Questionnaire - GBER general revision 2025

Fields marked with * are mandatory.

1 Introduction

The current version of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty ("General Block Exemption Regulation" or "GBER") entered into force on 1 July 2014 and applies until 31 December 2026. With this questionnaire, the Commission invites stakeholders to provide written input on the purpose and the scope of the revision of the GBER.

As the GBER encompasses many different aid categories, please mention precisely in your replies the specific GBER article or articles concerned.

For each question, please elaborate, if relevant, on the expected impact of the change on the reduction of the administrative burden for undertakings and Member States, competition in the market, legal certainty for undertakings, harmonised application of the competition rules, compliance or enforcement costs, innovation and sustainability. As regards these impacts (and more generally for all your replies), please provide, as much as possible, quantitative evidence underpinning your statements. This will ensure that the review process is based on facts and reliable evidence.

2 About you

*1 Language of my contribution

- ○ Bulgarian
- ○ Croatian
- ○ Czech
- ○ Danish
- ○ Dutch
- ◉ English
- ○ Estonian

- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

*2 I am giving my contribution as

- Academic/research institution
- Business association
- Company/business
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

*3 First name

Head of

*4 Surname

STATE AID UNIT -EZK

*5 Email (this won't be published)

[redacted]

*6 Scope

- ( ) International
- ( ) Local
- (•) National
- ( ) Regional

*8 Level of governance

- ( ) Parliament
- (•) Authority
- ( ) Agency

*9 Organisation name

255 character(s) maximum

NL-EZ-Interdepartementaal Staatssteun Overleg

*10 Organisation size

- ( ) Micro (1 to 9 employees)
- ( ) Small (10 to 49 employees)
- ( ) Medium (50 to 249 employees)
- (•) Large (250 or more)

11 Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

* 12 Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

- Afghanistan
- Åland Islands
- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Saint Martin
- Saint Pierre and Miquelon
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan

- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Türkiye
- Turkmenistan
- Turks and Caicos Islands

- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d’Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, ‘business association, ‘consumer**

association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published. Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* 14 **Contribution publication privacy settings**

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

- ○ **Anonymous**
  Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.
- ◉ **Public**
  Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☑ I agree with the personal data protection provisions

3 Objectives of the GBER and of the GBER revision

3.1 Objectives of the GBER

15 In its 2012 Communication on State aid modernisation, the Commission considered that the objectives of State aid modernisation were the promotion of growth, the prioritisation of enforcement on aid with the highest impact on the single market, and the simplification of the State aid rules. Do you consider that the implementation of the GBER has contributed to the achievement of these objectives?

Please rank each objective from 1 to 4 according to the following scale: 1 – Not at all. The implementation of the GBER did not contribute in any meaningful way. 2 – To a small extent. The implementation of the GBER had a noticeable but limited contribution. 3 – To a large extent. The implementation of the GBER contributed significantly to achieving the objective. 4 – Yes, to a very large extent. The implementation of the GBER was instrumental in achieving this objective.

	1 - No, not at all	2 - Yes, to a small extent	3 - Yes, to a large extent	4 - Yes, to a very large extent
Promotion of growth	○	○	◉	○
Prioritisation of enforcement on aid with the highest impact on the single market (“big on big, small on small”)	○	○	◉	○
Simplification of the State aid rules	○	○	◉	○

16 In your view, is the GBER well aligned with the following policy objectives?

Please rank each objective from 1 to 3 according to the following scale: 1 – Not at all. The GBER should not contribute in any meaningful way. 2 – To some extent. The GBER should contribute to achieving the objective. 3 – To a large extent. The GBER should be instrumental in achieving this objective.

	1 – Not at all	2 – To some extent	3 – To a large extent
Encouraging the green transition (including decarbonization)	○	○	◉
Fostering the digital transition	○	○	◉
Legal certainty (predictability and ease of understanding) for Member States and undertakings	○	◉	○
Promoting R&D and innovation	○	○	◉
Promoting the economic, social and territorial cohesion of Member States and the Union as a whole, as well as regional development of disadvantaged areas	○	◉	○
Promoting the uptake of private investment in the EU through de-risking	○	◉	○
Protecting a level playing field in the single market and minimising distortions of competition	○	○	◉
Strengthening the resilience of the EU economy against external shocks and dependency on third countries (including mining and processing of critical raw materials and growth of EU key strategic sectors referred to in the Competitiveness Compass)	○	◉	○
Supporting social protection measures	○	◉	○
Supporting the competitiveness of the EU	○	◉	○
Supporting the just transition	○	◉	○

The prioritisation of enforcement on the most distortive types of State aid, which should be notified to the Commission			X

3.2 Objectives of the revision of the GBER

17 In your view, does the GBER adequately address the following issues?

Please rank each issue from 1 to 4

	1. No	2. Yes, to a limited extent	3. Yes, to some extent	4. Yes, to a large extent
The reduction of the administrative burden of Member States and the Commission			X	
Improving the user-friendliness, readability, consistency and accessibility of the GBER		X		
Increasing the scope of the GBER to more aid measures			X	
Simplifying the compatibility conditions to block exempt more aid measures while keeping sufficient safeguards to avoid undue distortions		X		
Adapting the current text to take into account political, economic, technical and social changes		X		

18 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting the transition towards a climate neutral, clean and sustainable economy, in particular for SMEs? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

The NL welcomes the revision of the GBER. In our view, caution is needed with regard to the State aid instrument due to the level playing field on the EU internal market. At the same time, however, the NL recognizes the importance of revising the State aid rules to support the digital and green transitions, among other things. It is important that the GBER is aligned with EU strategies, such as the Clean Industrial Deal, to address the challenges relating to EU competitiveness. In general, the GBER is an effective instrument with the State aid framework to grant certain State aid relatively easily and quickly and enabling the Commission to focus on the types of State aid that causes the most distortion of competition which are not suitable for the GBER. The GBER is also an important instrument for granting aid to SMEs. The NL welcomes the revision as the GBER has become complicated to apply especially for aid to SMEs. Where possible, simplification is welcomed, including in the structure of the GBER. In that regard, the NL favors restructuring the general provisions and favors including as many specific articles as possible. This is preferable to setting out exceptions and related conditions in more general articles. In addition to its structure, the NL has various suggestions for improving the GBER with regard to specific aid categories, also with regard to climate neutral, clean and sustainable economy, and is happy to share these with the Commission. A specific problem for start-ups and scale ups is that the definition of ‘undertakings in difficulty’ is not fit for purpose, which poses particular problems in the energy innovation sector. The NL is calling on the Commission to address this issue as a matter of urgency. The revision of the GBER should also include inflation-related adjustments to the notification thresholds.

19 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting a just transition (addressing negative impacts on territories and communities that are most affected by the transition to a climate-neutral, clean and sustainable economy), especially in view of the retraining and re-employment needs of workers from decarbonized industries? If not, please explain why.

2000 character(s) maximum

Although caution is needed when using the State aid instrument as a long-term solution to competitiveness issues, targeted aid should be made available for the retaining and re-employment need of workers from decarbonized industries. This is particularly important in the context of the green and digital transitions, as well as for an ageing working population and where digitalization plays a significant role. In this context, the GBER plays an important role for certain types of aid. For certain categories of aid, it is justifiable to increase the aid intensity for investments in assisted areas to facilitate a just transition.

20 Digitalisation and new technologies are a key driver of innovation, competitiveness and growth. Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting the transition towards a digitalised economy? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

The current GBER provides various options for granting RD&I aid and aid for digitalization. The NL welcomes the revision of the GBER to take account of the latest developments of digitalization and new technologies. A fit-for-purpose GBER would consider the specific characteristics of these sectors. The NL calls on the Commission to organize expert meetings to review these aid categories.

