Community rules on State aid — a practical handbook (1)

Eliška KUTENIČOVÁ

State aid control on the European level comprises a rather articulated web of rules in different areas. The basic Treaty rules have been amplified over the years by secondary legislation and court rulings. While the ex ante State aid control is performed at the centralized Commission level, the affected or involved entities (both the public administrators as well as the beneficiaries) are situated at the national, regional or local level.

As a follow-up of the State Aid Action Plan, we have witnessed a series of amendments and overhauls of the applicable State aid rules over the recent years. Appreciating the difficulties of finding one's way through the new rules, DG Competition carried out a complete revision of the Vademecum Community rules on State aid, a paper which aims to be a useful handbook for all involved in State aid. Amendments were done to reflect all changes which occurred in the area of State aid since 2003.

The Vademecum summarizes, in a simple, reader-friendly and consistent way, the main rules applicable to State aid control. Its role is, however, not to provide an exhaustive description of all detailed rules, but rather to be a first point of reference, which then points the user in the relevant direction for finding the full detailed rules as needed.

The Vademecum is divided into two parts. The first, general part, provides a basic description of the notion of State aid, State aid control, affected areas and applicable procedures.

The second part of the Vademecum consists of annexes- fiches- each of which is devoted to a particular type of aid instrument and a description of the relevant main terms and governing rules. The changes in the fiches largely followed the relevant changes in the underlying legislation. Apart from the fiche on environmental aid, employment aid, training aid and aid elements in the sale of land and buildings by public authorities (which have not changed since 2003), all other fiches were substantially revised in line with the applicable law. Furthermore, in the view of the latest developments, we have added a separate fiche on the treatment of services of general economic interest.

The structure and layout of the Vademecum is designed to provide an easy starting reference point for the end-user in the respective State aid field and subsequently, to highlight the most relevant rules which then may be further checked as needed.

The Vademecum Community rules on State aid is currently available online at multiple sections of the DG Competition web page in 22 languages (2). DG Competition plans to manage the document and carry out updates of the relevant fiches, as soon as practically possible, to reflect all future changes in the State aid rules.

(1) The content of this article does not necessarily reflect the official position of the European Communities. Responsibility for the information and views expressed lies entirely with the author.