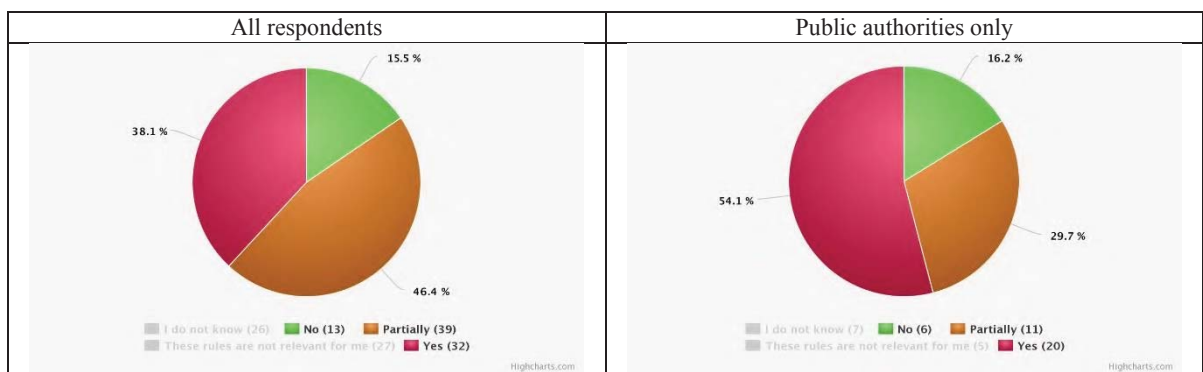
- Clear and simplified definition of a company in difficulty (70 or 82% for all respondents; 35 or 81% for public authorities); Only 15 respondents (out of which 8 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.



- Simplified rules for projects that are financed with EU funds (including structural funds) (65 or 78% for all respondents; 29 or 74% for public authorities); Only 18 respondents (out of which 10 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.



- Simplified rules for SMEs (71 or 85% for all respondents; 31 or 84% for public authorities) Only 13 respondents (out of which 6 public authorities) replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.



Question 3 sought the public's view whether, as a result of the SAM, the Commission succeeded in focusing its scrutiny on cases having a significant impact on the internal market. 39% (30) of all respondents and 53% (17) of all public authorities were of the opinion that this is the case, 49% of all respondents and 44% of all public authorities share this view partially. Only 10 respondents (out of which merely 1 public authority) replied no. A further breakdown by respondent category does not seem to be meaningful.



The agreement was particularly high for the EEAG Guidelines. On the other hand, for the Aviation Guidelines the agreement rate was the lowest. It has to be noted that only 16



responses were received for the Aviation rules. Only 11 respondents replied that the Aviation guidelines did not allow the Commission to focus its scrutiny on cases with a significant impact on the internal market, out of which 3 public authorities, 1 citizen and 1 law firm.

As regards Question 4, 35-69% of respondents (depending on the rule) agreed that SAM rules have reduced the risk of subsidy races in the EU; for public authorities only, this rate was even higher ranging between 55-100% of the collected responses. 24-42% of all respondents, and 0-45% of public authorities, affirmed instead that this risk was reduced only partially.. Depending on the rule, only 3-12 respondents (out of which up to 3 public authorities) per rule replied that SAM did not reduce subsidy races. A further breakdown by respondent category does not seem to be meaningful. As to the Aviation rules where the overall agreement rate was “only” 59%, it has to be noted that only 29 responses were received in total. Only 12 respondents replied that the Aviation Guidelines did not reduce subsidy races, out of which 3 public authorities, 2 citizens and 1 law firm.

*Table 2: Summary of replies to Question 4*

	All respondents						Public authorities only					
	Yes		No		Partially		Yes		No		Partially	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
GBER	55	69%	5	6%	20	25%	24	73%	-	-	9	27%
De minimis	46	68%	6	9%	16	24%	23	70%	2	6%	8	24%
RAG	24	56%	6	14%	13	30%	12	71%	2	12%	3	18%
RDI	40	69%	4	7%	14	24%	19	86%	-	-	3	14%
IPCEI	16	49%	3	9%	14	42%	6	55%	-	-	5	45%
RF	28	61%	5	11%	13	28%	11	69%	-	-	5	31%
Aviation	10	35%	12	41%	7	24%	7	58%	3	25%	2	17%
EEAG	27	52%	9	17%	16	31%	11	65%	2	12%	4	24%
R&R	12	57%	3	14%	6	29%	7	100%	-	-	-	-
Railway	12	44%	6	22%	9	33%	4	57%	1	14%	2	29%
STEC	10	46%	3	14%	9	41%	4	57%	-	-	3	43%