21 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting the resilience of the EU economy, in particular of certain strategic sectors defined in the EU Competitiveness Compass, against external shocks and dependency on third countries? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

As a block exemption regulation, the GBER should be aimed at less market-distorting forms of State aid. According to the NL, more distortive forms of State aid require a prior assessment by the Commission based on State aid guidelines. The current GBER allows for the granting of certain types of aid for environmental protection and RDI&I, which improves the EU's competitiveness. Strategic sectors, as defined in the EU Competitiveness Compass, are not specifically taken into account in the current GBER. However, certain activities could fall within the scope of the current GBER articles. Moreover, a new State aid framework for the CID (CISAF) has been published. The NL believes it is important for the Commission to gain experience with the more market distorting types of State aid that falls within the scope of CISAF through a prior assessment using these guidelines before adding specific provisions for these sectors to the GBER. At the same time, it is important to align the revision of the GBER with the objectives set out in the Clean Industrial Deal, while ensuring proper alignment with the CISAF. This means, among other things, that there must be sufficient opportunities for granting aid in the context of the circular economy. The GBER should also include enough possibilities for industrial decarbonization, such as more possibilities for electrification and the incorporation of hydrogen (including blue hydrogen) into production processes. A specific problem for start-ups and scale ups is that the definition for 'undertakings in difficulty' is not fit for purpose, which poses particular problems in the energy innovation sector. The NL is calling on the Commission to address this issue as a matter of urgency. A revision of the GBER should also include adjustments for inflation.

22 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting research, development and innovation activities? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

In general terms, the current GBER provides the necessary possibilities for granting State aid for RD&I. However, in the context of fit-for-purpose State aid rules, the NL welcomes a review of the GBER to ensure that these rules remain accurate. The NL would, for example, welcome certain additions in the GBER for innovation projects of technologies in higher TRL levels. These are often beyond the scope of Article 25 and are out of scope in Section 7. In particular, this is the case for flexibility measures aiming at the first demonstration. With the exception of energy storage directly coupled to renewable production installations (Article 41), the other articles of the GBER are not sufficient in this respect. According to the NL, this gap includes key technologies that are essential for future flexibility needs, such as various demand response applications, innovative energy storage, or advanced energy concepts such as (multi-commodity) energy hubs. Therefore, the NL invites the Commission to explore the possibility of including limited investment aid for first-of-a-kind demonstration projects for non-fossil flexibility. Also, the NL would welcome more possibilities for granting aid in the context of the circular economy. In this context, the revision of the definition of 'undertaking in difficulty' is also of great importance.

23 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting cohesion objectives (regional development, recognition of territorial specificities) or social objectives? If not, please explain why. Should in particular cohesion policy objectives be better taken into account in the various provisions of GBER (also beyond Section 1 of Chapter III), by including specific support in certain regions?

2000 character(s) maximum

Please explain and provide examples

The NL considers it important to exercise caution when using the State aid instrument, particularly as a long-term solution to competitiveness issues. A subsidy race must be avoided. In this context, it is important to carefully assess whether differentiated treatment with regional State aid is still required to the same extent. Consideration should be given to whether Articles 14 and 15 (regional investment and operating aid) could be deleted. In our view, the various GBER articles providing a bonus percentage for investments in an assisted area are more targeted and should, in our view, suffice. The regional aid guidelines also serve this purpose. According to Eurostat data, most Dutch cross border relocation of business activities is within the EU. Weblink: https://ec.europa.eu/eurostat/databrowser/view/iss_21sodest/default/table?lang=en And if we look at specific sectors many industrial jobs are being lost. Weblink: https://ec.europa.eu/eurostat/databrowser/view/iss_21sojobl/default/table?lang=en If we look at the economic structure of the NL, we see that industry is more dominant in (former) cohesion regions, and it is these regions that suffer most from reallocations. For example: BMW has relocated its manufacturing operations at NedCar Born to Hungary in 2024, and Apollo Vredestein is set to transfer its tire manufacturing from Enschede to Hungary. Accell Batavus's cycle manufacturing in Heerenveen will be fully relocated to Hungary by 2026.

24 Do you consider that the current GBER contributes sufficiently to the competitiveness of the EU economy? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

The NL considers the GBER to be an effective State aid instrument within the overall framework of State aid rules. An effective GBER is important for targeted aid, enabling the Commission to focus on the types of aid that cause the most distortion which are not suitable for the GBER. As fit-for-purpose State aid rules are important, also for the competitiveness of the EU economy, the NL welcomes the revision of the GBER. The NL has various targeted suggestions for improving the GBER, not only in terms of its structure, but also with regard to specific aid categories and is happy to share these with the Commission. In this context, the revision of the definition of 'undertaking in difficulty' is also of great importance. The NL is calling on the Commission to address this issue as a matter of urgency. In addition, the NL favors the GBER being aligned as closely as possible with EU funds, which are also aimed at EU competitiveness.

25 Do you consider that the current GBER contributes sufficiently to improving the business environment (including access to finance) for SMEs, small mid-caps, startups and scale ups? Please explain in particular whether the possibility of benefitting from block exempted aid improves the business environment for SMEs, for example by facilitating or accelerating the completion of projects carried out by SMEs.

2000 character(s) maximum

The NL considers it important to mobilize private investment in the green and digital transitions. State aid can play a role here, as can other factors. Within the overall framework of State aid rules, the current GBER covers key areas such as risk financing and start-up aid. However, we have noticed that these categories of aid have become rather complicated. In this regard, an in-depth review of these articles would be welcome. This would be useful not only in terms of simplifying its structure, but also with regard to its content. For example, Article 21 should not be limited to aid schemes, but also allow ad hoc aid under certain conditions. In this context, aspects that are not fit for purpose are the definitions of 'undertaking in difficulty' and what constitutes an 'independent private investor'. A specific category of risk financing for innovative mid-caps would also be welcomed, as these face specific obstacles with regard to financing (lack of funding, FDI risks and high burn rates). In general, we support the SME bonus with regard to the aid intensity set out in the various articles of the GBER.

26 Do you consider that the current GBER contributes sufficiently to supporting integrated investments/projects, such as those combining multiple objectives (and thus possibly multiple articles of Chapter III) and multiple types of costs (related to infrastructure, equipment, personnel, services, etc.)? Please explain and provide examples.

2000 character(s) maximum

According to the NL, the GBER could be improved in this regard. This includes projects involving both industrial research and experimental development (both of which are covered by Article 25), as well as projects that fall within the scope of multiple GBER articles. For instance, a project relating to biomass gasification would fall under both Article 41 and Article 47, because the substances produced, such as methanol, can be used for both energy purposes and as raw materials in industry. While the GBER assumes that projects fall into one of these categories, this is not always the case. In such cases, determining how to apply the aid intensity and suchlike is in such cases extremely complex, especially since it is not always clear in advance what the ratio between the various activities (such as energy and raw materials) will be, and this ratio may also vary over time. Another point to be aware of is the overlap with the other block exemption regulations: Agriculture Block Exemption Regulation (ABER), Fisheries Block Exemption Regulation (FiBER) and the upcoming Transport Block Exemption Regulation (TBER). It is important that these instruments align with the GBER, and that the distinction between them is as clear as possible.

27 Do you consider that the current GBER contributes sufficiently to promoting the uptake of private investment in the EU through de-risking? If not, please explain why.

2000 character(s) maximum

The NL considers it important to mobilize private investment in the green and digital transitions. State aid can play a role here, as can other factors. Within the overall framework of State aid rules, the current GBER covers key areas such as risk financing and start-up aid. However, we have noticed that these categories of aid have become rather complicated. In this regard, an in-depth review of these articles would be welcome. To improve these categories of aid, it would be useful to organize expert meetings, since revising them would not only be useful in terms of simplifying its structure, but also with regard to its content. For example, Article 21 should not be limited to aid schemes, but also allow ad hoc aid under certain conditions. In this context, aspects that certainly need to be looked at are the definitions of ‘undertaking in difficulty’ and what constitutes an ‘independent private investor’. A specific category of risk financing for innovative mid-caps would also be welcomed, as these face specific obstacles with regard to financing (lack of funding, FDI risks and high burn rates).

4 Common compatibility conditions (Chapter I of the GBER)

28 Do you consider that certain articles (or parts thereof) in Chapter III are not or not often used?

- [ ] No
- [x] Yes, certain articles (or parts thereof) are not or not often used and should be updated.
- [ ] Yes, certain articles (or parts thereof) are not or not often used and should be deleted.
- [ ] I don't know

29 If you replied that some articles should be updated, please indicate which provisions and explain how they should be updated.

