

# 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

---

## 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	<input type="radio"/>	<input checked="" type="radio"/> X	<input checked="" type="radio"/> X	<input type="radio"/>
Prioritisation of enforcement on aid with the highest impact on the single market ("big on big, small on small")	<input type="radio"/>	<input checked="" type="radio"/> X	<input checked="" type="radio"/> X	<input type="radio"/>
Simplification of the State aid rules	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>

KLIM selgitus: GBER rakendamine on aidanud kaasa eesmärkide saavutamisele erineval määral. Mõne valdkonna, näiteks lennunduse jaoks, on GBERi panus kasvu edendamisse ja reeglite lihtsustamisse olnud märkimisväärne, võimaldades toetada regionaalseid lennujaamu, mis muidu ei oleks majanduslikult jätkusuutlikud, ning pakkudes riigiabi andjale tõhusamat menetlust võrreldes ametliku teavitushetkega (tabelis vastatud kõigile kolmele küsimusele "yes, to a large extend"). Samas transpordi- ja energeetika valdkonnas hinnatakse panust pigem tagasihoidlikuna (tabelis kaks esimest küsimust vastatud "yes, to a small extend") ning reeglite lihtsustamine hinnatakse kasulikuks (tabelis vastus "yes, to a large extend"), kuid endiselt peetakse regulatsiooni kohati keeruliseks ja mitmeti tõlgendatavaks, mis suurendab halduskoormust.

## 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)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
Fostering the digital transition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/> N/A
Legal certainty (predictability and ease of understanding) for Member States and undertakings	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
Promoting R&D and innovation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
Promoting the economic, social and territorial cohesion of Member States and the Union as a whole, as well as regional development of disadvantaged areas	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
Promoting the uptake of private investment in the EU through de-risking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/> N/A
Protecting a level playing field in the single market and minimising distortions of competition	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X

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 <a href="#">Competitiveness Compass</a> )	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
Supporting social protection measures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/> N/A
Supporting the competitiveness of the EU	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
Supporting the just transition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/> N/A
The prioritisation of enforcement on the most distortive types of State aid, which should be notified to the Commission	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X

[KLIM selgitus](#): erinevatel valdkondadel on erinevad kogemused- lennundus täitis tabelis enamasti “To a large extent”, samas kui energeetika hindas küsimusi pigem “To some extent”.

Lennunduse valdkond on seisukohal, et praegune GBER ei ole piisavalt ambitsioonikas. CO2-heite vähendamisele suunatud projektide puhul tuleks kaaluda oluliselt kõrgemaid toetusmäärasid (kuni 100%), eriti väiksemates ja ELi äärealadel asuvates liikmesriikides, kus turupõhine huvi investeringute vastu on madal. Õiguskindluse tagamisel on GBERi mõju piiratud. Reeglid on endiselt keerukad ja alluvad erinevatele tõlgendustele, mis tekitab ebakindlust. Võrdsete konkurentsitingimuste tagamise kriteeriumi juures ollakse seisukohal, et GBER ei arvesta piisavalt liikmesriikide vaheliste majanduslike ja struktuuriliste erinevustega. See seab ebasoodsamasse olukorda väiksemate või ELi äärealadel asuvate riikide ettevõtjad (nt põllumajanduses ja taristuehituses), kes ei suuda konkureerida suuremate ja keskmate riikide subsideeritud ettevõtetega.

## 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	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X
Improving the user-friendliness, readability, consistency and accessibility of the GBER	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>
Increasing the scope of the GBER to more aid measures	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>
Simplifying the compatibility conditions to block exempt more aid measures while keeping sufficient safeguards to avoid undue distortions	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>
Adapting the current text to take into account political, economic, technical and social changes	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X	<input type="radio"/>

[KLIM selgitus](#): lennunduse valdkond leidis, et GBER käsitleb mingil määral toodud teemasid, kusjuures halduskoormuse osa hinnati “yes, to a large extend”, kuivõrd GBER on toonud kaasa halduskoormuse

vähendamise (ülejäänud teemasid hinnati “yes, to some extent”). Energeetika valdkond on hindab halduskoormuse ja kasutajasõbralikkuse teemasid pigem piiratud mõjuga (vastus “yes, to a limited extent” ning ülejäänud osas nõustutakse lennundusega- st GBER teemasid, lihtsustamist ning poliitilisi, majanduslikke jt muutusi on mõnevõrra laiendatud (tabelis vastus “yes, to a some extent”). Transpordi sektor rõhutab, et grupierandite määramisel tuleks arvestada liikmesriikide eripärasid, sealhulgas geograafilist ääreala ja väikese turu olusid. Kokkuvõttes nähakse, et edasised täpsustused ja paindlikum lähenemine aitaksid määruse eesmärgi paremini täita ning rõhutatakse, et GBER peaks arvestama senisest enam territoriaalsete eripäradega, näiteks liikmesriigi asukohaga ELi ääreallal ja kaugusega Kesk-Euroopast.

