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IND 198  
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#### COVER NOTE

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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

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

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

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

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



Brussels, 30.10.2020  
SWD(2020) 257 final

PART 4/4

**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 10

Factual summary of the contributions received in the context of the public consultation on all rules covered by the Fitness Check



## **Factual summary of the contributions received in the context of the public consultation on all rules covered by the Fitness Check<sup>1</sup>**

This document should be regarded solely as a summary of the contributions made by stakeholder during the public consultation on the State aid rules. It cannot in any circumstances be regarded as the official position of the European Commission or its services.

This document only provides a factual summary. A later synopsis report as an annex to the Staff Working Document will provide a more detailed overview of the consultation activities.

### **1. INTRODUCTION**

The open **public consultation** on the Fitness Check ran between 17 April 2019 and 19 July 2019.

The objective of this public consultation was to obtain the views of citizens, Member States and relevant stakeholders on the effectiveness, efficiency, coherence, relevance and EU added value of the State aid rules subject to the Fitness check.

The public consultation took the form of an online survey, with a mix of closed and open questions. 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, DG Competition's State aid Newsletter and DG Competition's website. The statistics computed in this summary are based only on contributions to the public consultation submitted through the online

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<sup>1</sup> The Fitness check covers the General Block Exemption Regulation (GBER), De minimis Regulation, Regional aid Guidelines (RAG), Research, Development and Innovation ("RDI") Framework, Important Projects of Common European Interest ("IPCEI") Communication, Risk finance, Airport and aviation Guidelines, Energy and Environmental Aid Guidelines ("EEAG"), Rescue and restructuring Guidelines, but also the Railways Guidelines as well as the Short term export credit ("STEC") Communication (the two latter were not included in the 2012 SAM package).

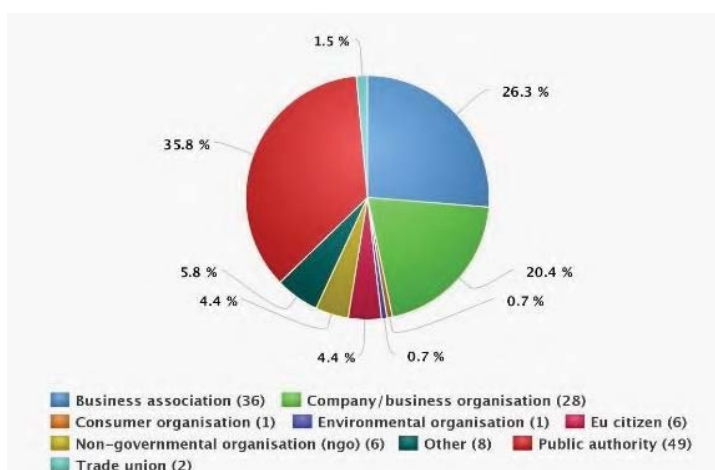
questionnaire. The input has been analysed using a data analysis tool<sup>2</sup>, complemented by manual analysis.

In addition to the replies provided through the questionnaires, 14 position papers were sent<sup>3</sup> outside the online tool, mainly by public authorities and associations.

## 2. OVERVIEW OF THE RESPONDENTS

In total, this public consultation received 137 replies: 74 from organisations, 49 from the public authorities, 6 from individuals and 8 from other respondents (see figure 1 for details).

Figure 1: Profile of the respondents

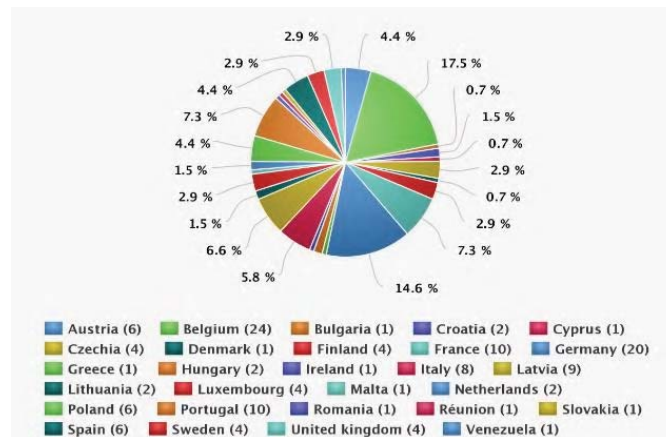


The replies came mainly from the EU countries. The most common language of contributions was English (47), German (25) French (13), Portuguese (9), Spanish (8) and Italian (7). The two countries with the highest number of respondents were Belgium (24) and Germany (20). The origin of the respondents is summarised in Figure 2.

<sup>2</sup> The tool used is Doris Public Consultation Dashboard, an internal Commission tool for analysing and visualising replies to public consultations. It relies on open-source libraries using machine-learning techniques and allows for the automatic creation of charts for closed questions, the extraction of keywords and named entities from free-text answers as well as the filtering of replies, sentiment analysis and clustering.

<sup>3</sup> Until 5 September 2019.