3000 character(s) maximum

The NL is in favor of a targeted GBER, because we need to exercise caution with State aid. In the context of a general review, it is also appropriate to examine the extent to which the various aid categories and articles have been used. The GBER summary information report and the SARI report can be used for this purpose. It is also appropriate to examine the extent to which the GBER categories and articles are still needed. Regional aid is one example. Please refer to our response to the question on achieving the objective of supporting cohesion objectives. The NL has various targeted suggestions for improving the GBER, not only in terms of its structure, but also with regard to specific aid categories. Please see, among others, our response to the questions on the scope of the GBER.

4.1 Scope of the GBER

Article 1(1) of 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 "Enabling Regulation") empowered the Commission to block exempt 15 different categories of State aid in favour of (i) SMEs, (ii) research, development and innovation, (iii) environmental protection, (iv) employment and training, (v) culture and heritage conservation, (vi) making good the damage caused by natural disasters, (vii) making good the damage caused by certain adverse weather conditions in fisheries, (viii), forestry, (ix) promotion of food sector products not listed in Annex I of the TFEU, (x) conservation of marine and freshwater biological resources, (xi) sports, (xii) residents of remote regions, (xiii) certain telecommunications infrastructure, (xiv) infrastructure in support of the objectives above, of cohesion, and of other objectives of common interest, (xv) aid that complies with the regional aid maps. The GBER may only block exempt these aid categories from the notification obligation.

31 Do you consider that, within the scope of the Enabling Regulation, there are categories of aid that meet the block exemption criteria and that are not included in the GBER?

- ○ No
- ● Yes
- ○ I don't know

32 Please indicate, for each new aid category:

- which aid category should be added
- why such aid category should be block exempted, e.g. because there is clear and sufficient case practice from the Commission in this area (showing in particular a market failure i.e. there is an important investment gap and insufficient investment appetite by private sector due to the risk profile of investments needed to develop and grow certain key strategic sectors and technologies needed to boost EU competitiveness and the reshape of its

industrial policy); because it would reduce the administrative burden of undertakings, Member States and the Commission and there is no risk of undue distortion of competition

- which conditions would be appropriate for block exemption (e.g. notification threshold, aid intensities, based on Commission practice)

3000 character(s) maximum

It is important that the GBER is well aligned with EU priorities such as the green and digital transitions, resilience and competitiveness. In addition to the Guidelines' provisions for more market-distorting forms of State it, it is useful that certain State aid can be granted relatively easily and quickly on the basis of a block exemption as the GBER. In addition to the current aid categories, the GBER should include (extended) possibilities for granting aid for: -The circular economy: The NL would, for example, welcome more possibilities for building in a circular manner, i.e. with fewer raw materials, or using more sustainable raw materials, or making raw materials or components thereof more reusable. -Projects concerning biobased feedstock: The NL considers replacing fossil feedstock to be important. Therefore, an aid category to stimulate the use of renewable raw materials in the production process of products instead of fossil raw materials would be welcome. -Industrial decarbonization, such as more possibilities for electrification and the incorporation of hydrogen (including blue hydrogen) into production processes. -Limited investment aid for first-of-a-kind demonstration projects for non-fossil flexibility -Geological storage of CO2 should be considered either as a separate aid category or by adding this possibility to existing categories of aid. -Projects related to negative emissions. -Investments in NOx reduction should be considered either as a separate aid category or by adding this possibility to existing categories of aid. -Small Modular Reactors (SMRs): The NL would welcome a specific aid category that takes into account its unique characteristics. SMRs face different challenges compared to renewable energy projects on the road to realization due to required permits, their high capital expenditure and longer construction time. SMR initiatives would benefit from expanding the range of activities covered by the GBER so that research after a feasibility study can be supported. -Risk financing for innovative mid-caps. -Digitalization and training in the health sector, taking into account its specific characteristics. -Sport events, a new aid category similar to Article 53. -Clean or zero-emission construction machinery. -Large industrial hybrid machinery for which no zero-emission alternatives currently exist. -Development aid: The NL would welcome a specific aid category for Development aid in the GBER. Aid measures related to development aid are only slightly affecting the internal market because the activities mainly take place outside the EU internal market and focus on local initiatives. The precise scope and conditions for granting aid to each of the aforementioned categories must be considered. This requires careful consideration. When doing so, it is important to consider the role of the GBER within the overall State aid framework. Please see also our response to section 5.

4.2 Application of the GBER to primary agricultural production and fisheries /aquaculture

The GBER only exceptionally applies to the sectors of primary agricultural production and fisheries /aquaculture (the scope is defined in Article 1(3)(a) and (b)), given that tailor-made Block Exemption Regulations exist for those sectors. This initiative concerns a revision of the GBER, not of the specific block exemption regulations applicable to agriculture, forestry, fisheries and aquaculture (Regulation (EU) 2022 /2472 'ABER' and Regulation Regulation (EU) 2022/2473 'FiBER').

33 Do you think that other GBER articles, which are currently not applicable to the sectors of primary agricultural production/fisheries and aquaculture, should be opened to those sectors, taking into account the existing block-exemptions under ABER and FIBER?

- ○ No
- ◉ Yes
- ○ I don't know

34 If you consider that certain GBER articles should be opened to the sectors of primary agricultural production/fisheries and aquaculture, please provide a list of the relevant GBER articles, and explain why.

2000 character(s) maximum

Granting aid based on the GBER should be possible, unless it is specifically excluded, as there is a tailor-made provision for this in the ABER or FIBER, that sufficiently provides for granting aid to these sectors. It would be useful to have a more user-friendly and specific description of the exceptions (e.g.' environmental aid' is not defined) than is currently provided in Article 1(3) sub b and c. In our view, at least the following articles should be open to the sectors of primary agricultural production/fisheries and aquaculture. Section 4 of the GBER: Aid for research in the ABER is limited to research organizations, but the involvement of other entities, including entities in the primary agricultural sector, is essential. These entities have a lot of practical experience and sector-specific knowledge that is essential for RDI. Given the agricultural sector's growing need for innovation and sustainability, the NL therefore proposes explicitly opening articles 26, 26a and 27 to the agricultural sector. Moreover, the ABER does not provide for funding for collective research infrastructures. This creates a financing gap in essential research and testing facilities needed to address major challenges such as climate change, soil depletion, and biodiversity loss. The NL also proposes opening Article 53 to the sectors of primary agricultural production and fisheries and aquaculture. In order to sufficiently contribute to the conservation of cultural and natural heritage (also if they are not formally recognized) in these sectors it is necessary to provide for broader aid possibilities (both investment and operating aid) than is currently possible under the ABER and the FIBER.

35 Is the GBER used to grant aid to the sector of primary agricultural production and /or fisheries and aquaculture? If yes, which provisions of the GBER are used and were there difficulties to apply these provisions?

2000 character(s) maximum

Yes, certain articles of the GBER are used for the sector of primary agricultural production. Examples are Article 18 (aid for consultancy in favor of SMEs), Article 21 (risk finance aid), Article 25 (aid for research and development projects), Article 28 (innovation aid for SMEs) and Article 31 (training aid). Please see the response of the NL to the targeted consultation questionnaire. It would be clearer and more effective if the scope /aid categories in Article 1 (3) sub a and b are directly linked to the applicable articles.

36 Under the current version of the GBER, there are specific aid measures which apply to the fisheries and aquaculture sector but not to primary agricultural production (or the other way around) leading to a difference in treatment between these sectors. Is this problematic in your view or are the exclusions justified by the specificities of the sectors, e.g. because the aid categories would not be relevant for the excluded sectors? Please substantiate your reply and provide relevant evidence.

2000 character(s) maximum

In principle, the NL favors a uniform application of the GBER, unless there is a clear and objectified exception. Granting aid to both sectors based on the GBER should be possible, unless there is a tailor-made provision for this in the ABER or FIBER, that sufficiently provides for granting aid to these sectors.

4.3 Definitions

37 Article 2 of the GBER provides a list of definitions of certain terms or concepts. What is your position regarding the definitions laid down in the GBER?

- [ ] The current list of definitions is fine.
- [x] Certain concepts should be defined while they currently are not.
- [x] Certain definitions should be updated.
- [ ] Certain definitions are unnecessary and should be deleted.
- [x] Certain definitions rather constitute substantial compatibility conditions and should be moved to Chapter III.
- [ ] I don't know.