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

KLIM: Eesti ja lennunduse vaatest võimaldab see taristusse investeerida ja seda arendada kliimasõbralike tehnoloogiate kasutuselevõtmiseks just taristu uuendamise kaudu (AFIR kaudu on investeeritud lennujaamadesse eesmärgiga vähendada taristust tekkivaid heitmeid). Kuigi lennunduses võimaldab GBER investeerida taristusse kliimasõbralike tehnoloogiate kasutuselevõtuks, siis on tulevikus olulisem tagada väiksemate, mittetasuvate lennujaamade majandustegevuse toetamine. Lisaks oleks vaja aidata kaasa rahaliselt toetada lennuettevõtjaid, et nemad võtaks puhtamad kütused, tehnoloogiliselt uuemad ja vähem heitmeid emiteerivad õhusõidukid kasutusele - arusaadavalt ei tohi need meetmed konkurentsi kahjustada, aga sellised alused võiks ELi geograafilistes äärepiirkondades olla täiendavalt lubatud, kuna ka lennuliinid ei ole siin suures osas tasuvad reisijate vähesuse tõttu ning see pärsib riikide konkurentsivõime kasvu.

Energeetikas tuuakse esile vajadus vabastada kohalike taastuvkütuste, näiteks biometaan kasutamise, teavitamiskohustusest, et soodustada kliimaeesmärkide ja energiajulgeoleku saavutamist.

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*

KLIM: lennunduse valdkonnas GBER pigem ei toeta õiglast üleminekut piisavalt. Kliimaneutraalsuse saavutamine on pikaajaline eesmärk (nt vesinikutehnoloogia kasutuselevõtt lennunduses eeldatavasti alles pärast 2035. aastat) ja GBER ei toeta piisavalt vajalikke üleminekumeetmeid. See hõlmab näiteks säästvate lennukikütuste kasutamist ja uute tehnoloogiate, nagu elektrilennukite, kasutuselevõtu raskuste ületamist ELi äärepiirkondade ja Kesk-Euroopa vahelistel liinidel

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

KLIM: GBER panus digitaliseerimise toetamisel on praegu piiratud. Lennunduses sõltuvad investeeringud pigem lennuettevõtete ja välistarnijate otsustest, millele üksnes lennujaama tasandi investeeringud olulist mõju ei avalda.

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

KLIM: GBER tähtis regionaalsete lennujaamade toetamiseks, mis on kriitilise tähtsusega ühenduste tagamisel äärealadele (nt saartele) ja saarte lennuühenduste tagamine, mis on hädavajalikud alternatiivide puudumisel (st laevaühendus on aeglane ja ronge ei ole). Energeetikas rõhutatakse, et energiajulgeoleku ja tasukohasuse seisukohast on oluline, et GBER seaks piiranguid, mis takistaks sektori arengut, taastuenergiele (nt biomass, biometaan). seatud piirangutega.

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

KLIM: Lennunduse vaates ei ole piisavalt ressursse ja fonde, et GBERi kaudu innovatsiooni toetada. Energeetikas ei ole laiemat hinnangut antud, mis viitab sellele, et raamistik ei ole olnud praktikas piisavalt rakendatav. Seetõttu võiks kaaluda täiendavaid toetusvõimalusi, mis soodustaksid R&D&I tegevusi ka väiksemates sektorites ja riikides.

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

KLIM: GBER toetab mõningal määral ühtekuuluvuse eesmäärke, kuid territoriaalseid eripärasid tuleks paremini arvesse võtta. Määrus on oluline elutähtsa taristu toetamisel äärealadel, näiteks väikeste lennujaamade ja äärealade elanike liikumisvõimaluste tagamine on ülioluline, kuna turupõhiselt sellised ühendused ega taristu muidu ei toimiks. GBER peaks arvestama äärepoolsetes, väiksemates või geopoliitiliselt haavatavamates liikmesriikides esinevate ebasoodsate tingimustega. Spetsiifiliste erandite või paindlikumate tingimuste pakkumine sellistele piirkondadele aitaks neil struktuurseid väljakutseid ületada ja ühtekuuluvuseesmäärke tõhusamalt saavutada.

