
Fields marked with * are mandatory.

Introduction

In 2012, the Commission launched the State aid modernisation with the objectives to: 1) foster sustainable, smart and inclusive growth in a competitive internal market; 2) focus Commission's *ex ante* scrutiny on cases with the biggest impact on the internal market; and 3) streamline the rules and provide for faster decisions. In view of these objectives, the Commission has since 2013 revised a number of State aid rules, including the State aid Guidelines for environmental protection and energy (EEAG).

In January 2019, the European Commission announced its intention to prolong seven sets of State aid rules for a period of two years[1] and launched a comprehensive policy evaluation in the area of State aid ("Fitness Check"). Part of this exercise is the evaluation of the State aid Guidelines for environmental protection and energy to reflect if the current rules are still fit for purpose.

Besides the general public consultation on the fitness check of EU State aid rules, this targeted consultation aims to ask supplementary questions in order to gather stakeholders’ views on the implementation of the State aid Guidelines for environmental protection and energy and the provisions applicable to aid for environmental protection (and energy) (Section 7) of the General Block Exemption Regulation (GBER) and to receive insights about potential gaps, overlaps or excessive regulatory burden.

You are kindly invited to reply to a set of 19 Questions. Please make sure you use the save button as you proceed with the questionnaire to avoid losing information that was already inserted - especially in the case of questions with open replies. At the end of the survey you will have an opportunity to provide broader, more general comments and to upload documents, which you consider as relevant.

The Commission will publish an analysis of the results of the Fitness Check and examine possible follow up actions at the beginning of 2020.


About you
For the rules on personal data protection on the EUROPA website, please see [http://ec.europa.eu/geninfo/legal_notices_en.htm#personaldata](http://ec.europa.eu/geninfo/legal_notices_en.htm#personaldata)

- **Publication privacy settings**
  The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

  - **Anonymous**
    Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

  - **Public**
    Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

Please provide your contact details below.

- **Language of my contribution**
  - Bulgarian
  - Croatian
  - Czech
  - Danish
  - Dutch
  - English
  - Estonian
  - Finnish
  - French
  - Gaelic
  - German
  - Greek
  - Hungarian
  - Italian
  - Latvian
  - Lithuanian
  - Maltese
  - Polish
  - Portuguese
  - Romanian
  - Slovak
  - Slovenian
  - Spanish
  - Swedish

- **First name**
  Thomas

- **Surname**
• I am giving my contribution as
  - Academic/research institution
  - Business association
  - Company/business organisation
  - Consumer organisation
  - EU citizen
  - Environmental organisation
  - Non-EU citizen
  - Non-governmental organisation (NGO)
  - Public authority
  - Trade union
  - Other

• Organisation name
  
  255 character(s) maximum
  
  EGEC - European Geothermal Energy Council

• Organisation size
  - Micro (1 to 9 employees)
  - Small (10 to 49 employees)
  - Medium (50 to 249 employees)
  - Large (250 or more)

Transparency register number

  255 character(s) maximum
  
  Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

• Please describe the main activities of your company/organisation/association, if applicable.
  
  1000 character(s) maximum
  
  Advocacy for geothermal energy

• Please describe the relevance of State aid rules for you.
  
  1000 character(s) maximum
The State Aid rules are very important to the geothermal energy sector, as it is a renewable energy technology that is yet to reach market maturity across the European Union. Moreover, the energy sector is characterised by many factors that distort markets and prevent fair competition, notably as a result of historical subsidies that provide some technologies and market actors with dominant market power. The State Aid guidelines on energy and the environment should contribute to correcting these distortions and enable a level playing field (notably by facilitating new technologies to reach market competitiveness).

How would you best describe the nature of your understanding and involvement in matters related to State aid rules?

1000 character(s) maximum

Deep expertise in EU energy and climate regulations, notably related to geothermal energy (i.e. electricity, heating and cooling and energy innovation).