38 If you replied that some concepts should be defined, please provide a list of concepts and definitions and explain

3000 character(s) maximum

Concepts that should be defined include: - Article 2 (91) (research infrastructure) refers to ‘scientific community’. Does this indicate ‘research and knowledge dissemination organisation’ or ‘research organisation’ as defined in the State aid framework for research and development and innovation (paragraph 16, sub ff)? Please clarify this term. - Article 24 covers aid for scouting costs. It would be helpful to have a definition for scouting costs. - Article 38 refers to energy equipment. It would be helpful to have a definition for energy equipment. - Article 49 covers aid for studies and consultancy services on environmental protection and energy matters. Also Article 56e refers to environmental studies. A definition would be helpful.

39 If you replied that some definitions should be updated, please provide a list, the exact suggestion for an update and explain.

3000 character(s) maximum

Definition that should be updated are: -The definition of 'undertaking in difficulty' (Article 2 (18). -The definition of an 'independent private investor (Article 2 (72)) sets out which entities are not considered private investors for the purpose of this definition. The NL is calling on the EC to reconsider this. - Article 2 (96) ('organization innovation') and (97) ('process innovation'): the list of excluded changes is so vast it begs the question which types of changes are permitted. Suggestion: add examples of changes that fit the definitions and/or scrap the long list of exclusions or provide a guidance document. - Article 2 (102f) , sub c ('inland waterway vessels'): inland waterways vessel, to change 'deriving' at least 50% of its energy on zero direct CO2 emission fuels to ' and is able to run for at least 50% [...]. The latter because there is an unbridgeable price difference between fossil and renewable fuels. Similar for maritime vessels (sub d, i): by replacing 'deriving' to 'and is able to run'. The NL would welcome these definitions (c, d) to include work vessels, such as tugboats and dredgers, to include the possibility to use fuels from renewable sources compliant to the RED. - Article 2 (102g) ('zero-emission vehicle'), sub d (inland waterway vessels'): Please add: an inland vessel for passenger, freight transport, for auxiliary activities or a work vessel with zero direct (tailpipe/ exhaust) CO 2 emissions. For work vessels in inland waterway, but also above for maritime transport, which face similar costs and market conditions with regard to sustainability as passenger and transport vessels, the GBER currently offers no possibilities for support. Given that work vessels are mainly used by public clients, but that public authorities are exempt from many of the obligations arising from the Fit for 55 measures, this means that the sustainability of work vessels is not progressing sufficiently. - Clean vehicles concerning inland waterway vessels, sea vessels and rail rolling stock (Article 2 (102f, sub c, d and e) are defined solely in terms of CO2 emission. This excludes the possibility of granting aid to stimulate Nox-reduction in for instance freight trains and sea vessels. - Article 2 (109) (energy from renewable sources): the definition explicitly mentions electricity storage but not heat storage. We suggest adding heat storage to this definition, because in Article 41, these two are mentioned in the same context. - Article 2 (130, sub d): 'Geological storage of CO2' should be explicitly added to the definition of 'Energy infrastructure for CO2'. Alternatively, it could be made possible under Article 36 by removing the exclusion of aid for storage facilities in Article 36 (4). - Article 2 (130) refers to 'dedicated infrastructure'. Please ensure that this is aligned with the definition of 'dedicated infrastructure' in Article 2(33). Further input will be sent at a later date.

41 If you replied that some definitions should be moved to Chapter III, please provide examples and explain.

3000 character(s) maximum

In our opinion the GBER would be clearer if the sector-specific definitions currently included in Chapter 1 were added to the relevant sections and/ or articles in Chapter 3. Examples are the definitions mentioned in the various subsections of Article 2. Only the general definitions, in alphabetical order, would then be included in Chapter 1. In our opinion, this would make the GBER more user-friendly. Terms that are defined should also be marked as such in the articles.

4.4 Evaluation

42 In 2014, the corollary of the expansion of GBER to new aid categories was the obligation of Member States to conduct an ex post evaluation of large aid schemes.

As a result, the GBER does not apply to large aid schemes under certain sections of Chapter III beyond a period of 6 months after their entry into force, unless the Commission has approved an evaluation plan (Article 1(2)(a) GBER). Large aid schemes are defined as those having an average annual budget above €150 million (certain articles of Sections 1, 2, 3, 4 and 7) or above €200 million (Section 16). What is your position concerning the obligation to submit an evaluation plan for large aid schemes?

- ○ The evaluation obligation has contributed to the efficiency and effectiveness of large aid schemes and should be maintained as it is.
- ○ The notion of large aid schemes should be expanded (e.g. lower thresholds, more Sections of Chapter III).
- ○ The notion of large aid schemes should be restricted (e.g. higher thresholds, fewer Sections of Chapter III, only long-term schemes beyond a certain duration, because it is difficult to carry out an evaluation of short-term schemes, only schemes which were not subject to an evaluation plan carried out in the past).
- ◉ The evaluation obligation should no longer be a requirement for block exemption and could be moved to Chapter 2, by analogy to the conditions on reporting).
- ○ The evaluation obligation does not add value and should be deleted.
- ○ Other

43 Please explain your reply as to the evaluation requirement.

2000 character(s) maximum

> The NL is in favor of deleting the evaluation obligation from the GBER and this should be at the discretion of the Member States. In practice, this is a lengthy process that creates administrative burdens. Moreover, the GBER is intended for less market-distorting forms of State aid. Aid that poses a greater risk of market distortion should in our view be notified to the EC for a prior assessment. The Guidelines may impose an evaluation requirement for certain types of State aid. However, if the evaluation obligation is maintained in the GBER, the NL favors significantly increasing the threshold (at least in line with inflation) and introducing a major simplification that would give Member States more flexibility in fulfilling the evaluation obligation.

4.5 Undertakings in difficulty

44 In principle, aid to undertakings in difficulty cannot be block exempted (Article 1(4)(c)) GBER). There are exceptions concerning aid schemes to make good the damage caused by certain natural disasters, start-up aid schemes, regional operating aid schemes, aid schemes to SMEs benefitting from community-led local development

projects, and aid to financial intermediaries under certain articles. While the general principle of exclusion should remain because State aid to undertakings in difficulty is among the most distortive types of aid, do you see a need for adaptations of the exceptions to this general exclusion or to the definition in Article 2(18) of the GBER?

- ○ No
- ● Yes
- ○ I don't know

45 If you consider that adaptations are necessary as regards the exclusion of undertakings in difficulties (or the definition of such undertakings) please explain what issues were encountered so far and consequently what adaptations should be done.

2000 character(s) maximum

The NL is particularly concerned about the definition of UiD as it does not adequately consider the business model of startups and scale-ups, especially those operating in strategic (deep) technologies. Technological startups may require many years of investment in advanced innovations and may therefore be loss-making for a considerable period of time, until a commercial product is developed. However, this does not mean that these companies are not economically viable. In fact, they have disproportionately high potential, which is why professional investors fund the R&D losses. The NL, therefore, welcomes the public consultation for the revision of the R&R Guidelines with its definition of UiD, to which we will also respond. The NL supports the use of a general definition of UiD in the R&R Guidelines and the harmonisation of the definition within all State aid frameworks, such as GBER, subject to certain exceptions. The NL calls on the Commission to address this issue as a matter of priority, working together with the Member States and financial experts to redefine the UiD definition. Possible adjustments to the definition are: Extending the current exemption period for newly established companies from 3 to 10 years. Allowing specific types of external funding, known as hybrid financing, to be classified as ‘own funds’. And/ or tailor-made solutions for certain startups and scale-ups operating in strategic (deep) technologies. In the context of simplifying the GBER, we request the Commission to examine whether the UiD condition is necessary for investment aid with a limited amount and low aid intensity, given that the beneficiary must bear a significant part of the investment costs. An exception to general exclusion should also be applied to risk financing aid as these articles contain specific safeguards inherent to this type of aid with regard to co-investment of private investors. Article 53 should also be excluded in Article 1 (4), sub c, of the GBER.

4.6 Incentive effect

46 The incentive effect requirement under the GBER is generally met if a written application for the aid has been submitted before the start of works, which covers among others any commitment that "makes the investment irreversible” (Article 6 in combination with Article 2(23) GBER). This is to ensure that an undertaking does not receive aid if it was able to execute the project without it. What is your position on the assessment of the incentive effect?