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

KLIM: GBER annab vajaliku panuse ELi konkurentsivõimesse, võimaldades anda toetusi, mida muidu ei oleks võimalik anda. Näiteks regionaalsed lennuliinid ja taristu ei oleks ilma GBERita jätkusuutlikud. Toetades mittetasuvaid, kuid elutähtsaid transpordiühendusi ja -taristut, tagab see ühenduvuse ja liikuvuse, mis on äärepoolsetes piirkondades äärmiselt oluline. Kuigi on raske hinnata, kas see panus on "piisav", on selge, et ilma GBERi pakutavate võimalusteta oleks nende piirkondade konkurentsivõime oluliselt pärssitud.

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*

KLIM: GBER parandab ärikeskkonda, võimaldades toetada kriitilise tähtsusega taristut. Näiteks abi andmine väikestele lennujaamadele (kuni 200 000 reisijat) tagab nende tegevuse, mis omakorda loob kohalikele ettevõtetele, sealhulgas VKEdele, vajaliku ühenduvuse tegutsemiseks ja laiematele turgudele pääsemiseks.

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*

KLIM: Lennunduses on toetust saanud vaid hädavajalikud tegevused, kuigi oleks vajalik ka laiem võimalus toetada lennuettevõtlust väikelennuväljade ja piirkondade toimimise tagamiseks. GBERi panus integreeritud projektide toetamisse on piiratud mitme teguri tõttu. Esiteks, liiga ranged sätted võivad takistada terviklike projektide elluviimist. Näiteks merendussektoris takistab artikli 36 välistav klausel laevade dekarboniseerimise keeruka projekti eri elementide kombineerimist ühe eesmärgi alla, kui need on reguleeritud erinevate artiklitega (nt art 36b). Teiseks ei ole mõnes sektoris GBERi alusel kättesaadavad toetussummad piisavad, et luua ettevõtjatele tegelikku majanduslikku stiimulit investeerimiseks. Kolmandaks võib peamiseks kitsaskohaks olla pigem riiklike vahendite puudus kui määruse sätted ise. Transpordi valdkonnas märgitakse, et keerukate kaasuste tõttu on toetuste andmine tihti raskendatud ja nõuab mahukat menetlust.

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

## 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
- ☐ 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.
- X ☒ I don't know

### 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
- X ☒ I don't know

#### 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
- X ☒ I don't know

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*

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.



### 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.
- ☐ Certain concepts should be defined while they currently are not.
- ☒ Certain definitions should be updated.
- ☐ Certain definitions are unnecessary and should be deleted.
- ☐ Certain definitions rather constitute substantial compatibility conditions and should be moved to Chapter III.
- ☐ I don't know.

KLIM selgitus: Valdav seisukoht on, et teatud definitsioone tuleks ajakohastada ja lihtsustada. Merenduse ja energeetika eksperdid leiavad, et teatud mõisted vajavad täpsustamist. Rohereformi vaates peetakse osasid definitsioone, nagu *funding gap* ja *incentive effect*, liialt keerukateks ja halduskoormust suurendavateks. Seetõttu on vajalik definitsioonide läbiv lihtsustamine ja ühtlustamine, et tagada paremini arusaadav raamistik.

### 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*

#### 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

KLIM: Selles küsimuses on seisukohad erinevad. Kuigi üldist välistamise põhimõtet toetatakse, leitakse lennunduse poolelt, et siiski võiks kaaluda erandeid juhtudel, kus raskustes olemine ei välista jätkusuutlikku ärimudelit ning ettevõtte tegevus on oluline avalikes huvides, näiteks taristu või ühenduvuse tagamiseks. Energeetika poolelt aga ollakse igasuguste kohanduste tegemiselt vastu.

#### 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

KLIM selgitus: valdkondade hinnangul on ergutava mõju tingimuse rakendamine keeruline ja kohati ebaselge. Näiteks energiaprojektides on määratlus „pöördumatu investeering“ jäänud õiguslikult ebaselgeks ja võiks olla lihtsam. Leitakse, et õiguskindluse parandamiseks ja halduskoormuse vähendamiseks tuleks teksti täiendada ja selgitada, integreerides määrusesse otse komisjoni suunistest ja kohtupraktikast tulenevad põhimõtted..