**Country of origin**

Please add your country of origin, or that of your organisation

- Afghanistan
- Åland Islands
- Albania
- Algeria
- Andorra
- Angola
- Antigua and Barbuda
- Argentina
- Armenia
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bhutan
- Bolivia
- Bosnia and Herzegovina
- Botswana
- Brazil
- Brunei Darussalam
- Bulgaria
- Burkina Faso
- Burundi
Cabo Verde
Cambodia
Cameroon
Canada
Central African Republic
Chad
Chile
China
Colombia
Comoros
Congo
Costa Rica
Côte D'Ivoire
Croatia
Cuba
Cyprus
Czechia
Democratic Republic of the Congo
Denmark
Djibouti
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Equatorial Guinea
Eritrea
Estonia
Ethiopia
Fiji
Finland
France
Gabon
Gambia
Georgia
Germany
Ghana
Greece
Grenada
Guatemala
Guinea
Guinea Bissau
Guyana
Haïti
Honduras
Hungary
New Zealand
Nicaragua
Niger
Nigeria
North Korea
North Macedonia
Norway
Oman
Pakistan
Palau
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Republic of Moldova
Romania
Russian Federation
Rwanda
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Samoa
San Marino
Sao Tome and Principe
Saudi Arabia
Senegal
Serbia
Seychelles
Sierra Leone
Singapore
Slovakia
Slovenia
Solomon Islands
Somalia
South Africa
South Korea
South Sudan
Spain
Sri Lanka
Sudan
Suriname
Swaziland
EEAG Targeted Questionnaire

Effectiveness:

In this section, we would like your opinion on the extent to which the State aid Guidelines for environmental protection and energy (EEAG) and the provisions applicable to aid for environmental protection (which include provisions on energy) (Section 7) of the General Block Exemption Regulation (related GBER provisions) have achieved their objectives and delivered results.
1. Based on your experience, to what extent have the EEAG and the corresponding GBER provisions (e.g. tendering, technological neutrality, market integration) been effective in:

<table>
<thead>
<tr>
<th><strong>To a large extent</strong></th>
<th><strong>To some extent</strong></th>
<th><strong>Not at all</strong></th>
<th><strong>I don’t know</strong></th>
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</thead>
<tbody>
<tr>
<td>- enabling the deployment of renewables while lowering societal costs and reducing the amount of aid needed?</td>
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<td>- facilitating the integration of renewable energy into the electricity market?</td>
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<td>- ensuring financing of support schemes to renewable energy sources, while limiting negative impacts on the competitiveness of EU firms?</td>
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<td>- ensuring that capacity mechanisms were necessary and cost-effective in providing security of supply and least-distortive to competition and intra-EU trade?</td>
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<td>- ensuring that capacity mechanisms did not negatively impact the objective of phasing out environmentally harmful subsidies including for fossil fuels?</td>
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<td>- ensuring that in cogeneration and district heating the most cost-efficient projects could be realised?</td>
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Please explain:

**5000 character(s) maximum**

The EEAG were very effective in allowing some renewable technologies to reach market maturity and integrate in the electricity market. However, this is not yet achieved for all technologies, and this feature of accompanying emerging renewable technologies - factor of competition and diversity on the market - should be maintained. Although the Guidelines provide some flexibility for their application through exemptions for small-scale plants and through opt-out provisions, they fail to fully take into consideration the specificities of the power sector and the intrinsic characteristics of renewables.

The guidelines have however been very ineffective in driving the phase out of environmentally harmful subsidies in the energy sector, and especially so in the framework of capacity mechanisms. Such schemes, instead of promoting the emergence of new solutions, or creating the right market conditions for their uptake (desirable features), have routinely been designed around preserving existing fossil fuel assets.

In the heating and cooling sector meanwhile, the state aid guidelines have not allowed a level playing field where renewable heating and cooling technologies can fairly compete with incumbent fossil technologies - especially when a large traditional fossil fuel actor exercises market power to prevent market changes.

Please continue if necessary:

**5000 character(s) maximum**
2. Based on your experience, have Member States created a level playing field for imported and domestically produced biofuels and/or biomass energy when providing support (for instance by supporting a specific type of domestically produced biofuels and/or biomass energy, but not other types of biofuels and/or biomass energy with similar costs or greenhouse gases emissions)?

- Yes
- No
- Partially
- I don’t know

Please explain:

3. Based on your experience, to what extent has the GBER ensured public support for waste recycling while limiting the amount of aid to the minimum and limiting distortions of competition to the minimum?

- To a large extent
- To some extent
- Not at all
- I don’t know

Please explain:

4. Based on your experience, to what extent has Article 39 GBER allowed aid through financial instruments for energy efficiency measures in buildings while limiting distortions of competition at the level of the financial intermediary and the funds involved?