Figure 2: Country of origin



### 3. CONTRIBUTIONS TO THE ONLINE QUESTIONNAIRE

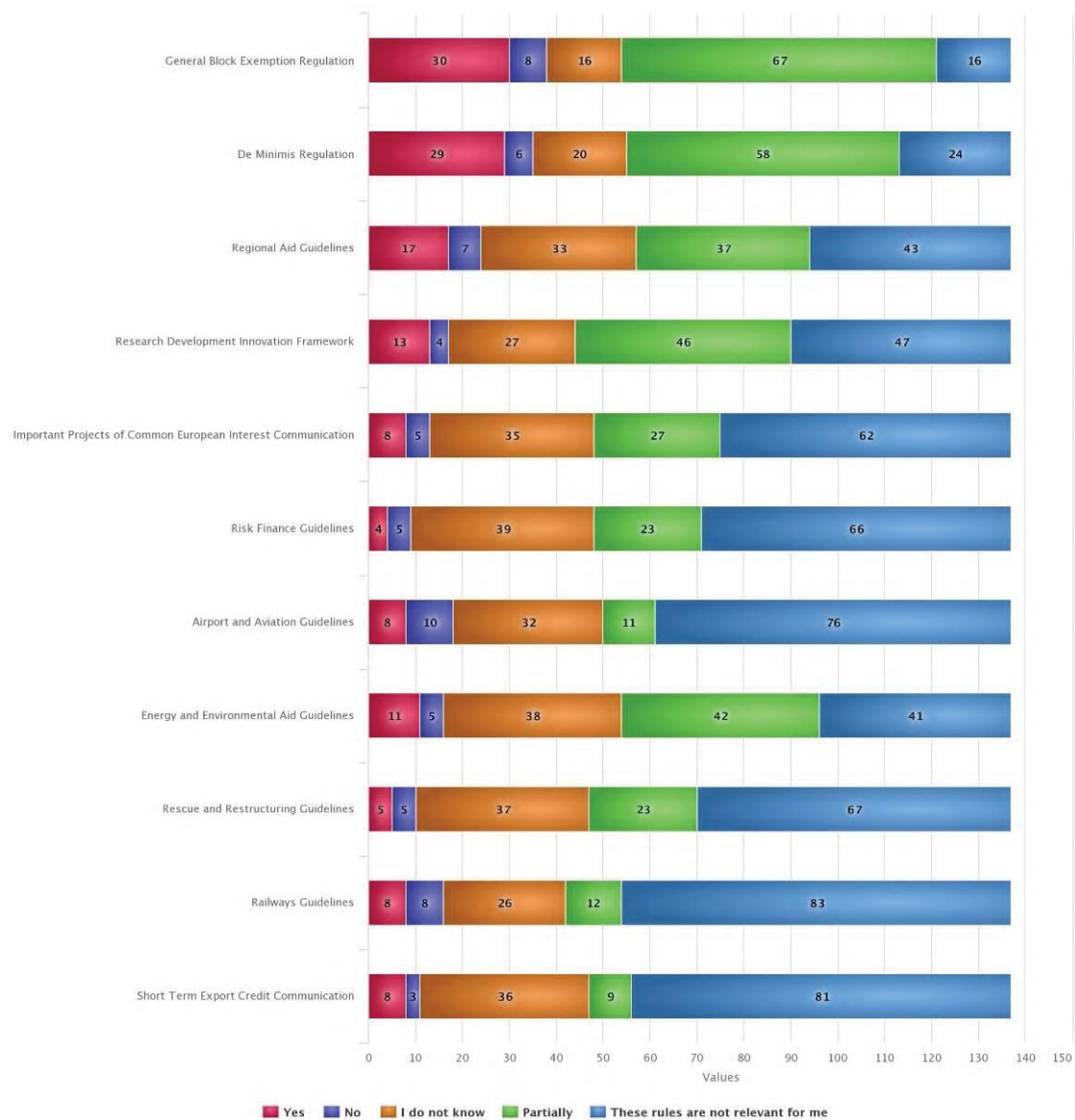
The summary of the contributions to the online questionnaire is structured around the five evaluation criteria: effectiveness, efficiency, relevance, coherence and EU added value.

#### 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. The replies are summarised in the chart below.

Figure 3: Question 1 - Has the SAM package led to clearer rules?



The summary of replies to **Question 2**, is shown in the table below.

Table 1: Question 2 - Did the factors below facilitate the compliance with the State aid rules by the MS?

	Yes	No	Partially	Not relevant	I do not know	Total		Yes	No	Partially	Total
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	52	12	48	6	19	137		46%	11%	43%	100%
Clear definition of the scope of the rules by explaining the overlaps between the different rules	38	12	55	6	26	137		36%	11%	52%	100%
Common principles to assess the compatibility of the State aid measures	57	10	38	8	24	137		54%	10%	36%	100%
Clear rules to identify the need for State intervention	50	16	33	15	23	137		51%	16%	33%	100%
Clear rules to identify the incentive effect of the aid measure	48	17	38	8	26	137		47%	17%	37%	100%
Clear rules to ensure that the aid is limited to the minimum necessary	51	15	33	11	27	137		52%	15%	33%	100%
Clear rules to identify the distortive effects of the aid measure	43	17	37	13	27	137		44%	18%	38%	100%
Publication of aid awards above EUR 500,000 on a public webpage	48	12	17	21	39	137		62%	16%	22%	100%
Evaluation of novel or large schemes with budgets above EUR 150 million	29	14	10	37	47	137		55%	26%	19%	100%
Clear and simplified definition of a company in difficulty	36	15	34	30	22	137		42%	18%	40%	100%
Simplified rules for projects that are financed with EU funds	29	18	36	25	29	137		35%	22%	43%	100%



(including structural funds)										
Simplified rules for SMEs	32	13	39	27	26	137	38%	15%	46%	100%

**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. The replies are summarised in the charts below.

Figure 4: Question 3.1 - Has the Commission focused its scrutiny on cases having a significant impact on the internal market – For SAM as a whole?