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*

KLIM: „Ergutava mõju” küsimus on tihedalt seotud hiljutise kohtupraktika ja taastuenergiakavade „pöördumatu investeeringu” mõistega. Meie arvates tuleks selgesõnaliselt arvesse võtta uusimat kohtupraktikat ning üldine grupierandi määrus peaks täpsustama punkti, millal investeering muutub pöördumatuks. Näiteks kohtuasjas C-11/22, Est Wind Power, jõudis kohus küll EEAG-i alusel tehtud kokkusoobivuse hindamise tulemusel järeldusele, et turbiinidega seotud investeeringud kujutavad endast pöördumatut investeeringut. Liikmesriikidel on vaja selgust, kas see tõlgendus kehtib ka üldise grupierandi määru alusel. See on eriti oluline, arvestades, et ergutava mõju mõistet käsitleti kohtuasjas C-349/17, Eesti Pagar, kus kohtu järeldus oli laiem. Seetõttu tuleks selgitada, kas taastuenergia kontekstis kohaldatakse üldise grupierandi määru alusel konkreetset standardit selle kindlaksmääramiseks, millal investeerimisotsust peetakse pöördumatuks.

#### 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

## 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~~

KLIM: Merenduse poolelt soovitakse juhtida tähelepanu GBERi artikli 2 lõike 102f punktis d toodud „keskkonnasõbralik sõiduk” terminile ning seda just merelaevade puhul. Nimelt on Rahvusvahelise Mereorganisatsiooni (IMO) poolt vastu võetud MARPOLi VI lisa kohaselt kohaldatakse uutele laevadele, mis tarnitakse alates 1. Juulist 2025, energiatõhususe indeksit (EEDI). Enne nimetatud kuupäeva tarnitud laevade ja mittetraditsiooniliste jõuseadmetega varustatud laevade puhul EEDI nõuded ei ole kohaldatavad.

Järjepidevuse edendamiseks ja abikõlblike moderniseerimisprojektide ulatuse laiendamiseks teeme ettepaneku muuta GBER artikli 2 lõike 102f punkti d kohast „keskkonnasõbraliku sõiduki” määratlust.

Täpsemalt teeme ettepaneku asendada viide energiatõhususe indeksile (EEDI) olemasoleva laeva energiatõhususe indeksiga (EEXI). Kuna EEXI on olemasolevate laevade puhul kõige sagedamini kasutatav standard, viiks see muudatus GBERi paremini vastavusse praeguse tööstuspraktikaga.

EEXI kasutuselevõtt energiatõhususe võrdlusalusena mitte ainult ei suurendaks Euroopa merendussektori konkurentsivõimet, vaid toetaks otseselt ka Euroopa roheline kokkuleppe ambitsioonikaid eesmärke, sealhulgas selliseid algatusi nagu „FuelEU Maritime“ ja pakett „Fit for 55“.

Teine ettepanek on seotud nulltasemega CO<sub>2</sub>-heite kütustega (nn *zero direct (tailpipe) CO<sub>2</sub> emissions fuels*). Alternatiivkütuste kliimamõju täpsemaks mõõtmiseks ja laiemate ELi standarditega kooskõlla viimiseks teeme ettepaneku rakendada kütuse konversioonidest tulenevate heitkoguste hindamisel nn. „well-to-wake“ (WtW) põhimõtet. WtW põhimõte arvestab kütuse kogu elutsükli, sealhulgas heitkoguseid selle tootmisest,

transpordist ja lõppkasutusest laeval. See annab kütuse CO<sub>2</sub> kogumõjust terviklikuma pildi võrreldes praeguse ainult summutitorust lähtuva arvutusega.

WtW standardi vastuvõtmine võimaldaks toetusskeemil tõhusalt katta ja stimuleerida selliste kütuste nagu roheline metanool kasutamist, mis, hoolimata sellest, et põlemisel tekib CO<sub>2</sub>, võivad vähendada koguheidet 85–95%, kui arvestada nende kogu elutsükli. See muudatus muudaks meie riikliku süsteemi järjepidevaks ja tõhusamaks, kuna EL kohaldab juba jäätmete käitlemise põhimõtet oma FuelEU Maritime'i määruks.

Energeetika valdkond juhib tähelepanu artikkel 2 punktis 28 toodud terminile “konkureeriv pakkumismenetlus”. See mõiste on ebaselge ja siinkohal tuleks täpsustada, mida antud menetlus endast kujutab, eriti ELi rahastusega seotud avatud taotlusvoorude kontekstis. On vaja selgitada, kas abi tuleb sellisel juhul anda abisaajale, kes taotleb kõige vähem toetust (absoluutväärtuses või ühiku kohta), et mõiste oleks täidetud?