- To a large extent
- To some extent
- Not at all
- I don’t know

Please explain:

5. Based on your experience, has State aid granted under the EEAG or the GBER generally achieved the relevant climate and environmental protection objectives
While maintaining a competitive internal market?

- Yes
- No
- Partially
- I don’t know

Please explain:

While to a large extend, State aid granted under the EEAG or the GBER generally achieved the relevant climate and environmental protection objectives while maintaining a competitive internal market, the EEAG did not successfully enable the development of a competitive internal energy market as subsidies for fossil and nuclear energy distort the market and undermine the EU climate and environmental protection objectives.

Although the Guidelines provide some flexibility for their application through exemptions for small-scale plants and through opt-out provisions, they fail to fully take into consideration the specificities of the power sector and the intrinsic characteristics of renewables.

6. Based on your experience, has State aid granted under the EEAG or the GBER generally achieved the relevant energy objectives while maintaining a competitive internal market?

- Yes
- No
- Partially
- I don’t know

Please explain:

While to a large extend, State aid granted under the EEAG or the GBER was not successful in enabling the sufficient market uptake of a diversified array of renewable energy technologies, notably regarding flexible and dispatchable renewable electricity generation.

7. Based on your experience, have there been any unexpected or unintended results from the implementation of the EEAG and the corresponding GBER provisions?

- Yes
- No
- Partially
- I don’t know

Please specify:

While to a large extend, State aid granted under the EEAG or the GBER was not successful in enabling the sufficient market uptake of a diversified array of renewable energy technologies, notably regarding flexible and dispatchable renewable electricity generation.
8. Are there sectors (at NACE 4 level[2]) and products (at Prodcom 8 level[3]) which, were included in the list of eligible sectors and products for reductions under section 3.7.2. of the EEAG (c.f. Annex 3 and Annex 5 of the EEAG), but which, according to your experience, were not particularly affected by the financing costs of renewable energy support and therefore were not put at a significant competitive disadvantage?

- Yes
- No
- I don't know


9. Are there sectors (at NACE 4 level[4]) or products (at Prodcom 8 level[5]) which, according to your experience, were particularly affected by the financing costs of renewable energy support and therefore were put at a significant competitive disadvantage, but were not included in the list of eligible sectors for reductions under section 3.7.2. of the EEAG (c.f. Annex 3 and Annex 5 of the EEAG)?

- Yes
- No
- I don't know


10. Based on your experience, have the minimum own contributions of the full electricity surcharges of 15 % of the full renewable surcharge, and 4 % and 0.5 % of the Gross Value Added of the undertaking concerned (see points 188 and 189 of the EEAG) been adequately set to ensure a sufficient financing basis for the underlying energy policy?

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<thead>
<tr>
<th></th>
<th>Too high</th>
<th>Too low</th>
<th>Adequate</th>
<th>I don't know</th>
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<tr>
<td>15% of the full renewable surcharge</td>
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<td>4% of the Gross Value Added</td>
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<td>0.5% of the Gross Value Added</td>
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</table>
11. Based on your experience, have the reductions in electricity surcharges given to energy-intensive users (EIUs) created market distortions?

- Yes
- No
- I don't know

12. Based on your experience, what impact have reductions granted to energy intensive users had on renewable energy charges and other relevant charges paid by non-energy intensive industrial consumers and households?

- Excessive
- Adequate
- I don't know

13. Based on your experience, has the higher aid intensity allowed under point 78 of the EEAG been adequate to address the double market failure linked to the higher risks of innovation and the environmental aspects of the project without creating unnecessary distortions of competition?