- ●

This condition functions well.

- ◯ This condition is complex to apply and could be simplified.
- ◯ This condition is not sufficient and should be reinforced.
- ◯ I don't know

47 Please explain your reply as to the incentive effect requirement and provide specific examples. If you consider that the condition can be simplified, please explain why and how it could be simplified to reduce the administrative burden while preserving this essential compatibility condition.

2000 character(s) maximum

In general terms, the incentive effect requirement is clear and functions well. However, further clarification could be provided on how to deal with follow-up investments and situations where significant cost increases mean that the same project requires more aid, both in general and for specific aid categories. The Commission could provide this in guidance. Furthermore, the NL is in favor of incorporating the specific exceptions set out in Article 6 into the various aid categories.

4.7 Simplified cost options

48 Article 7(1) of the GBER lays down the general possibility of calculating eligible costs in accordance with simplified cost options (SCOs), provided that the operation is “at least partly financed through a Union fund that allows the use of simplified cost options”. Other articles also lay down specific possibilities of using SCOs. What is your position on the use of SCOs under the GBER?

- ◯ The possibilities of using SCOs are sufficient.
- ◯ The possibilities of using SCOs are not sufficient for small enterprises.
- ◯ The possibilities of using SCOs are not sufficient for SMEs.
- ◉ The possibilities of using SCOs are not sufficient for all types of beneficiaries.
- ◯ I don't know

49 Please explain your reply as to the use of SCOs. If you consider that a wider use of SCOs is needed, please explain for which aid categories and under which conditions.

2000 character(s) maximum

The GBER is an important State aid instrument within the framework of the State aid rules. It should target the less distortive types of State aid. It is important that it is user-friendly. SCO’s could play an important role in this respect, for example with regard to aid measures involving low aid amount of aid and/or aid intensity. Wider use of SCO's would be welcomed, specifically a flat rate top up for indirect costs. Furthermore, we would like to point out that Article 25 (3), sub e appears to be inconsistent. The phrase ‘without prejudice to Article 7(1)’, implies that eligible costs must be supported by clear, specific and contemporary documentary evidence. However, this defeats the purpose of SCOs. Therefore, the NL suggests that, in deviation from Article 7 (1), such research and development project costs may alternatively be calculated using a simplified cost approach in the form of a flat rate of up to 20 % (etc.).

5 Specific conditions for compatibility (Chapter III of the GBER)

5.1 Complexity of the conditions

50 Which provisions of the GBER are too complex, raise difficulties of interpretation or application, and should in your view be updated or clarified? Please refer to specific provisions and explain why. Please specify how you consider these provisions could be clarified.

3000 character(s) maximum

~~Please refer to specific provisions and explain how these provisions could in your view be clarified~~

The GBER is an important State aid instrument within the framework of the State aid rules. It should target the less distortive types of State aid. It is important that it is a user-friendly instrument with clear conditions. In that regard, the NL favors including as many specific articles as possible, rather than setting out exceptions and related conditions in articles. CC(U)S and hydrogen, which are currently included in Article 36, can be cited as examples of this approach. In addition, we have various proposals to improve the articles of the GBER, which we can share with the EC for the GBER's revision. Some parts of this contribution are very detailed. We therefore call on the Commission to organize meetings of experts for various sections or articles of the GBER, with the aim of aligning the GBER as closely as possible with practical implementation. Please see below a list of non-exhaustive list of examples of (conditions in) articles which raise difficulties of interpretation. -Article 21: this is one of the most complex articles of the GBER. We would welcome revisions to both the structure and the conditions for granting aid in this article. For example, Article 21 should not be limited to aid schemes, but also allow ad hoc aid under certain conditions. -Articles 26, 26a and 27: The NL would welcome greater clarity regarding the scope of aid for innovation clusters in relation to investment aid for research infrastructures and for testing and experimentation infrastructures. -It would be welcome to simplify the provisions on energy infrastructure, which are complex and spread across several articles of the GBER in Section 7 (Articles 31, 41, 46, 48 and 56). The terminology used to describe infrastructure is inconsistent, which causes interpretation questions. -CCUS: Currently, aid for CCUS projects falls within the scope of Articles 36 and 47. This is because CO_2 captured from waste gases appears to fall within the scope of Article 36, while CO_2 captured from the air (DAC) falls within the scope of. It would be welcome to include a dedicated article for CCUS in the GBER. We suggest introducing an article explicitly covering CCUS. -Article 36 (1b), first and second subparagraphs, contain a range of conditions concerning aid for investments in equipment and machinery using hydrogen produced from electricity. Only hydrogen fulfilling these conditions can be used throughout the lifetime of the investment. These conditions pose a burden on undertakings, especially micro and small enterprises, that is disproportionate to both scope and goal of the investment. Example: a small enterprise would need to demonstrate that the electricity-based hydrogen used in an excavator achieves life-cycle greenhouse gas emissions savings of at least 70 % relative to a fossil fuel comparator of 94g CO_2eq/M. This burden discourages SMEs from investing in zero-emission alternatives, which is counterproductive to the underlying goal of this article. (...)

51 Apart from aid intensities and eligible costs, Chapter III of the GBER lays down a series of other compatibility conditions, for instance related to the eligibility of the beneficiaries and/or projects. Are any of these other compatibility conditions unnecessary or disproportionate in your view? Why? How should they be updated, relaxed or should they be completely lifted?

3000 character(s) maximum

Please explain and provide examples

(...) -Article 38a is a useful article for the transition but needs to be simplified and clarified. For example, the minimum energy performance standards in para 3 and the para 6 and 11 - 13 need to be reviewed as the conditions for aid measures necessitate constant, complicated calculations on building level, resulting in a high administrative burden. Consequently, implementation in practice is difficult, mainly because universal methods for calculating the actual improvement of the efficiency of buildings before and after certain measures are taken are not available and the ‘after’ criterium leads to highly insecure subsidies. -Article 42: The competitive bidding procedure should not be mandatory, but an alternative with higher aid intensities. -Article 46: It is considered both useful and efficient to connect local investments (like beads on a string). Clarification is needed on how to deal with the non-artificial splitting of projects in this article (in relation to Article 4(1) and (2). Also para 8 requires clarification, specifically on the interpretation of ‘only renewable energy sources’. Since geothermal heat often contains a small amount of natural gas as a by-product, the electricity for the pumps used by a geothermal well is not guaranteed 100% renewable, fossil fuels may be needed as a backup during the energy transition period, and waste heat also contains a fossil fraction. -Article 46 is already applicable to networks that have natural persons as well as undertakings as customers (end-users) can therefore also relate to the heating of business areas/industrial zones (alongside which greenhouses). Please see in this regard GBER FAQ (201 (March 2016, question 201). The NL therefore suggests explicitly clarifying this in Article 46. -Article 46 seems to overlap with Article 48 with regard to heat networks. Please clarify. -Article 47: Para 2(a)(ii) states that we may grant aid for the substitution of primary raw materials or fuels with secondary (reused, recovered or recycled) raw materials or fuels; Para 3 states that aid for waste disposal and waste recovery activities to produce energy is not exempted from the notification requirement under this Article. This seems contradictory: secondary fuels are produced from waste, but aid for waste disposal for the purpose of producing a fuel is not permitted (since it is then intended to produce energy). Please clarify this. Furthermore, we would welcome the alignment of the counterfactual scenario as formulated in Article 47(7) with Article 36. -Article 49: The NL would welcome further clarification as to which activities are covered, and which are not. A broader scope would be welcomed. -Article 56 (2): Please clarify more precise what is meant by infrastructure that is covered by other sections. Further input may be sent to the EC at a later date.

52 The amount of aid can be determined in several ways under the GBER: by reference to a maximum aid intensity applied to eligible costs determined with or without a counterfactual scenario, by reference to a funding gap or by reference to a competitive bidding process. What is your position concerning the possibility for Member States of determining State aid by reference to a funding gap (e.g. instead of using a maximum aid intensity)?

Funding gap calculations should remain in the GBER, because they are most of the time not mandatory and national authorities may already rely on other methods to demonstrate the proportionality of aid.