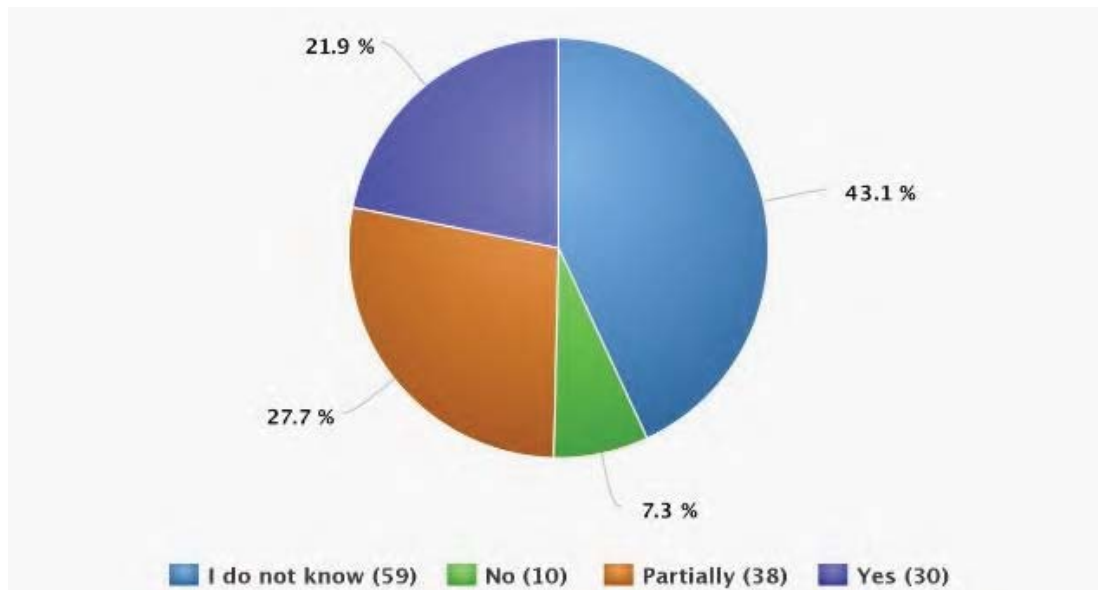
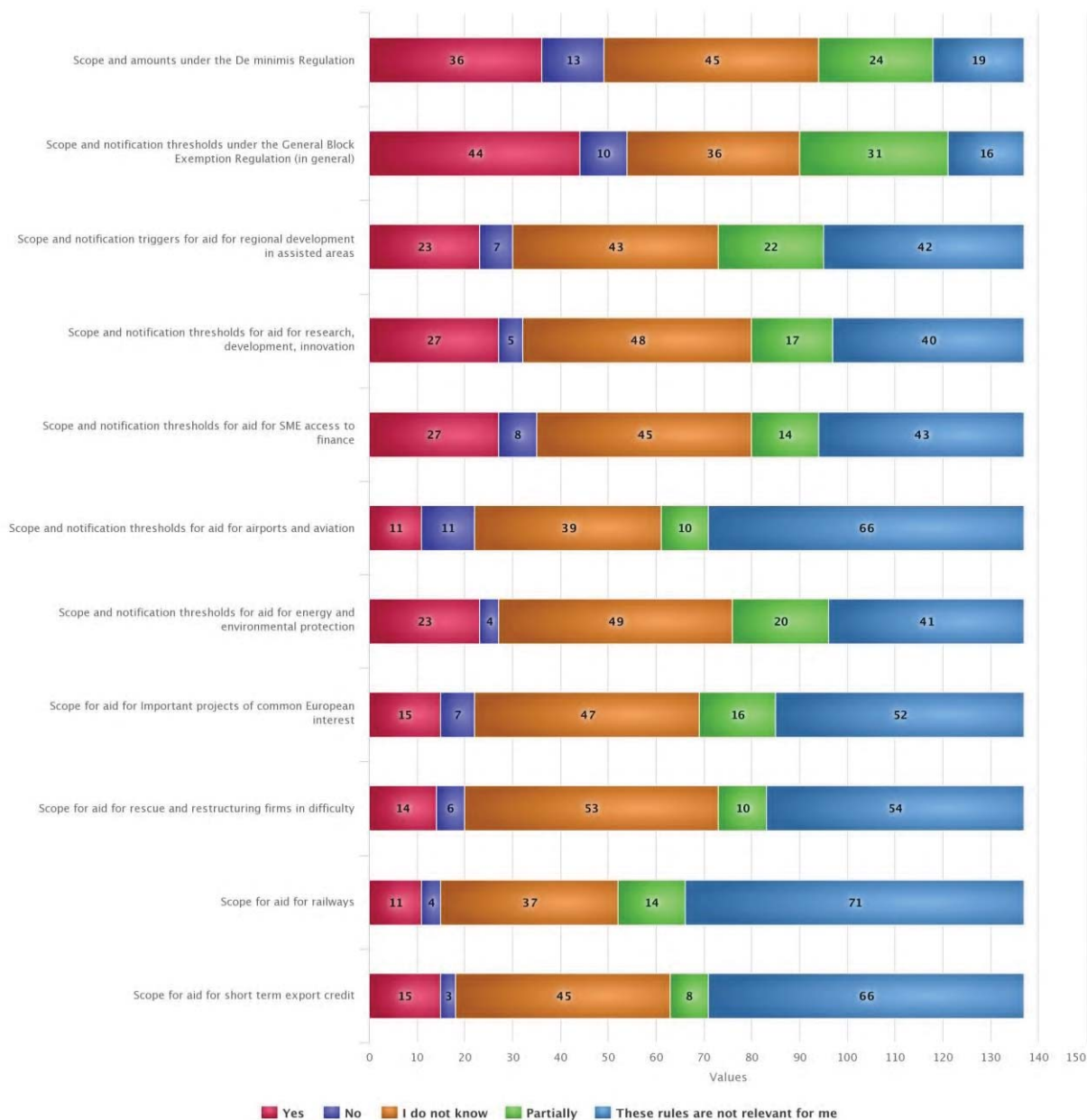
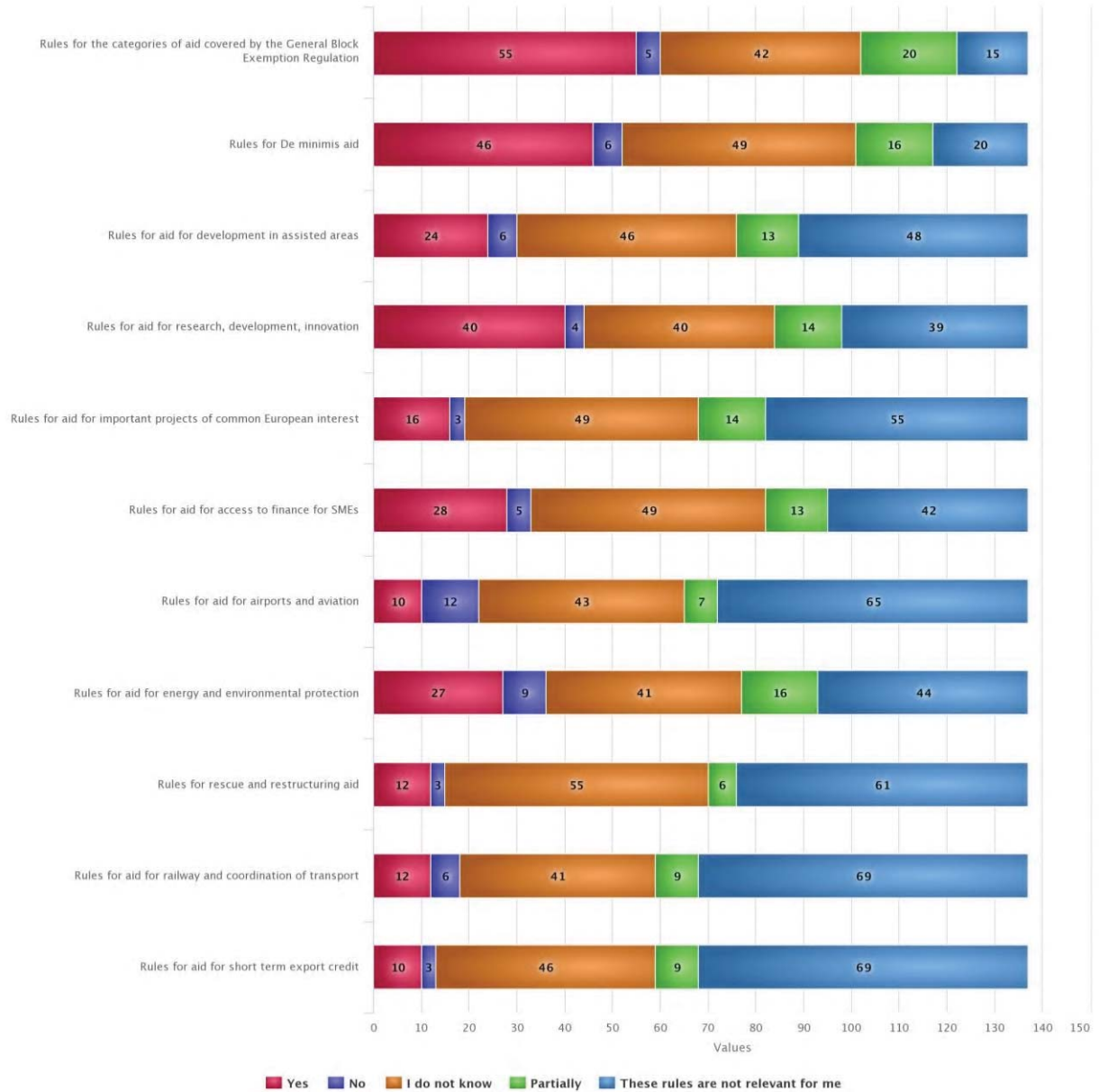


