

FINAL DOCUMENT APPROVED BY THE COMMITTEE ON ECONOMIC
ACTIVITIES, TRADE AND TOURISM

**Communication from the Commission to the European
Parliament, the Council, the European Economic and Social
Committee and the Committee of the Regions on
EU State Aid Modernisation**

(COM(2012) 209 final)

The Committee on Economic Activities, Trade And Tourism of Italy's Chamber of Deputies, having examined the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the modernisation of EU State Aid (COM(2012) 209 final) in accordance with article 127 of the Rules of Procedure;

having obtained the opinion expressed on 28 November 2012 by the Committee on European Union Policies, with whose evaluations it agrees,

Whereas:

this threat appears particularly dangerous given the current economic crisis, which is leading a number of member states to adopt forms of aid for their production systems to foster international competitiveness and bolster domestic demand. This applies in particular to states which, having more favourable public finance conditions, can devote more resources to this end. The official figures produced by the European Commission itself appear significant. These show that Germany and France provide a markedly higher amount of state aid than Italy, both in absolute terms and in relation to GDP. This has the paradoxical effect of widening the gaps and producing distortions in the outlook for growth within the European Union. Indeed, it penalises those countries that are already performing most poorly in economic terms, not least in light of the more rigorous public finance adjustment policies they are required to implement;

the Commission's goal in issuing the communication, i.e. to examine, with a view to remedying, the main problems that have thus far emerged in matters of state aid, is one with which the Committee can fully agree. More specifically, the following intentions are to be appreciated:

- a) to focus, in allocating scarce resources, on addressing actual shortcomings in the market and on fostering growth, through a careful and precise cost-benefit analysis of the available incentives;

- b) to define state aid precisely through a systematic and comprehensive survey of the types of intervention that can be classified as such;
- c) to increase member states' responsibility for *ex ante* verification that the aid delivered is compatible, where small amounts are concerned. This would enable the European Commission to focus on larger amounts of aid that have the potential to distort competition and produce significant macro-economic effects;
- d) to simplify and rationalise the European rules governing aid, so as to provide greater certainty for the enterprises concerned as to whether or not they will receive specific incentives. This would also entail a reduction in the timescales envisaged for the preliminary check by the European institutions;

expresses a positive evaluation of the communication, with the following observations:

- 1) the current amount of *de minimis* aid that can be allocated to each enterprise, i.e. €200,000 over three years, should be left unchanged to avoid a situation arising where member states with greater margins for financial intervention can favour their own enterprises by providing them with higher amounts of aid;
- 2) for the same reasons, the possibility of setting a ceiling, as a percentage of GDP, for the overall aid that each country can grant to its enterprises, with reference to specific sectors if applicable, should be evaluated;
- 3) to give member states more responsibility for aid matters, the precedent created by the antitrust rules, whereby the national competition authorities have been given the task of *ex ante* evaluation of their aid regimes' compatibility with European Union law, should be evaluated;
- 4) an exhaustive list of the types of intervention that can be categorised as aid should be drawn up with a view to providing legal certainty and reducing the risk of disputes. To this end, aid granted in cases of serious natural disasters, most notably earthquakes, which are particularly frequent in Italy, should be included in the forms of aid which are exempted from the *ex ante* notification requirement, as they are deemed compatible with the market;
- 5) With a view to increasing legal certainty and the possibility of judicial protection, the exemption rules at present contained in communications or other provisions lacking *erga omnes* legal effect should be codified in specific regulations.