- [x] Funding gap calculations should not be required for small aid amounts, or they should be replaced with other methods (e.g. aid intensity).
- [ ] Funding gap calculations should be removed from the GBER, because they are too complex and not commonly used by granting authorities.
- [ ] Other

53 To the extent you suggested a change in reply to the previous question about funding gap calculations, please explain the reasons for the change. If you consider that funding gap calculations should not be required under some conditions, Please explain, for each relevant GBER article, which alternative methodologies could enable to calculate the maximum aid amount in a simpler manner.

2000 character(s) maximum

In our opinion, the funding gap calculations should be optional rather than mandatory. The primary goal is to prevent overcompensation. The funding gap method is useful, particularly when substantial State aid amounts are involved. However, for smaller aid amounts, the funding gap method is excessive, and a percentage of the eligible costs would be a much more effective approach. Therefore, we suggest including an alternative to the funding gap method alongside every article that uses it. For example, where the eligible costs are low – at half of the notification threshold, for instance - the maximum aid amount could be set as a percentage of the eligible costs. This percentage may vary depending on the GBER article.

54 Some GBER provisions lay down that the eligible costs are the extra costs of a project by comparison to a counterfactual scenario in the absence of aid. The rationale for requiring a counterfactual scenario is the need for calibrating aid and avoiding that the aid covers costs that the beneficiary would have incurred in any event. It aims at ensuring that the aid only covers the extra costs of the green investment. What is your position concerning this condition?

- [x] This condition is reasonable and does not need to be changed. Member States should have the choice between either determining aid by reference to a counterfactual with higher aid intensities or without counterfactual but with lower aid intensities.
- [ ] This condition is too complex. To simplify, Member States should only have the possibility of granting the aid without reference to the counterfactual based on aid intensities that already take the counterfactual into account.

- Other

56 Certain articles in Chapter III lay down the possibility of carrying out a competitive bidding process as an appropriate way to ensure proportionality of aid and lay down additional conditions compared to the general definition in Article 2(38) GBER. This is because a competitive bidding process ensures that the aid amount is kept to the minimum. What is your position?

- A competitive bidding process is an efficient way to keep the aid amount limited to the minimum and the current criteria do not involve a particular administrative burden.
- (selected) Some conditions are unnecessary and could be simplified.
- A competitive bidding process is burdensome especially for small projects and should be replaced with another method such as aid intensities.
- Other

57 Please explain your reply and provide suggestions or examples.

2000 character(s) maximum

When designing an aid measure, it is important that the granting authority has the option to choose whether or not to opt for a competitive procedure. If they choose this option, they must have sufficient flexibility to design the competitive bidding process accordingly. In the context of simplifying the GBER, the NL supports the view that more opportunities should be introduced for first-come, first-served aid schemes, and that the conditions should be less rigid for lower aid amounts and aid intensities. Competitive bidding procedures and schemes should not be mandatory.

5.2 Consistency of the conditions (within the GBER, with other EU rules and with the evolution of technology and markets)

58 The GBER sometimes uses conditions or concepts which seem very similar (for instance ‘competitive bidding process’, ‘competitive selection procedure’ or ‘competitive selection process’). The revision will seek to harmonise this terminology. Are there other concepts (or conditions) for which you consider that the terminology used in the GBER should be standardised? Please list them.

3000 character(s) maximum

The NL is in favor of harmonizing terminology, for example, with dynamic references. Unfortunately, there is no opportunity to extensively investigate this within the short timeframe for responding to this consultation.

59 Are there concepts and definitions used in the GBER that are not well aligned with other concepts and definitions already laid down in EU law?

3000 character(s) maximum

Please provide specific references

The NL supports aligning concepts and definitions used in the GBER with those already established in EU law. One example of a concept in the GBER is the alignment with the concept of ‘Tank to Wake’ (which is incorporated in, among others, ETS Maritime), with the definition of ‘clean vehicle’. Various Fit for 55 measures make it possible to set the tank-to-wake CO2 emissions of renewable fuels to zero. It is unclear to what extent this also applies to the requirements set out in the definitions of the term “clean vehicle”. The NL advocates providing more clarity on this issue and thus giving more scope to carbon-containing renewable energy carriers (specifically, renewable methanol) with very low well-to-wake emissions, as this is an indispensable part of the energy transition in shipping.

60 Does the GBER appropriately reflect technological and market development?

- ◯ No
- ◉ Yes
- ◯ I don't know

61 Please provide examples and explain why technological and market development make it necessary to update these provisions and how they should be updated.

3000 character(s) maximum

Previous answer is No. Please see our comments on Section 3.2. The NL welcomes the revision to reflect the latest technological and market developments. It is important to regularly verify whether the various aid categories remain fit for purpose. The circular economy is one example of this. As it is a CID priority, the GBER should take it into account. This means that the NL would welcome the inclusion of possibilities for aid for redesigning the production of circular products; for producing products that are easier to recycle after disposal; for producing products consisting less environmentally harmful substances (substitution); for circular services; for investments replacing fossil-based resources by sustainable bio-based materials; and for the acquisition and use of circular products. Another example is technical developments within sustainable shipping. Carbon-based renewable fuels, including bio and synthetic (RFNBO) methanol, have shown to be an essential complement to electricity and hydrogen for a climate-neutral end goal in both maritime and inland shipping, as the energy density of batteries and hydrogen is insufficient for long routes and energy-intensive sailing profiles. Article 36b currently only provides for the possibility of granting subsidies for initiatives based on electricity and hydrogen. Carbon-containing renewable fuels (including renewable methanol) are therefore excluded from subsidies, even though the definitions of clean vehicles do allow for this. This can be resolved by specifically mentioning renewable fuels here (in addition to electricity or hydrogen): ‘(...) clean vehicles powered at least partially by electricity, hydrogen or fuels from renewable sources compliant with the RED, or zero-emission vehicles and for the retrofitting of vehicles allowing them to qualify as clean vehicles or zero-emission vehicles.’. The same applies to the problem of network congestion. In this context too, the GBER should offer possibilities for the Member States for aid. In this respect, an additional Article should focus on dedicated infrastructure that makes sharing of dedicated infrastructure possible to reduce network congestion. For example, the introduction of aid to solve network congestion, but also in specific Articles, such as an expansion of the existing possibilities under Articles 56a and 56b, to include storage units that can be used independently and be supplied exclusively from outside the site. This increases the potential of storage units as a mitigating measure in the event of grid congestion. Lastly, in order to incentivize distinctive projects that fit within the objectives of the CID and the Fit for 55 packages, it is necessary to include an additional 'sub-paragraph' in Article 25(6) for an increase of the aid intensity for projects whose works are demonstrably in line with these policy priorities. This increase could then be combined with the aforementioned points (within the relevant paragraph).

62 What do you think about the alignment between the GBER and conditions laid down by support programmes funded or co-funded by the EU budget?

- ○ The GBER conditions are well aligned
- ● Better alignment is needed
- ○ I don't know

63 The following conditions should be better aligned

between 1 and 7 choices

- ☐ conditions related to the proportionality of the aid (competitive bidding process, aid intensity, aid amounts)
- ☐ conditions related to the eligible costs (cost categories, calculation methodologies, etc.)
- ☐ conditions related to the incentive effect
- ☑ conditions related to the cumulation of EU and national funding
- ☑ conditions related to the parallel procedures (EU funding and State aid) (e.g. requirements related to the selection of projects, project monitoring requirements and timelines)
- ☐ conditions related to the eligibility of the beneficiaries
- ☐ other conditions

64 Please provide specific examples and explain how the rules should be aligned.

3000 character(s) maximum

The NL would like to see more possibilities for national co-financing in the GBER, particularly where it is mandatory. Euro HPC and CEF are two such examples. Wherever possible, the NL is in favor of the conditions for national co-financing being derived as much as possible from the EU funds themselves, rather than from the GBER. Article 25c of the GBER is an example of this. Furthermore, NL has concrete examples when a company obtains financing from EU funds, we face difficulties with applying the GBER because of the definition of undertaking in difficulty. We call on the Commission to consider whether the condition of not qualifying as an undertaking in difficulty should apply to national co-financing.

65 Under the current Multiannual Financial Framework (2021-2027), EU funds can be granted until the end of 2029, while the GBER will expire by 31 December 2026.