Figure 5: Question 3.2 - Has the Commission focused its scrutiny on cases having a significant impact on the internal market – For the individual rules?



As regards **Question 4**, namely whether the SAM rules have, at least partially, reduced the risk of subsidy races in the EU, the replies are summarised in the chart below.

Figure 6: Question 4 - Have the State aid rules reduced the risk of subsidy races in the EU?



**Question 7:** Since mid-2016, the details of all individual State aid awards above EUR 500,000 are published on a public website. **Sub-question 7.1** inquired whether this publication requirement contributed to reaching certain objectives: (i) to promote accountability and enable citizens to be better informed about public policies and spending; (ii) to enable companies to check whether legal aid was granted to competitors and (iii) to reduce the administrative burden of Member States as regards reporting to the Commission State aid expenditure. In turn, **Sub-question 7.2** inquired whether the EUR 500,000 ceiling is appropriate. The replies are summarised in the charts below.

Figure 7: Question 7.1 - Did the publication of individual awards above EUR 500,000 contribute to reaching the following objectives?

To promote accountability and enable citizens to be better informed about public policies and spending

To enable companies to check whether legal aid was granted to competitors

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

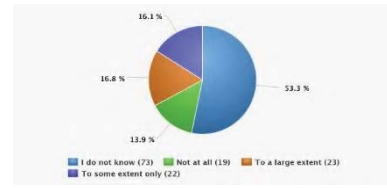
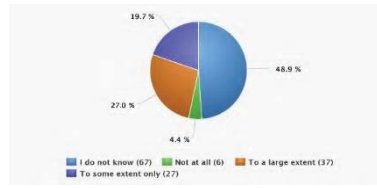
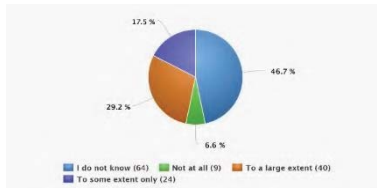
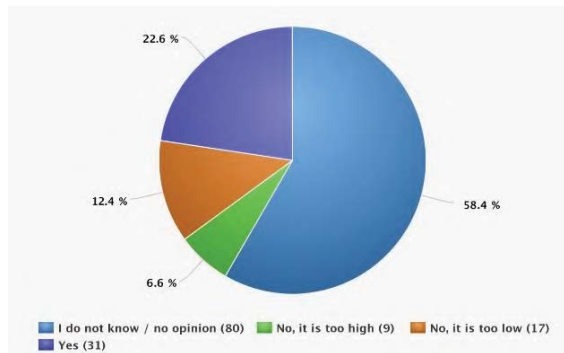
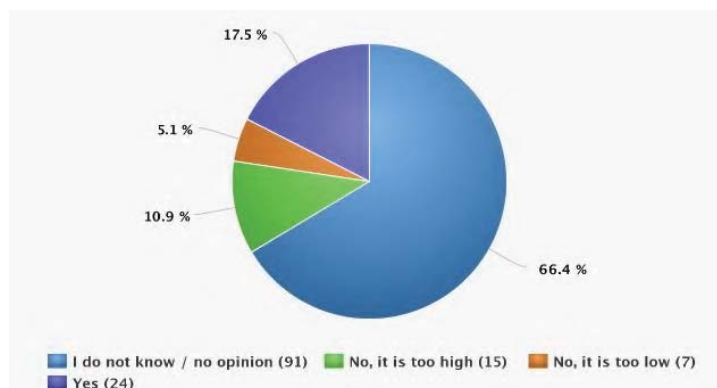