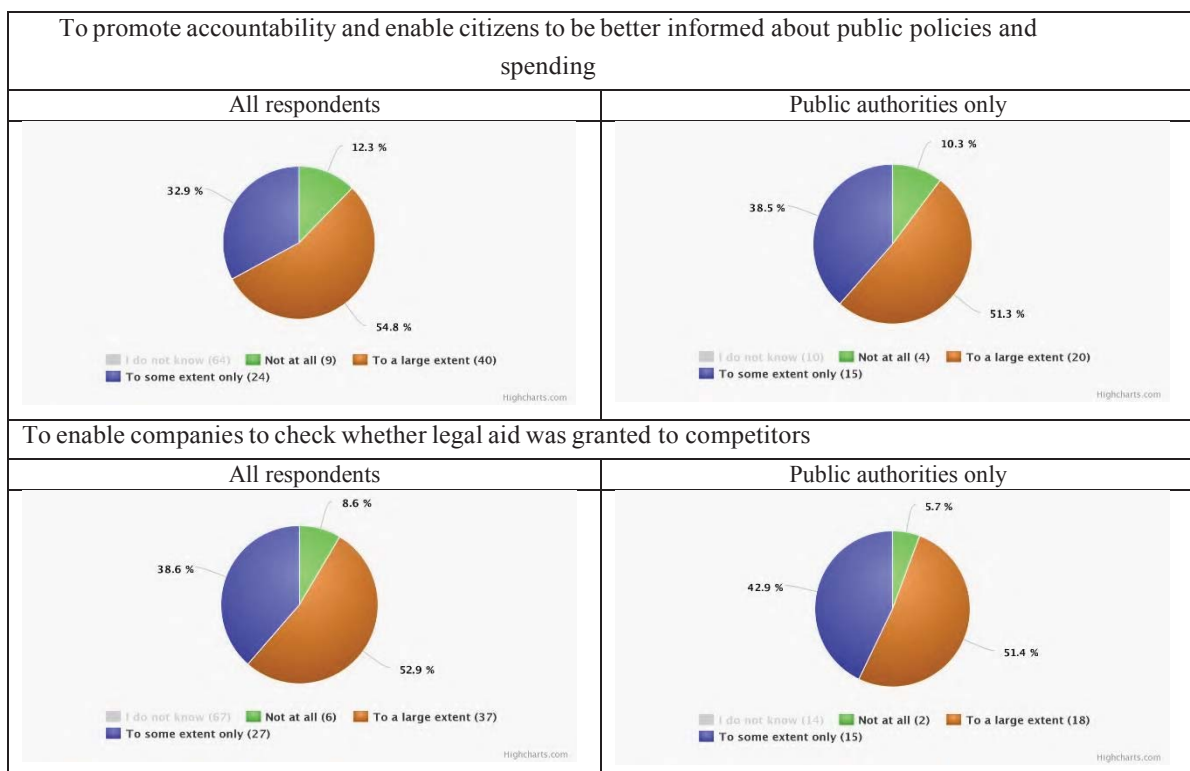
Any incoherence in the percentages is due to rounding.

As regards Question 5, a majority of respondents (both for all respondents and only for public authorities) who expressed a view were of the opinion that the State aid rules achieved the SAM objectives while maintaining a competitive internal market (fully or partially). However, the agreement was particularly low for the Railway Guidelines and for the Aviation Guidelines. As regards Aviation guidelines, 9 respondents considered that they have not at all achieved the objective of allowing connectivity between regions by using aid transport (3 public authorities, 2 NGOs, 2 business associations, 1 company/business organisation and 1 citizen) and 8 respondents considered that they have not at all maintained a competitive internal market (2 public authorities, 2 NGOs, 2 citizens, 1 company/business organisation and 1 business association). With respect to the Railway Guidelines, 6 respondents considered that they have not at all stimulated the railway sector (3 companies/business organisations, 2 citizens and 1 public authority) while 8 respondents considered that they have not at all maintained a competitive internal market (2 public authorities, 3 citizens, 2 companies/business organisations and 1 consumer organisation).

Open Question 6 inquired whether the State aid modernisation or the State aid rules under evaluation had any positive or negative unexpected or unintended effects. Roughly half of the respondents categorised the effects overall positive, while around one-third remained neutral. Only about ca. one-fifth of all respondents pointed out certain negative effects.

Since mid-2016, the details of all individual State aid awards above EUR 500,000 are published on a public website. Under Question 7, the majority of respondents were of the view that this contributed to the objectives as laid down by SAM. In particular, the majority of respondents (40 or 55% of all respondents and 20 or 51% of public authorities) agree that this promotes accountability and enable citizens to be better informed about public policies and spending to a large extent and the majority of respondents (37 or 53% of all respondents and 18 or 51% of public authorities) is of the view that this enables companies to check whether legal aid was granted to competitors to a large extent. Only 9 and 6 respondents respectively (out of which 4 and 2 public authorities) replied no. A further breakdown by respondent category does not seem to be meaningful.