Should transitional provisions in the GBER be introduced to ensure that measures co-financed under the next Multiannual Financial Framework 2028-2034 remain block-exempted even after the expiry of the validity of the GBER (similarly to the provisions in Article 62(2) of Commission Regulation (EU) 2022/2472)?

- (selected) Yes
- No
- I don't know

66 Please explain your reply

> The NL considers the proposal for transitional provisions in the GBER to ensure the GBER, which would ensure that the GBER aligns well with the Multiannual Financial Framework, to be a good one. In any case, the NL favors the GBER being aligned as closely as possible with EU funds.

5.3 Aid in the form of financial instruments

67 Member States may in some cases provide aid in the form of financial instruments instead of (or in addition to) aid in the form of grants. Financial instruments are a vehicle to deliver support via a multi-layer structure through which financial instruments (e.g. loans, guarantees, equity) are provided to final recipients in order to leverage private investment. The multi-layer structure may involve – apart from Member State authorities providing the aid – also implementing bodies or partners (e.g. international/multilateral financial institutions, national promotional banks and institutions and financial intermediaries) and private co-investors, and may therefore imply the presence of aid at different levels. Some GBER articles directly cover aid in the form of financial instruments (e.g. Article 39 on investment aid for energy efficiency in buildings in the form of financial instruments). Do current GBER rules sufficiently accommodate the use of financial instruments to provide aid to final beneficiaries?

- (selected) No
- Yes
- I don't know

68 If not, please explain. For example, please explain how the GBER currently falls short of supporting the use of financial instruments to provide aid to final beneficiaries and how it could address these shortcomings.

3000 character(s) maximum

Shortcomings could for instance be the absence of provisions setting out the conditions under which aid in the form of financial instruments can be block-exempted in policy domains in which financial instruments are commonly used, already existing GBER provisions setting out the conditions under which aid in the form of financial instruments can be block-exempted which are unclear, overly complex or difficult to implement, or already existing GBER provisions setting out the conditions under which aid in the form of financial instruments can be block-exempted which are outdated or do not reflect recent developments in the design and/or deployment of financial instruments.

The NL considers it important to mobilize private investment in the green and digital transitions. Within the overall framework of State aid rules, the current GBER covers key areas such as risk financing and start-up aid. However, we have noticed that these categories of aid have become rather complicated. In this regard, an in-depth review of these articles would be welcome. This would be useful not only in terms of simplifying its structure, but also with regard to its content. For example, Article 21 should not be limited to aid schemes, but also allow ad hoc aid under certain conditions. In this context, aspects that are not fit for purpose are the definitions of ‘undertaking in difficulty’ and what constitutes an ‘independent private investor’. A specific category of risk financing for innovative mid-caps would also be welcomed, as these face specific obstacles with regard to financing (lack of funding, FDI risks and high burn rates).

69 Do the current GBER rules appropriately accommodate and promote the use of specific type of financial instrument, such as equity?

- ○ Yes
- ● No

70 Please explain your reply

2000 character(s) maximum

The NL considers it important to mobilize private investment in the green and digital transitions. State aid can play a role here, as can other factors. Within the overall framework of State aid rules, the current GBER covers key areas such as risk financing and start-up aid. However, we have noticed that these categories of aid have become rather complicated. In this regard, an in-depth review of these articles would be welcome. This would be useful not only in terms of simplifying its structure, but also with regard to its content. For example, Article 21 should not be limited to aid schemes, but also allow ad hoc aid under certain conditions. In this context, aspects that are not fit for purpose are the definitions of ‘undertaking in difficulty’ and what constitutes an ‘independent private investor’. A specific category of risk financing for innovative mid-caps would also be welcomed, as these face specific obstacles with regard to financing (lack of funding, FDI risks and high burn rates).

71 Should the GBER be simplified to enable participation of financial intermediaries other than banks and involvement of co-investors in financing programmes?

- ● Yes
- ○ No

72 Please explain your reply

2000 character(s) maximum

The NL considers it important to mobilize private investment for the green and digital transitions. The NL would welcome a simplified GBER to enable the participation of financial intermediaries other than banks, as well as co-investors, to participate in financing programmes.

5.4 Training and employment aid

73 The Communication on training aid provides guidance on the compatibility assessment of notifiable training aid measures. The Communication dates from 2009 and overlaps to a large extent with the training aid measures now block exempted under Article 31 GBER (Chapter III, Section 5). In light of this, is this Communication still relevant?

- ○ Yes
- ● No
- ○ I don't know

74 Please explain your reply. If you consider that the Communication should remain in force, please explain in particular how this Communication is still useful for granting authorities.

2000 character(s) maximum

The Communication on training aid is no longer necessary where the GBER provides for such aid measures. However, the GBER articles could potentially be clarified, taking into account the Commission's interpretation as set out in the e-State aid wiki.

75 Do you consider that the GBER requirements on training aid are appropriate?

- ● No
- ○ Yes
- ○ I don't know

76 Please explain which conditions should be changed and provide a justification

3000 character(s) maximum

The NL considers Article 31 to be useful. To avoid any misunderstandings, it would be advisable to explicitly state that the beneficiary of the aid is in principle the company purchasing the training, rather than the training provider. It would also be advisable to consider including the cost of developing a training course as an eligible activities. The same also applies to economic activities by research organisations. The NL would favor a broadening of the scope of this article for specific sectors, such as healthcare, to account for their unique characteristics. In the field of community nursing, for example, the training method itself is the main bottleneck. Addressing this issue would require a fundamental redesign of the existing training structure. Therefore, we consider it essential that the costs of preparing an action plan, as well as the development and coordination costs of bringing together relevant stakeholders, are explicitly included as eligible costs. Furthermore, we propose increasing the aid intensity from 50% to 100% in cases of labor shortages. In line with Article 31(5), we recommend introducing a specific category for the healthcare sector in order to allow for a higher aid intensity. Experience has clearly shown that 50% is an inadequate aid intensity in this context, so this adjustment is essential to achieving the necessary transformation. This may also be important for the labor market transition.

77 The Communication on employment aid provides guidance on the compatibility assessment of notifiable training aid measures. The Communication dates from 2009 and overlaps to a large extent with the training aid measures now block exempted under Article 31 GBER (Chapter III, Section 5). In light of this, is this Communication still relevant?

- Yes
- No
- I don't know (selected)

79 Do you consider that the GBER requirements on employment aid are appropriate?

- No (selected)
- Yes
- I don't know

80 Please explain which conditions should be changed and provide a justification

3000 character(s) maximum

The NL considers Article 31 to be useful. To avoid any misunderstandings, it would be advisable to explicitly state that the beneficiary of the aid is in principle the company purchasing the training, rather than the training provider. It would also be advisable to consider including the cost of developing a training course as an eligible activities. The same also applies to economic activities by research organisations. The NL would favor a broadening of the scope of this article for specific sectors, such as healthcare, to account for their unique characteristics. In the field of community nursing, for example, the training method itself is the main bottleneck. Addressing this issue would require a fundamental redesign of the existing training structure. Therefore, we consider it essential that the costs of preparing an action plan, as well as the development and coordination costs of bringing together relevant stakeholders, are explicitly included as eligible costs. Furthermore, we propose increasing the aid intensity from 50% to 100% in cases of labor shortages. In line with Article 31(5), we recommend introducing a specific category for the healthcare sector in order to allow for a higher aid intensity. Experience has clearly shown that 50% is an inadequate aid intensity in this context, so this adjustment is essential to achieving the necessary transformation. This may also be important for the labor market transition.

81 The definition of disadvantaged workers is provided in Article 2(4) GBER and has not been updated since 2008. Is this definition still relevant?

- No
- Yes
- I don't know (selected)

5.5 SMEs and small mid-caps

83 Annex I to the GBER provides a definition of SMEs based on the 2003 Recommendation. Because of their limited size, SMEs generally benefit from more favourable rules under the GBER, such as specific aid categories or higher aid intensities (recitals 40-46 to the GBER). Should the SME definition be clarified?

- No (selected)
- Yes
- I don't know

84 Please specify and provide examples.

3000 character(s) maximum

According to the current SME definition, a company belongs to 'the SME sector' if it has fewer than 250 employees, combined with an annual turnover of up to EUR 50 million and/or a balance sheet total of up to EUR 43 million. In principle, this definition is clear enough. Should the Commission wish to amend the definition, the NL considers an impact assessment to be of great importance.