Figure 8: Question 7.2 - Is the EUR 500,000 threshold appropriate to achieve the desired objectives?



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. **Question 8** asked the public whether this threshold is appropriate. The replies are summarised in the chart below.

Figure 9: Question 8 - Do you think that the threshold for the ex-post evaluation of schemes is appropriate?

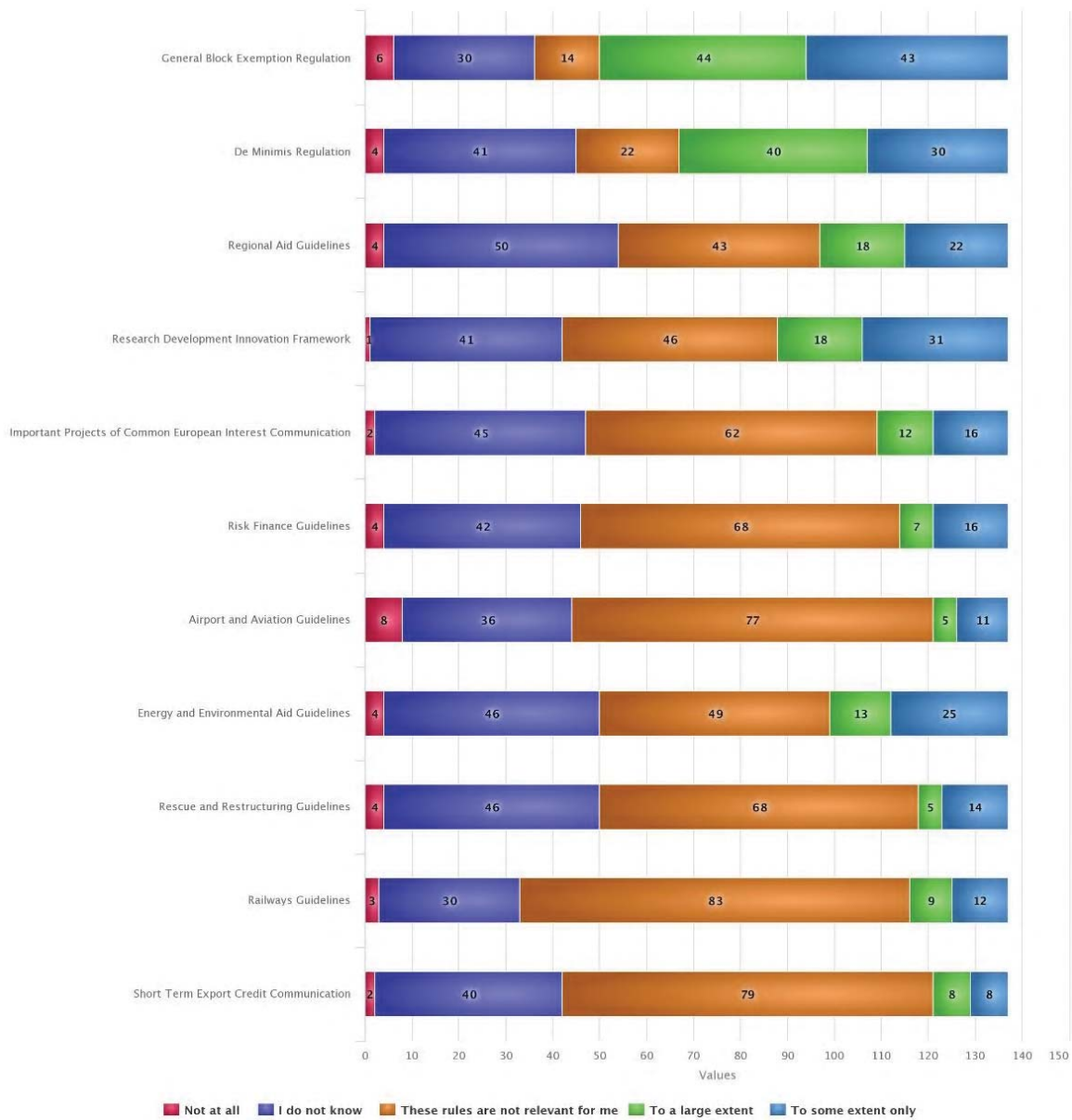


### 3.2. Efficiency (Were the costs involved proportionate to the benefits?)

In order to evaluate whether the costs involved in complying with the State aid rules proportionate to the benefits of having such rules, stakeholders were asked to answer two sets of questions.

**Question 9** inquired to what extent have the following State aid rules ensured efficient State expenditure. The replies are summarised in the chart below.

Figure 10: Question 9 - To what extent have the following State aid rules ensured efficient State expenditure?



In response to **Question 10**, i.e. 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, following replies were received.

Figure 11: Question 10 - Have the State aid rules subject to the current Fitness check reduced the administrative burden compared to the State aid rules in force before SAM?