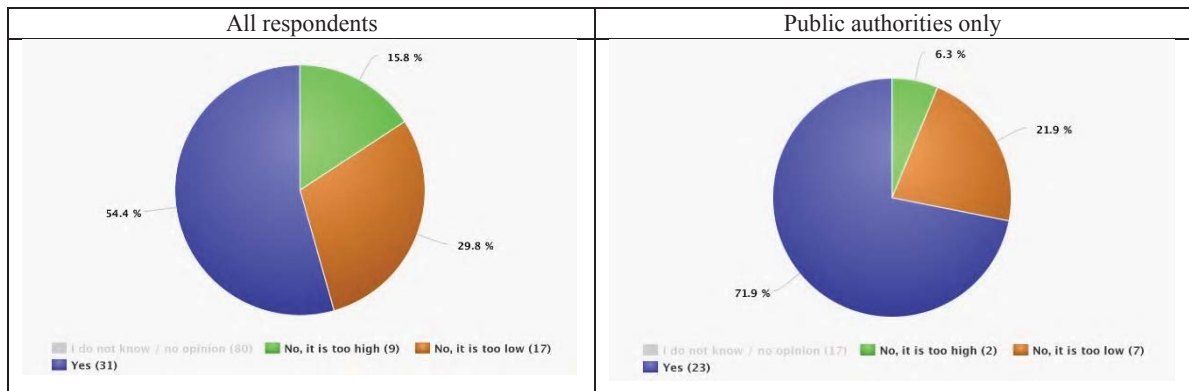
With reference to the effect of transparency on administrative burden, 19 or 30% of all respondents and 10 or 28% of public authorities noted that it does not reduce the burden on the aid granting bodies – while the rest is of the view that the transparency requirements decrease the administrative burden at least to some extent. The EUR 500,000 ceiling is largely seen as appropriate by both all respondents (54%) and public authorities (72%). As regards other views, for 30% of respondents and for 22% of public authorities it was too low, while for 16% of respondents and 6% of public authorities the threshold was considered too high.



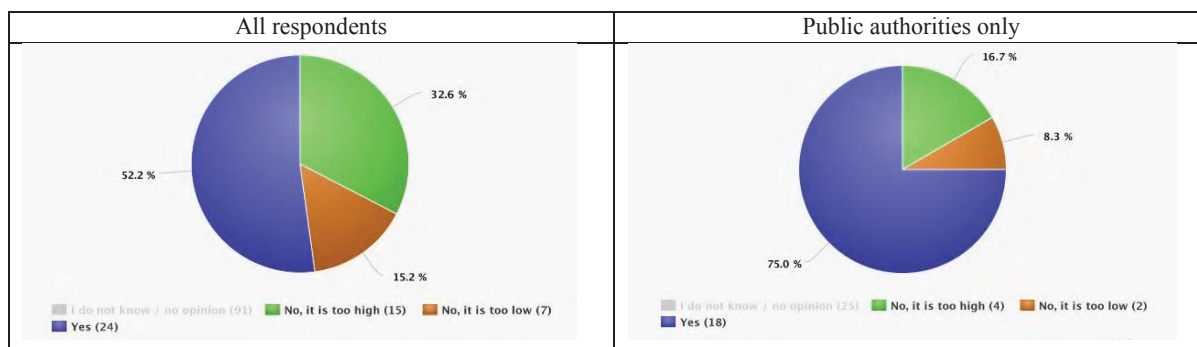
To reduce the administrative burden of Member States as regards reporting to the Commission State aid expenditure



The EUR 500,000 ceiling is largely seen as appropriate by both all respondents (54%) and public authorities (72%). As regards other views, for 30% of respondents and for 22% of public authorities it was too low, while for 16% of respondents and 6% of public authorities the threshold was considered too high.



Since mid-2014, the largest (annual average budget above EUR 150 million) State aid schemes are subject to ex-post evaluation studies to assess their effectiveness. Under Question 8, concerning evaluation, the majority of respondents believe that the threshold for evaluation is appropriate (24 or 52% of all respondents and 18 or 75% of public authorities). As regards other views, for 2 or 8% of public authorities the evaluation threshold was too low, for 4 or 17% of them it was too high. Furthermore, for 7 or 15% respondents (2 public authorities, 3 business associations, 1 company/business organisation and 1 other) it was too low and for 15 or 33% among them (4 public authorities, 4 NGOs, 3 companies/business organisations, 3 citizens and 1 business association) it was considered too high.



