



Koen Van de Castele
European Commission
DG Competition
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Our ref. 08.03.2024 No 12.1-2/1195-1

Request for the interpretation of de minimis Regulations

Dear Mr Koen Van de Castele,

Estonia asks for the Commission's interpretation of certain provisions of the [Commission Regulation \(EU\) 2023/2831](#) on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid and [Commission Regulation \(EU\) 2023/2832](#) on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid granted to undertakings providing services of general economic interest (hereinafter SGEI *de minimis* aid).

- 1) Our first question concerns the **cumulation** of the *de minimis* aid and SGEI *de minimis* aid.

Article 5(1) of the Regulation (EU) 2023/2831 stipulates:

„De minimis aid granted in accordance with this Regulation may be cumulated with de minimis aid granted in accordance with Commission Regulation (EU) 2023/2832“.

Article 5(1) of the Regulation (EU) 2023/2832 stipulates:

„De minimis aid granted in accordance with this Regulation may be cumulated with de minimis aid granted in accordance with other de minimis Regulations“.

Neither of the two Regulations specify any ceiling up to which *de minimis* aid can be cumulated as it was the case in previous *de minimis* aid regulations (No 1407/2013 and No 360/2012).

Our understanding is that *de minimis* aid granted based on Regulation (EU) 2023/2831 and Regulation (EU) 2023/2832 may now be cumulated so that a single undertaking can get altogether 1 050 000 euros (300 000 euros + 750 000 euros) *de minimis* aid.

Please confirm that our understanding is correct?

- 2) The second question concerns the **calculation of three-year period** in the Regulations (EU) 2023/2831 and (EU) 2023/2832.

According to Article 3(2) of the Regulation (EU) 2023/2831 the total amount on *de minimis* aid granted per Member State to a single undertaking shall not exceed EUR 300 000 over any period of 3 years.

We've understood that the three-year period is calculated so that in case new *de minimis* aid is granted on 8.03.24 we have to take into account all *de minimis* aid granted from 8.03.21 till 8.03.24¹. When *de minimis* aid is granted on the 29th of February of a leap year, then we must take into account *de minimis* aid granted from 28.02.21 till 29.02.24 (as in 2021 there was no 29.02).

Could you please confirm that our understanding is correct?

3) The third question is about **footnote 23 of the Regulation (EU) 2023/2832**.

Footnote 23 refers to „Commission Regulations (EU) No 1407/2013 of 18 December 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 (OJ L 352, 24.12.2013, p. 9) ...

Our understanding is that instead of referring to Commission Regulation (EU) No 1407/2013 the reference should have been made to Commission Regulation (EU) No 1408/2013.
Is our understanding correct?

Estonia is in the process of IT development of our State aid and De Minimis Aid Register to bring the register into line with the Commission new *de minimis* aid Regulations. For this reason, we need the answers to the questions above as soon as possible.

Thank you in advance,

Yours sincerely,

(signed digitally)

Kaur Kajak
Deputy Secretary-General for Public Governance Policy

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¹ According to Article 3(2)(c) of Regulation (EEC, EURATOM) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits. Reference to this regulation was made in the Commission's 31.01.2024 answer to Italy in eState aid wiki.