85 Are the current GBER rules (e.g. Articles 38b and 56e GBER) sufficient to accommodate the needs of small mid caps?

- No (selected)
- Yes
- I don't know

86 Please explain why and provide specific examples.

3000 character(s) maximum

A specific category of risk financing for innovative mid-caps would also be welcomed, as these face specific obstacles with regard to financing (lack of funding, FDI risks and high burn rates). The current State aid rules do not provide adequate possibilities for risk funding of innovative SME's and innovative mid-caps. Firstly, due to their high burn rate, these companies require substantial amounts of aid in the early stages of their life cycle. The maximum State aid amounts under the GBER are capped too low for companies working on digital innovations and critical technologies. Secondly, the transparency provisions of the GBER are too restrictive for funding of these companies. In R&D-intensive SMEs and innovative mid-caps, risk finance is a normal market practice for promoting investments in such companies. Risk financing (both under MEO conditions and as State aid) at the level of eligible undertakings, may take the form of equity, quasi-equity investments, loans, guarantees, or a combination of these. However, risk financing is currently only possible under the GBER if all the conditions of Article 21 are respected. This poses problems because there is insufficient private funding available for innovative SMEs and innovative mid-caps due to poorly developed risk capital markets, or because such private funding might pose foreign direct investment risks. For these reasons, Article 21 cannot always be used to provide these companies with adequate funding. Due to the transparency provisions of Article 5, risk financing for RDI under Article 25 is not allowed without respecting the provisions of Article 21.

5.6 Other

87 Should the GBER be updated or simplified for other reasons?

3000 character(s) maximum

Please provide justifications and examples

The NL would welcome the Commission evaluating the reporting and transparency obligations of the GBER. It is important to ascertain the effectiveness of these obligations, given the high administrative burden they entail. These obligations must remain proportionate, but it is currently unclear whether the benefits outweigh the burdens. Specifically, the NL requests that the Commission reconsider the TAM obligation. According to the NL, an obligation to publish aid measures would suffice. Due to the administrative burden, the TAM threshold should be raised again to at least EUR 500,000. The NL has seen no evidence of the effectiveness or use of TAM information since the threshold was lowered. The revision of the GBER should also include adjustments for inflation. Furthermore, it would be welcome to revise Article 5 (2), for example by providing a non-exhaustive list of categories of aid that are considered to be transparent. Additionally, specific provisions should be transferred to the relevant aid categories. Finally, the EU Member States should also be given sufficient time to take appropriate measures following the GBER review.

6 Structure of the GBER

88 The GBER is currently divided into four chapters containing common provisions (Chapter I), monitoring (Chapter II), specific provisions for different categories of aid (Chapter III) and final provisions (Chapter IV). There are also four annexes on the definition of micro, small and medium-sized enterprises (SMEs – Annex I), information sheets (Annexes II and III) and a list of critical raw materials for the purposes of specific compatibility provisions (Annex IV). Do you consider that the current structure of the GBER is satisfactory?

- ○ Yes
- ○ No, all provisions in Chapter I (Common provisions) should be moved to Chapter III (Specific provisions for different categories of aid), such that all compatibility conditions would be, for each aid category, laid down in a self-standing chapter or section.
- ● No, some provisions in Chapter I (Common provisions) should be moved to Chapter III (Specific provisions for different categories of aid).

○ Other

89 Please specify which provisions should be transferred to Chapter III or should remain in Chapter I (notification thresholds, specific definitions only used in one aid category, specific provisions about incentive effect, transparency or cumulation, other provisions).

2000 character(s) maximum

> The NL considers it important that the GBER is a user-friendly State aid instrument. In our opinion the GBER would be clearer if the sector-specific provisions currently included in Chapter 1 were added to the relevant sections and or articles in Chapter 3. This would involve various changes, including moving the notification thresholds and the sector-specific definitions, conditions and exceptions from Chapter 1 to the relevant sections and/ or articles in Chapter 3. Articles that apply to every section can be retained in Chapter 1.

91 The current structure of Chapter III of the GBER (Specific provisions for different categories of aid) is based on the list of aid categories laid down in the Enabling Regulation. For example, there are distinct sections within Chapter III on, among others, aid to SMEs (Section 2), aid for R&D&I (Section 4), aid for environmental protection (Section 7), etc. This leads to a situation where distinct GBER articles cover relatively similar activities (e.g. Articles 18 and 49 about consultancy services, Articles 25 and 30 about R&D&I).

- ○ The current structure of Chapter III of the GBER is sufficiently clear.
- ◉ Chapter III of the GBER should be organised using a different structure which would be more helpful for granting authorities.
- ○ I don't know

92 If you replied that the structure of Chapter III of the GBER should be different, which options would you favour

- ☐ Some articles should be merged or grouped, even if they do not completely overlap (e.g. Article 18 is only for certain beneficiaries – SMEs – but for all consultancy services while Article 49 is for all undertakings but only for certain consultancy services i.e. environmental protection and energy matters)
- ☑ Certain GBER articles should be split because they cover different activities.
- ☐ Other

93 Please explain your reply and provide examples.

2000 character(s) maximum

It is important that the GBER is user-friendly. Due to the digital use of the GBER, a large number of aid categories are not a problem and are preferred over complex aid categories. Article 36 serves as an example. This article could be split into several articles. The NL, for instance, favors having a specific article for CCUS and for hydrogen.

94 The structure of individual articles in Chapter III is not always the same, in that the order of provisions regulating an article’s scope, eligibility conditions, compatibility conditions and proportionality is not uniform across all the articles. Do you see a need for harmonisation of the structure of each article in Chapter III?

- [ ] No
- [x] Yes
- [ ] I don't know

95 If you consider that the internal structure of each article should be harmonised, please explain the order in which compatibility conditions or groups of conditions (general compatibility clause - need to comply with the “common conditions” -; eligibility / scope / exclusions; eligible costs and aid intensity and other ways to ensure proportionality) should be listed. Should there be different articles for operating aid and investment aid or should this be part of the harmonised structure of each article?

2000 character(s) maximum

The proposed order of the articles does not seem illogical. According to the NL, consistency in the application of the articles is particularly important. This also applies to the question of whether investment aid and operating aid should be combined or not. If the focus is on user-friendliness, the increase in the number of articles of the GBER is acceptable. The NL also considers it important that, in the event of overlapping articles, the Commission clearly indicates which one applies. In practice, we have noticed that it is not always clear which article applies; this is the case, for example, with articles 36, 41 and 47.

7 Guidance on (and interpretation of) the GBER

Since the State aid modernisation, the Commission has provided central national authorities with guidance on the interpretation of State aid legislation, and especially on the GBER, through the e-State aid wiki platform.

96 Should the Commission consider ways of providing guidance on the interpretation of the GBER?

- [ ] No, the current e-State aid wiki system (through which only Member States may ask interpretation questions) works well.
- [x]

Yes, the Commission should provide guidance in a different format in addition to replies on e-State aid wiki

- ( ) I don't know

97 How should the guidance be provided by the Commission?

- [ ] Information sessions
- [x] Practical guide or Q&As published on DG Competition's website
- [ ] Other

99 Due to limited resources and technical limitations, the Commission is not always able to timely answer all the questions asked by Member States. Do you consider that the e-State aid wiki platform should be abolished?

- [ ] Yes, Member States have gained sufficient experience with the GBER and are autonomous in interpreting the GBER.
- [ ] No, the Commission should continue to provide guidance via e-State aid wiki but the Commission should only do it for new (or amended) provisions of the GBER and for a limited time (for example for a period of 5 years after the latest review).
- [x] No the Commission should continue to provide guidance via e-State aid wiki and should make it available to a wider audience (beyond central authorities as is the case in e-State aid wiki)
- [ ] I don't know

101 To which wider audience should the tool be made available?

- (•) All granting authorities
- ( ) All granting authorities and financial intermediaries (public or private, e.g. banks) entrusted by granting authorities to grant aid on their behalf.
- ( ) The guidance should be public.
- ( ) Other

Contact

GBER-REVISION-PUBLIC-CONSULTATION@ec.europa.eu