### 3.2. Efficiency (Were the costs involved proportionate to the benefits?)

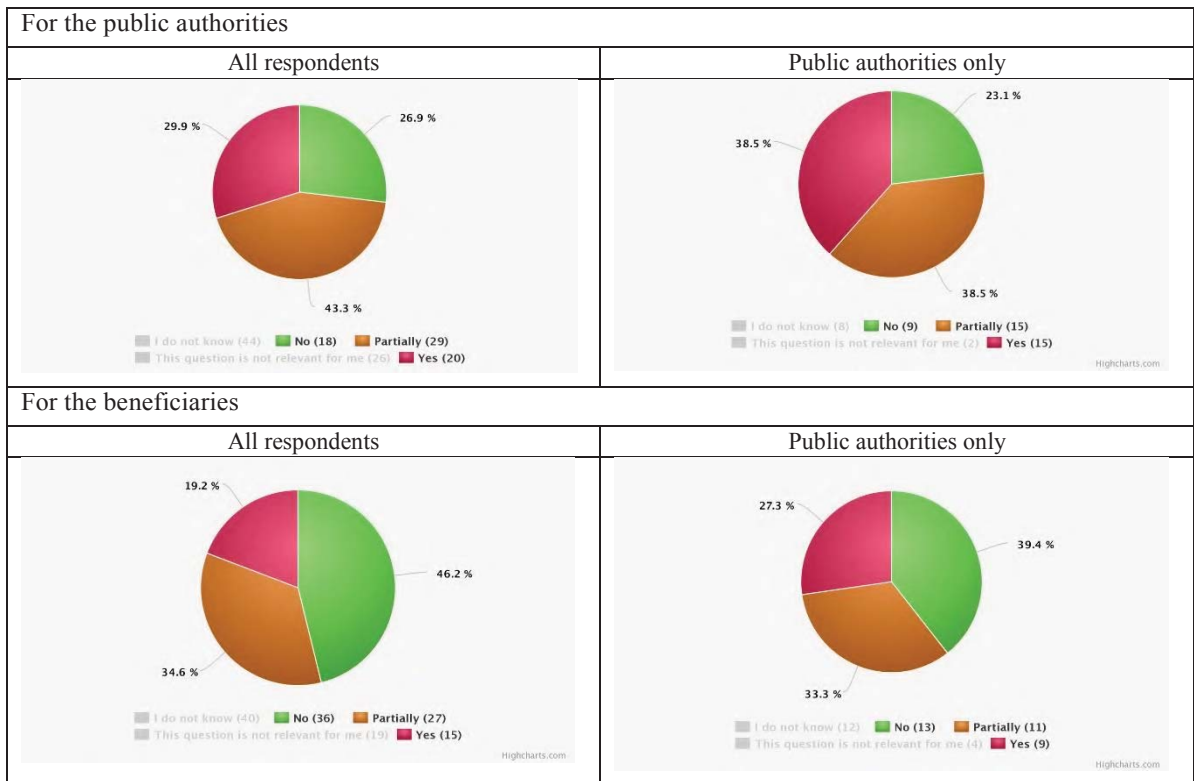
Under Question 9, 21-54% of respondents stated that State aid rules ensured efficient State expenditure to a large extent. This figure is higher, ranging between 33-65%, considering only public authorities responses. The agreement was particularly high for the *de minimis* Regulation (54% for all respondents and 65% for public authorities). On the other hand, for the Aviation Guidelines the agreement rate “to a large extent” was only 21% for all respondents and 33% for public authorities. 41-61% of all respondents and 33-50% of public authorities answered State aid rules ensured efficient State expenditure positively to some extent only.

Table 3: Summary of replies to Question 9

	All respondents						Public authorities only					
	To a large extent		Not at all		To some extent only		To a large extent		No		To some extent only	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
GBER	44	47%	6	7%	43	46%	25	63%	-	-	15	38%
<i>de minimis</i>	40	54%	4	5%	30	41%	26	65%	1	3%	13	33%
RAG	18	41%	4	9%	22	50%	11	55%	-	-	9	45%
RDI	18	36%	1	2%	31	62%	12	55%	-	-	10	45%
IPCEI	12	40%	2	7%	16	53%	6	60%	-	-	4	40%
RF	7	26%	4	15%	16	59%	4	40%	1	10%	5	50%
Aviation	5	21%	8	33%	11	46%	4	33%	2	17%	6	50%
EEAG	13	31%	4	10%	25	60%	7	39%	1	6%	10	56%
R&R	5	22%	4	17%	14	61%	4	40%	2	20%	4	40%
Railway	9	38%	3	13%	12	50%	3	38%	1	13%	4	50%
STEC	8	44%	2	11%	8	44%	4	57%	-	-	3	43%

Any incoherence in the percentages is due to rounding.