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

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.
- ☐ 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

KLIM: Valdkondade seisukohad on erinevad: transpordis leiti, et rahastamispuudujäägi arvutused tuleks

GBERst eemaldada või kui need jäävad määrusesse, siis komisjoni poolt peaks olema metoodikarakendamiseks välja antud ka üksikasjalik metoodika, mis muuhulgas arvestaks väikeste riikide eripära. Energeetikas leitakse, et rahastamispuudujäägi arvutused võiksid olla vabatahtlikud või mitte kohustuslikud väikeste summade puhul (vastuse variandid 1 ja 2). Energeetika seisukohti toetab ka lennunduse valdkond. Kokkuvõttes nähakse, et meetod võib olla asjakohane, kuid vajab selget juhendit ja paindlikumat rakendamist.

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?

- ☐ 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

KLIM: Energeetika on seisukohal, et praegune tingimus on liialt keerukas ja jäik. Lihtsustamiseks peaks liikmesriikidel olema valikuvõimalus kasutada kas alternatiivset stsenaariumi koos kõrgemate toetusmääradega või anda toetust ilma alternatiivse stsenaariumita, tuginedes madalamatele, eelnevalt kindlaksmääratud toetusmääradele, mis juba arvestavad roheliste investeeringute keskmisi lisakulusid. See tagaks vajaliku paindlikkuse ja vähendaks halduslikku keerukust.

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.
- ☐ 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.

X ☐ Other

KLIM: energeetika valdkond palub selgitada, mida nimetatud protsess peaks hõlmama, kuivõrd ebaselge on, mida see menetlus praktikas eeldab. Näiteks kui korraldatakse avalik taotlusvoor (ELi rahastamine), kas abisaaja tuleb valida madalaima taotletud abisumma alusel? See tähendab, et kas abi peaks andma neile, kes küsivad kõige vähem toetust (absoluutarvudes või ühiku kohta)?

## 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*

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

60 Does the GBER appropriately reflect technological and market development?

- ☐ No
- ☐ Yes
- ☐ I don't know

KLIM: energeetika valdkonna arvates ei arvesta GBER piisavalt kiiresti turuolukorda (tehnoloogiat ega turumuutusi). Samas arvab lennundus, et väikelennujaamade (st kuni 200 000 reisijat) puhul võtab turuolukorda arvesse.

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

KLIM: Kui liikmesriigid koostavad ELi eelarvest kaasrahastatavate toetuskavade tingimusi, peavad nad neid kooskõlastama GBERi sätetega. Vastuolude ja ebajärjekindluse vältimiseks peaksid ELi tasandi toetusprogrammide ja GBERi tingimused olema omavahel täielikult kooskõlas. Kusjuures õiguskindluse saavutamiseks oleks vaja GBERs teha fondideleerisus, et juba heaks kiidetud ja GBERile vastav rakenduskavas ette nähtud abi liigid (ja tingimused) rahastamisperioodil ei muutuks rangemaks (nn biometaan juhtum).

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)?

- ☒ yes
- ☐ No
- ☐ I don't know

### 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?



- ☐ No
- ☐ Yes
- ☐ I don't know

[KLIM](#): Energeetikas puudub seisukoht, kuid transpordil on kogemus, et näiteks elektriraskeveokite laadimisvõrgu puhul ei ole finantsinstrumendid piisavad, et motiveerida ettevõtjaid investeerima. Seega ei ole GBER piisavalt tõhus finantsinstrumentide rakendamisel ning vajab paindlikkust ja täiendavaid meetmeid.

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

- ☐ Yes
- ☐ No

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

#### 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

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

- ☐ No
- ☐ Yes
- ☐ I don't know

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

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

- ☐ No
- ☐ Yes
- ☐ I don't know

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

## 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
- ☐ Yes
- ☐ I don't know

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

- ☐ No
- ☐ Yes
- ☐ I don't know

## 5.6 Other

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

*3000 character(s) maximum*

Please provide justifications and examples

## 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

[KLIM](#): [Energeetika eksperdid leiavad, et struktuur on rahuldav. Lennunduse vaates ei ole eelistusi ei ole.](#)

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

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

☒ Yes

☐ I don't know

## 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.

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

☐ I don't know

[KLIM](#): Kuigi e-State aid wiki toimib ja on kasulik, ei pruugi vastused alati olla piisavalt kiired. Samuti oleks otstarbekas pakkuda täiendavaid juhiste formaate (nt regulaarseid selgitusdokumente või Q&A kogu liikmesriikidele). See suurendaks õigusselgust ja vähendaks eri tõlgenduste riski.

### Contact

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