### 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. The replies are summarised in the chart below. The replies are summarised in the charts below.

Figure 12: Question 11.1 - How well do the objectives of SAM and of individual State aid rules still correspond to the current EU priorities - on SAM as a whole

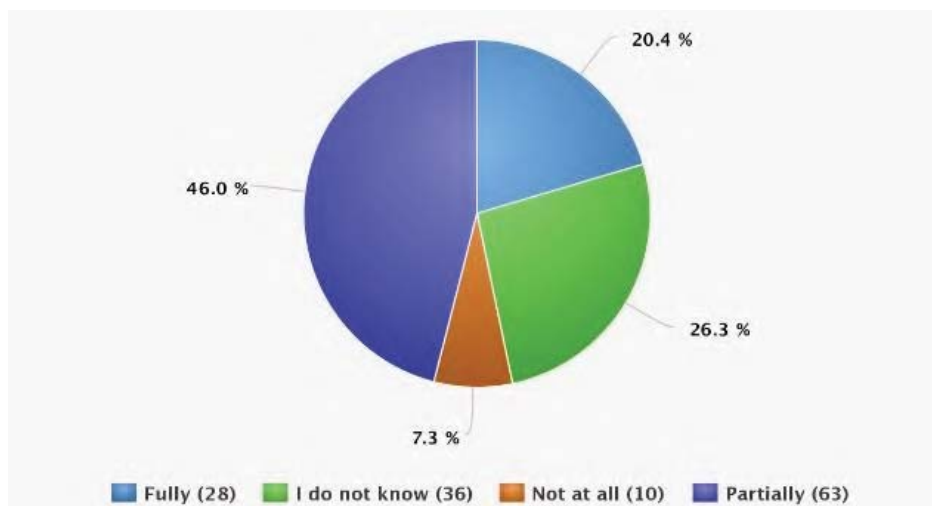
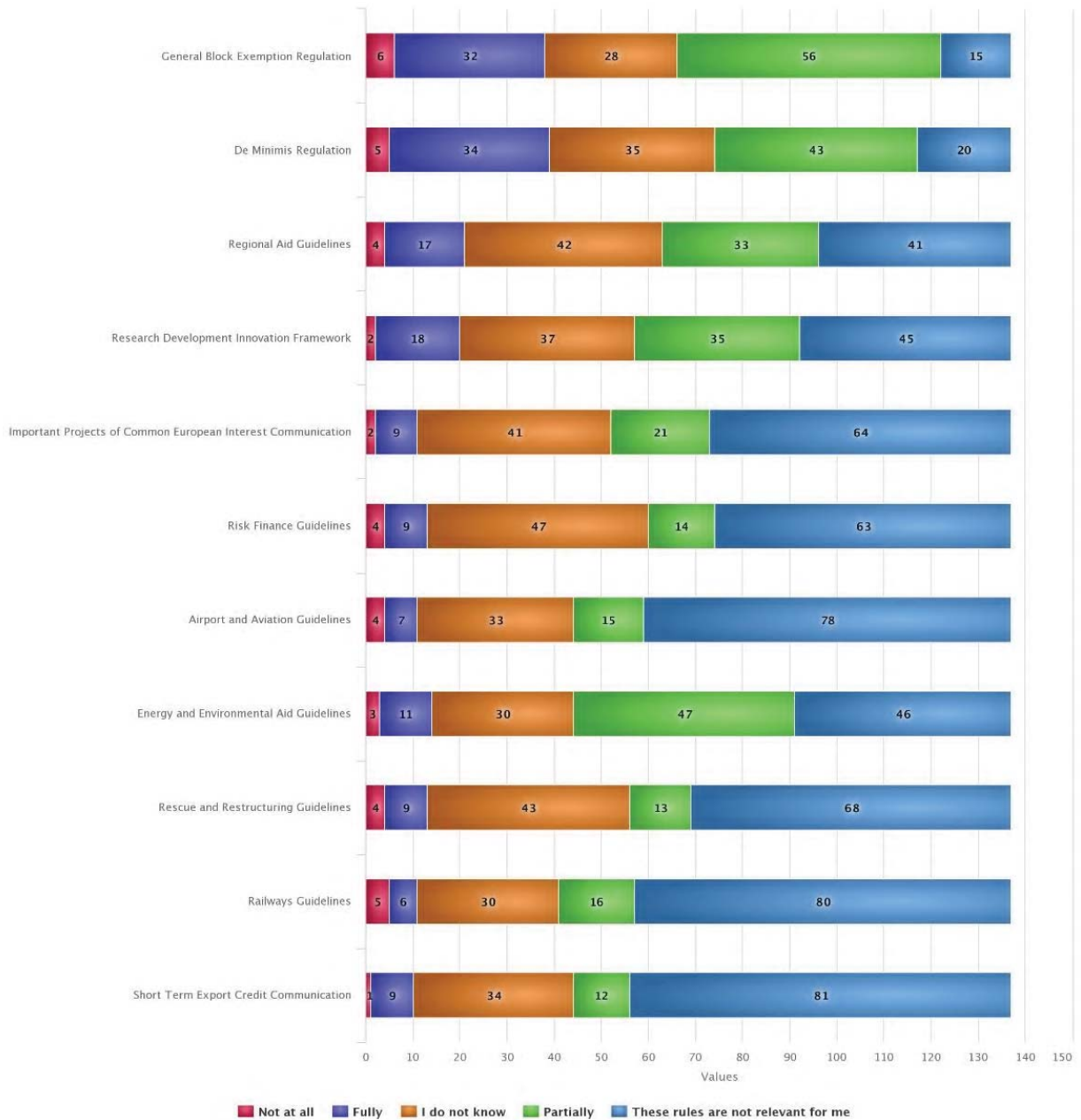