Question 10 focused on whether the State aid rules subject to the current Fitness Check reduced the administrative burden compared to the State aid rules in force before SAM, for the public authorities and for the beneficiaries.



Only a minority of respondents (26,9 % of all the respondents and 23,1% of the public authorities only) considered that the State aid rules subject to the current Fitness Check have not reduced the administrative burden for public authorities compared to the State aid rules in force before SAM.

Regarding the impact on private business/companies and to the question whether SAM had reduced administrative burden for the beneficiaries (who could be public companies), out of the 33 replies received from public authorities, nine replied “Yes” and 11 replied “Partially”. However, exactly half of business associations, organisations and companies (16 out of 32) replied that that SAM (as a whole, and not specifically GBER) has not reduced administrative burden for the beneficiaries. Of nine stakeholders who provided some linked explanations, there is no real clarity and trend allowing to find explanations. Two of them point to difficulty for SMEs to get access to aid or to fulfil conditions (which is not specific to State aid but seems rather linked to the SME recommendation and outside the scope of the Fitness check), one points to complexity of EEAG (which is not GBER, but a guideline, where the evidence in the present Fitness Check indeed suggests that it needs clarifications), another one to difficult tender process for wind turbine (which is a national issue), one points to burden and cost for small airports without more details and another one argues that calculation methods by EBITDA instead of cash flow bring complexity without more details (the aviation guidelines were looked into in detail by the present Fitness Check). Other stakeholders mention without much details to which instruments: “more bureaucracy in GBER”, “increase in administrative burden for training centres”.

### 3.3. Relevance (Is EU action still necessary?)

In order to understand if the State aid rules analysed under the Fitness Check are still relevant considering the changes in EU priorities and/or new market and technological developments, stakeholders were asked to answer two sets of questions.

Question 11 inquired whether the objectives of SAM and of individual State aid rules still correspond to the current EU priorities. 22-42% of all respondents and 30-60% of public authorities (depending on the rule) took the view that the objectives of SAM and of individual State aid rules still correspond to the current EU priorities. The majority of all respondents, 50-77%, and a slightly lower portion of public authorities, 38-75%, affirmed that the correspondence between SAM's objectives and current EU priorities still subsisted partially. Depending on the rule, only 1-6 respondents (out of which up to 0-1 public authorities) per rule replied no. A further breakdown by respondent category does not seem to be meaningful.

Table 4: Summary of replies to Question 11

	All respondents						Public authorities only					
	Fully		Not at all		Partially		Fully		Not at all		Partially	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
GBER	32	34%	6	6%	56	60%	21	51%	1	2%	19	46%
<i>de minimis</i>	34	42%	5	6%	43	52%	24	60%	1	3%	15	38%
RAG	17	32%	4	7%	33	61%	10	46%	1	5%	11	50%
RDI	18	33%	2	4%	35	64%	12	50%	-	-	12	50%
IPCEI	9	28%	2	6%	21	66%	3	25%	-	-	9	75%
RF	9	33%	4	15%	14	52%	4	40%	-	-	6	60%
Aviation	7	27%	4	15%	15	58%	5	36%	-	-	9	64%
EEAG	11	18%	3	5%	47	77%	6	30%	1	5%	13	65%
R&R	9	35%	4	15%	13	50%	5	42%	1	8%	6	50%
Railway	6	22%	5	19%	16	59%	3	38%	-	-	5	63%
STEC	9	41%	1	5%	12	55%	3	38%	-	-	5	63%

Any incoherence in the percentages is due to rounding.

Question 12 aimed at finding out stakeholders' opinion on how well adapted the State aid rules are to recent developments in markets and technology. 6-37% of the full sample and 7-44% of public authorities (depending on the rule) responded positively. The majority of respondents stated that the individual rules are adapted partially (53-72% of all respondents and 50-91% of public authorities). Depending on the rule, only 2-9 respondents (out of which up to 0-2 public authorities) per rule replied no. A further breakdown by respondent category does not seem to be meaningful.

