



European Commission  
Directorate-General for Competition  
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**Positions for the second draft of Commission Regulation amending Commission Regulation (EU) No 1408/2013**

Dear sir/madam find below our positions,

On the 29th of October 2024, the second Advisory Committee meeting on the draft of the amendment to Commission Regulation (EU) No 1408/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the agriculture sector took place. The Commission informed the participants during that meeting that Member States could submit feedback until 01.11.2024 on the new draft.

We are generally in support of the draft, but we submit the following concerns and questions as feedback:

1. According to the new wording if a company is active in the primary production of agricultural products as well as in the fishery and aquaculture sector, aid may be cumulated up to "*the maximum ceiling laid down in one of these Regulations*". With the adoption of this amendment the maximum ceiling will be the agricultural *de minimis* ceiling of 42 000 euros.

However, under the current Fisheries *de minimis* Regulation (EU) No 717/2014, it is possible to cumulate agricultural and fisheries *de minimis* aid as follows: "...*de minimis aid granted in accordance with Regulation (EU) No 1408/2013 may be cumulated with de minimis aid in the fishery and aquaculture sector in accordance with this Regulation up to the ceiling laid down in **this Regulation***", which is 40 000 euro.

Therefore, the two Regulations are **contradictory**. The rule of cumulation needs to be unambiguous in both regulations to avoid confusion and incorrect application.

If the wording stays as it is, we would like to know **which Regulation should be prioritised and with what reasoning?**

In addition, we think that this approach, where it is not clearly stated how to cumulate different *de minimis* aids would create problems to member states, which already have *de minimis* registers for all *de minimis* types (meaning one register that includes all types). The change of the formula of cumulation needs additional IT development.

Therefor we ask the Commission to amend the Fisheries *de minimis* Regulation to harmonize it with horizontal rules and change the wording in article 5(2).

2. We also have some comments about the translation:
  - In the introductory remarks of the Estonian translation, point (11) it states that the

Regulation should enter into force “järgmisel päeval pärast selle avaldamist...” meaning the Regulation should enter into force the **next day** following its publication. In the English version it says “this Regulation should enter into force on the **third day...**”.

- Article 3(1) in the English version the text is about “Aid measures” in plural, but in the Estonian version it’s “abimeede” meaning aid measure in singular.
- Article 3(5) the Estonian version uses “abi liik” meaning aid type, in the English version it is “aid form” meaning “*abi vorm*”. The current Estonian version of (EU) No 1408/2013 also uses “aid form” (*abi vorm*).

Yours sincerely,

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(e-signed)

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