Figure 13: Question 11.2 - How well do the objectives of SAM and of individual State aid rules still correspond to the current EU priorities - On the individual rules

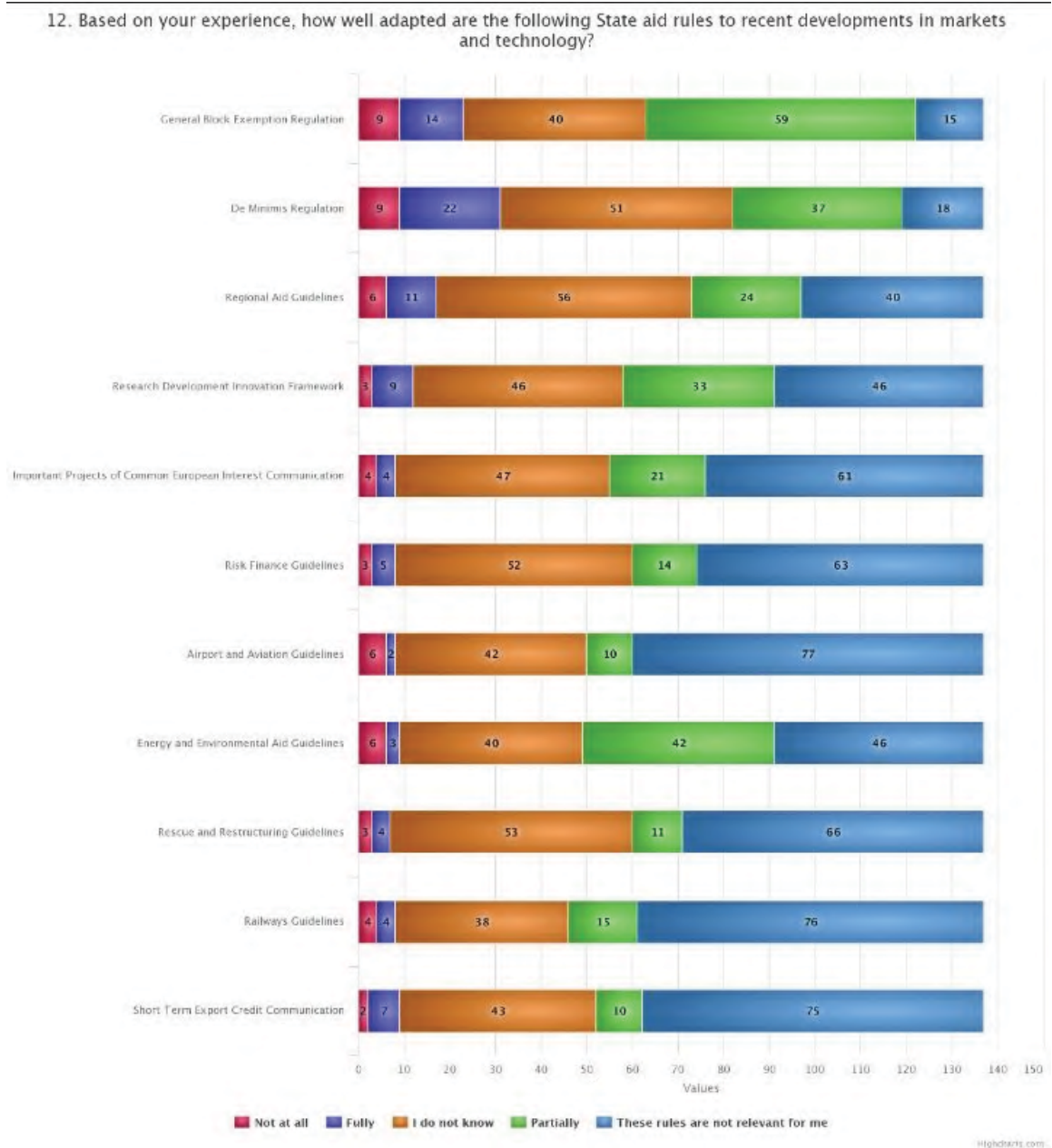


### 3.4. Coherence (Does the policy complement other actions or are there contradictions?)

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.

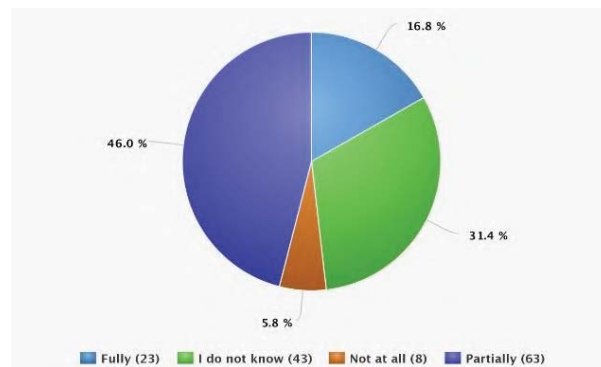
**Question 12** aimed at finding out stakeholders' opinion on how well adapted the State aid rules are to recent developments in markets and technology. The replies are summarised in the chart below.

Figure 14: Question 12 - How well adapted are the following State aid rules to recent developments in markets and technology?



**Question 13** inquired whether the State aid rules subject to the current Fitness check are coherent with each other. The replies are summarised in the chart below.