Table 5: Summary of replies to Question 12

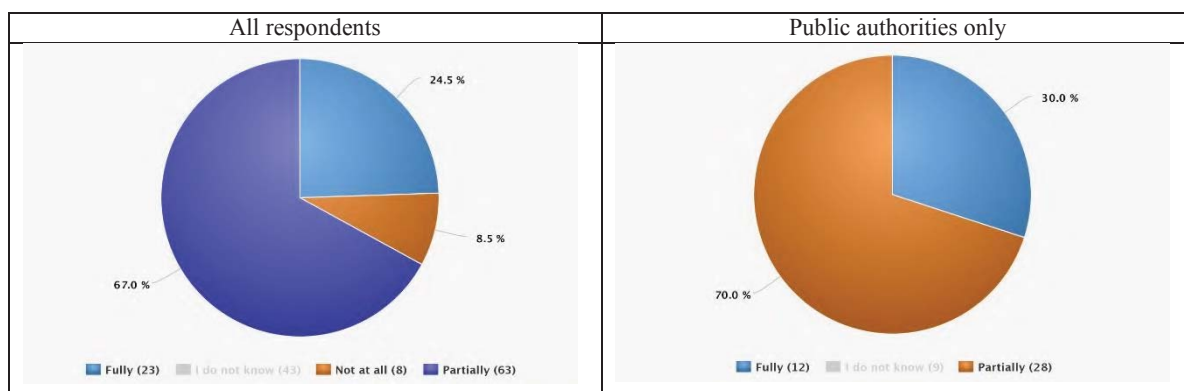
	All respondents						Public authorities only					
	Yes		Not at all		Partially		Fully		Not at all		Partially	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
GBER	14	17%	9	11%	59	72%	8	30%	1	4%	18	67%
<i>de minimis</i>	22	32%	9	13%	37	54%	14	44%	2	6%	16	50%
RAG	11	27%	6	15%	24	59%	6	43%	-	-	8	57%
RDI	9	20%	3	7%	33	73%	5	29%	-	-	12	71%
IPCEI	4	14%	4	14%	21	72%	1	9%	-	-	10	91%
RF	5	23%	3	13%	14	64%	2	29%	-	-	5	71%
Aviation	2	11%	6	33%	10	56%	1	11%	1	11%	7	78%
EEAG	3	6%	6	12%	42	82%	1	7%	-	-	14	93%
R&R	4	22%	3	17%	11	61%	2	25%	1	13%	5	63%
Railway	4	17%	4	17%	15	65%	2	22%	-	-	7	78%
STEC	7	37%	2	11%	10	53%	2	29%	-	-	5	71%

Any incoherence in the percentages is due to rounding.

### 3.4. Coherence (Does the policy complement other actions or are there contradictions?)

In order to understand the extent to which the State aid rules subject to the current Fitness Check are coherent with each other and with other EU rules, stakeholders were asked to answer two sets of questions.

Question 13 asked whether the State aid rules subject to the current Fitness check are coherent with each other.



In Question 14 stakeholders were asked to what extent are the State aid rules subject to the current Fitness Check coherent with changes in EU legislation which have occurred since the State aid rules were adopted (such as for instance in the Cohesion and Regional policy, Research and Innovation, Energy Union and Climate, Environmental protection and Circular Economy, Entrepreneurship and SMEs, Capital Markets Union, Investment Plan for Europe). 17-41% of all respondents stated that they are fully coherent with changes in EU legislation, while 55-77% of the full sample affirmed that they are only partially coherent. However, considering only the subsample of public authorities 25-56% of respondents responded positively while 50-75% of respondents answered partially. The agreement was particularly high for the *de minimis* regulation (41% for all respondents and 56% for public authorities). Depending on the rule, only 1-4 respondents (out of which no public authority) per rule



replied no. Hence, a further breakdown by respondent category does not seem to be meaningful.

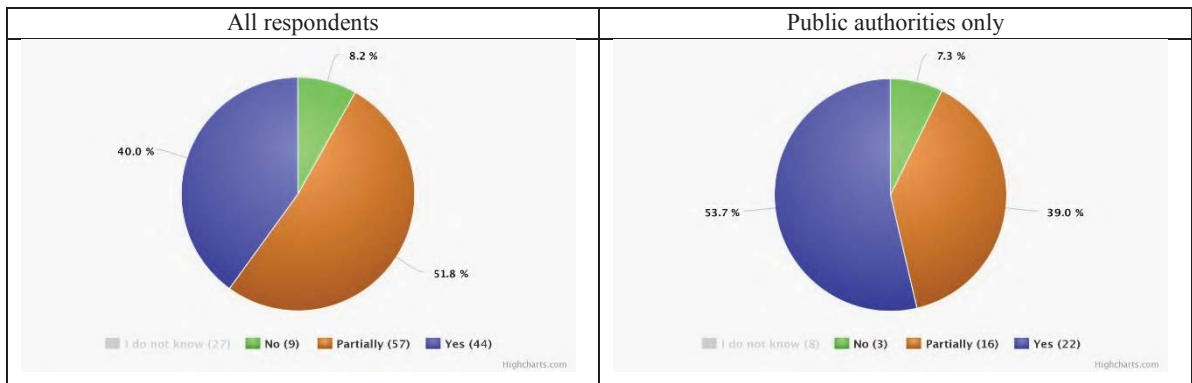
Table 6: Summary of replies to Question 14

	All respondents						Public authorities only					
	Yes		Not at all		Partially		Fully		No		Partially	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
GBER	28	36%	4	5%	45	58%	14	47%	-	-	16	53%
<i>de minimis</i>	26	41%	3	5%	35	55%	18	56%	-	-	14	44%
RAG	13	30%	2	5%	28	65%	9	50%	-	-	9	50%
RDI	11	26%	2	5%	30	70%	7	39%	-	-	11	61%
IPCEI	6	20%	1	3%	23	77%	3	27%	-	-	8	73%
RF	6	23%	3	12%	17	65%	2	25%	-	-	6	75%
Aviation	5	25%	3	15%	12	60%	3	38%	-	-	5	63%
EEAG	8	17%	4	8%	36	75%	5	33%	-	-	10	67%
R&R	6	30%	2	10%	12	60%	4	50%	-	-	4	50%
Railway	6	26%	2	9%	15	65%	3	43%	-	-	4	57%
STEC	8	38%	1	5%	12	57%	2	25%	-	-	6	75%

Any incoherence in the percentages is due to rounding.

### 3.5. EU added value (Did EU action provide clear added value?)

In order to evaluate the EU added value of the State aid rules subject to the current Fitness Check, stakeholders were asked in Question 15 whether the State aid rules subject to the current Fitness Check helped to deliver EU policies more efficiently. 40% of all respondents and the majority of public authorities (54%) said yes, while 52% of all respondents and 39% of public authorities answered partially. Only 9 respondents (out of which 3 public authorities) replied no. A further breakdown by respondent category does not seem to be meaningful.





## 4. TARGETED CONSULTATIONS

As described above in section 1, in addition to the public consultation, DG Competition launched targeted consultations in the form of online questionnaires (EUSurvey tool) addressed to the main stakeholders and interested parties on specific issues related to the individual policy areas and rules. A summary of these consultation activities is summarised below.

*Table 7: Summary of targeted consultations*

	EEAG	RAF	<i>de minimis</i> Stakeholders	<i>de minimis</i> Member States	Risk Finance	IPCEI	Aviation	STEC
Date	14 May 2019 - 19 July 2019	14 May 2019 - 19 July 2019	24 May 2019 - 31 July 2019	24 May 2019 - 31 July 2019	25 April 2019 – 19 June 2019	9 August 2019 - 31 October 2019	24 May 2019 - 31 July 2019	25 March 2019 - 31 May 2019
Open/ Closed	open	open	open	closed	closed	closed	open	closed
Number of replies	250	62	207	23	20	35 (out of which one arrived outside EUSurvey)	81 (out of which 5 arrived outside EUSurvey)	37
Language of the consultation	All EU official languages (except Irish)	All EU official languages (except Irish)	All EU official languages (except Irish)	All EU official languages (except Irish)	English, but respondents were invited to submit their contributions in any EU language	English, but respondents were invited to submit their contributions in any EU language	All EU official languages (except Irish)	English, but respondents were invited to submit their contributions in any EU language
Target group	Businesses/business associations; public authorities (regional and local); NGOs, consumer organisations, academic/research institutions and environmental organisations.	Public authorities, an academic research institute, business associations, companies/business organisations, EU citizens and other contributors (not specified).	All stakeholders	All Member States	All Member States	Member States' authorities; members of the Strategic Forum for Important Projects of Common European Interest	Member States, airline companies, airport operators and relevant associations	Export credit agencies, Member States, private insurers, trade and insurance associations and "others"

### 4.1. EEAG

182 replies were submitted by either businesses or business associations. Public authorities (including regional and local) submitted 33 replies, with a coverage of 19 Member States (Member States that did not submit contributions were: Austria, Croatia, Cyprus, Denmark, Greece, Luxembourg, Portugal and Spain) plus Norway. 19 NGOs and 5 Consumer organisations also replied to the consultation. Academic/research institutions and environmental organisations registered only one contribution each and other respondents submitted 9 replies.

Overall, an overwhelming majority of the respondents believe that the EEAG and GBER related provisions have contributed to achieving the relevant climate, environmental and energy objectives while maintaining a competitive internal market. However, stakeholders also note that the EEAG and GBER provisions need to be updated to better cater for a certain number of new developments in technologies and in the energy markets and ask for an alignment of the guidelines with the new regulations included in the Clean Energy Package.

#### **4.2. RAF**

61 stakeholders from 21 Member States<sup>12</sup> submitted 62 replies to the targeted consultation on the regional aid framework (RAG and corresponding GBER articles). They include 40 public authorities, 1 academic research institute, 6 business associations, 5 companies/business organisations, 6 EU citizens, and 3 other contributors.