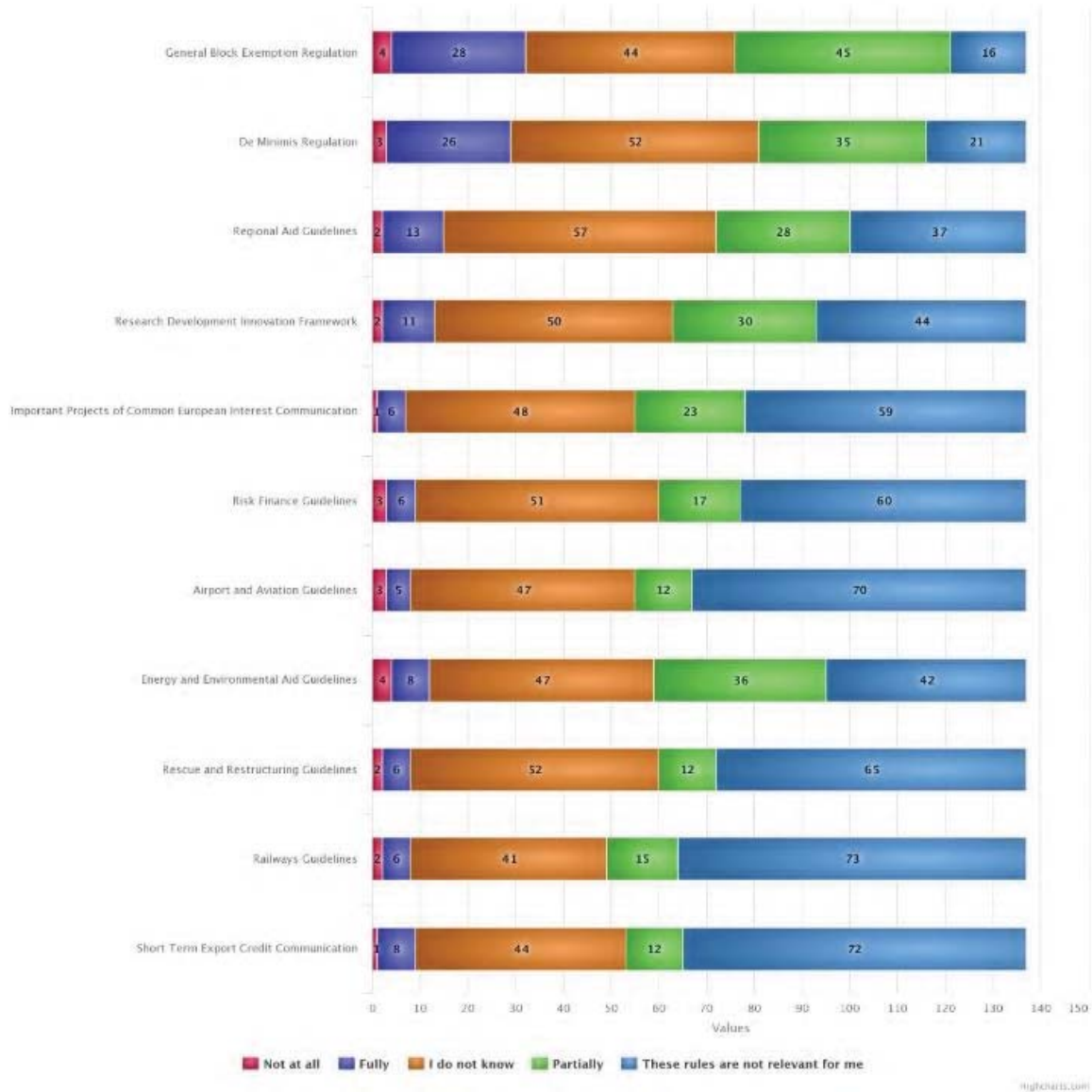
Figure 15: Question 13 - Are the State aid rules subject to the current Fitness check coherent with each other?





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). The replies are summarised in the chart below.

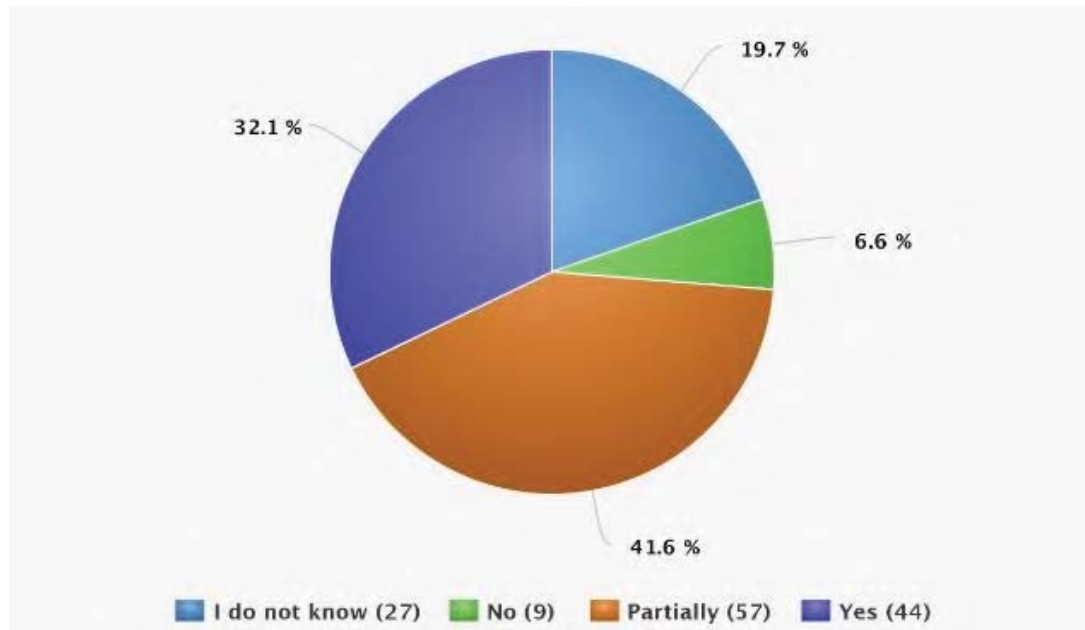
Figure 16: Question 14 - To what extent are the State aid rules subject to the current Fitness check coherent with changes in EU legislation which have occurred since the State aid rules were adopted



### 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. The replies are summarised in the chart below.

Figure 17: Question 15 - Have the State aid rules subject to the current Fitness check helped to deliver EU policies more efficiently?



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