The respondents confirmed that even though a shift from regional aid to other aid categories or measures including GBER can be perceived, regional State aid remains an important element for regional development. Overall, the eligibility conditions for SMEs and a-regions were considered as appropriate and the updated GBER relocation rules were welcomed. Potential for improvement was reported however regarding the eligibility conditions for large-enterprises in c-areas, in particular the implementation of the conditions related to new process innovation projects. Further adjustments should be considered to improve inter alia the criteria for the definition of regional aid maps in the future and to ease the implementation of the provisions under GBER and RAG.

#### **4.3. *de minimis* Regulation**

Two targeted consultations took place with regard to the *de minimis* Regulation: one closed to member States and one open to stakeholders.

The *de minimis* Regulation is largely seen as an important element of State aid rules. For the majority of the Member States, the *de minimis* ceiling does not correspond to the current economic reality and should be increased, others are in favour of the current ceiling. The increase of the ceiling was reiterated by other stakeholders. Certain Member States also raised some technical issues including the definition of “single undertaking” and the possible replacement of fiscal years for the calculation of the three-year period by calendar years.

#### **4.4. Risk Finance**

20 responses were received, coming from 17 EU Member States (Belgium, Bulgaria, Czech Republic, Finland, Greece, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Romania, Slovakia, Spain, Sweden, United Kingdom, Germany), 2 EEA Member States (Iceland, Liechtenstein) and 1 Region (Catalonia).

According to Member States, the rules work reasonably well, better than the previous ones. However, they point out that some of the rules on risk finance are overly complex (in particular article 21 of the GBER) and ask for simplification. As regards concrete remarks,

---

<sup>12</sup> Belgium, Bulgaria, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Malta, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, United Kingdom.

different MS have different views. For instance, according to some Member States some requisites are too stringent and may be hindering their ability to act on this field, while others find the rules adequate. This is for example the case with private participation requirements, which some Member States with less developed private funding markets see as a challenge in setting up risk finance schemes while others see the benefit of requiring private participation. Another example concerns the rule limiting risk finance aid in principle to enterprises operating for less than seven years since their first commercial sale. Several Member States have argued that beneficiaries sometimes struggle to identify in practice which sale qualifies as truly "commercial" as opposed to mere test sales.

#### **4.5. IPCEI**

A total of 35 replies were submitted in the context of the targeted consultation: 18 from Member States<sup>13</sup> or public authorities, 8 from private companies or business organisations, 2 from research organisations/universities, 5 from trade associations and 2 from "other" types of respondents (experts contributing in their personal capacity or as member of the Strategic Forum).

The contributions showed that, despite the limited experience in the application of these rules, the IPCEI Communication is generally considered as an appropriate instrument to achieve the objective of facilitating the emergence of IPCEIs. A number of contributions expressed a need for clarification of certain notions and further guidance with regard to the assessment of certain requirements set out in the Communication. In addition, there was a call for a streamlined notification process, clearer procedural rules for special situations and for the simplification of the Communication requirements for SMEs. There was a general demand for the strengthening of the role of the Commission, inter alia to ensure the openness of IPCEIs to all interested Member States.

#### **4.6. Aviation Guidelines**

76 contributions were submitted via the online tool (out of which 44 were submitted from companies, e.g. airports, airport operators, airlines, 19 from public authorities, 7 from business associations, 2 from non-governmental organisations, and 4 from other types of stakeholders) and 5 contributions outside the online tool). The largest number of contributions was submitted by stakeholders from Sweden (15 contributions), followed by Germany (11), Italy (9), and France (7). The contributions from participants from other European countries range from 1 to 5.

A majority of the respondents expressed doubts on the adequacy of the Aviation Guidelines. The respondents criticized numerous provisions as being unclear, overly simplistic and not in line with economic realities.

---

<sup>13</sup> Member States that did not submit contributions were: Bulgaria, Cyprus, Hungary, Ireland, Latvia, Malta, Portugal, Romania, Slovakia, Slovenia, and the UK. Germany submitted its contribution outside EU Survey tool.

#### **4.7. STEC**

37 replies were received: 17 coming from the Export Credit Agencies, 6 from Member States (Austria, Denmark, Finland, Latvia, Portugal, Sweden), 6 from private insurers, 4 from trade and insurance associations as well as 4 from other respondents.

The large majority of respondents found that STEC ensures an adequate competition level between private and public export-credit insurers as well as between exporters in the EU single market. In particular, there seem to be little or no distortions as regards the pricing of short-term export-credit insurance between private and public actors.

## **5. AD HOC CONTRIBUTIONS AND POSITION PAPERS**

The ad hoc contributions and position papers were largely in line with the message of the general public consultation and targeted consultation. In particular, the submissions underpin the perception SAM went in the right direction but that clarifications and adjustments are necessary, for instance in view of technological and market developments.