- Yes
- Not adequate (too low aid intensity)
- Not adequate (too high aid intensity)
- I don't know

Please explain:

Efficiency:

In this section, we would like to know your opinion about the efficiency of the EEAG and the related GBER provisions.
14. Based on your experience, to what extent are the different compatibility conditions and methodologies included in the EEAG and the GBER related provisions sufficiently clear and easy to apply:

<table>
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<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>I don’t know</th>
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<tr>
<td>- in general terms?</td>
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<td>- as regards the methodology for calculating eligible costs for investment aid to go beyond standards, in the absence of standards and early adaptation to standards under Article 36 of the GBER and points 73 to 75 of the EEAG?</td>
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<td>- as regards the criteria for limiting bidding processes for renewables to specific technologies (see EEAG point 126 and GBER Article 42.3)?</td>
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<td>- as regards the methodology for calculating eligible costs for investment aid to renewables and co-generation (CHP) projects?</td>
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<td>- as regards the methodology to assess proportionality of aid based on levelised cost of energy (see point 131 of the EEAG and Article 43, paragraphs 5 and 6 of the GBER)?</td>
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<td>- as regards the provisions for demonstration projects (as defined in point 19 paragraph 45 of the EEAG) and for the new and innovative renewable energy technologies (see Article 42.4 of the GBER)?</td>
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<td>- as regards the methodology to assess eligible costs for energy-efficiency investment aid under Article 38 of the GBER?</td>
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<td>- as regards the compatibility conditions (in particular the full passing on, the leverage condition, the conditions imposed on the financial intermediaries) for energy efficiency projects in buildings (see paragraphs 4 to 10 in Article 39 of the GBER)?</td>
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<td>- as regards the compatibility conditions for aid for Resource Efficiency (section 3.5.1 of the EEAG read in combination with section 3.2 of the EEAG)?</td>
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<td>- as regards the compatibility conditions (in particular the “state of the art” requirement, the “polluter pays principle” and the “treatment of the waste of others”) for waste management projects under 47 of the GBER and section 3.5.2 of the EEAG?</td>
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<td>- as regards the methodology for calculating eligible costs for waste management projects under Article 47 of the GBER and section 3.5.2. of the EEAG?</td>
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<td>- Other (please specify)</td>
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Please explain:

5000 character(s) maximum
Technology specific tendering is crucial for the establishment of a fair and competitive energy market, as it allows the emergence of different renewable energy technologies, which would not be the case in a technology neutral process (at least one that only considers simple metrics such as cost/capacity and does not include other features, such as flexibility, or capacity to produce heating and cooling). Technology specific tendering framework should be elaborated so that the state aid guiding framework does not hamper this possibility.

15. Based on your experience, how do administrative costs incurred by the aid application under the EEAG and GBER related provisions compare with the actual amount of compensation received?

Please rate from very low (administrative costs representing less than 1% of the actual amount of compensation received) to very high (administrative costs representing more than 20% of the actual amount of compensation received):

<table>
<thead>
<tr>
<th>Proportion of administrative costs in total actual amount of compensation received</th>
<th>Very low (less than 1%)</th>
<th>Low (between 1% and 5%)</th>
<th>Intermediate (between 5% and 10%)</th>
<th>High (between 10% and 20%)</th>
<th>Very high (more than 20%)</th>
<th>I don't know</th>
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Please explain:

1000 character(s) maximum

Relevance:

16. Based on your experience, have the EEAG and GBER adequately addressed recent market developments or technological changes such as:
### Renewable self consumption and/or active consumers
### Citizens energy communities and/or renewable energy communities
### Hydrogen, synthetic fuels and low carbon gas
### Alternative fuel infrastructure (publicly accessible or dedicated infrastructure)
### Low or zero emission vehicles
### Carbon Capture, Storage and/or Utilisation
### Nearly-zero-energy buildings
### Smart energy technologies (e.g. in buildings)
### Energy services (e.g. energy performance contracting)
### Advanced technology for water reuse (e.g. membranes and UV)
### Other (please specify)

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<th></th>
<th>To a large extent</th>
<th>To some extent</th>
<th>Not at all</th>
<th>I don’t know</th>
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<tr>
<td>Renewable self consumption and/or active consumers</td>
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<tr>
<td>Citizens energy communities and/or renewable energy communities</td>
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<tr>
<td>Hydrogen, synthetic fuels and low carbon gas</td>
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<td>Alternative fuel infrastructure (publicly accessible or dedicated infrastructure)</td>
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<td>Low or zero emission vehicles</td>
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<td>Carbon Capture, Storage and/or Utilisation</td>
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<td>Nearly-zero-energy buildings</td>
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<td>Smart energy technologies (e.g. in buildings)</td>
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<td>Advanced technology for water reuse (e.g. membranes and UV)</td>
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<td>Other (please specify)</td>
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Please explain:

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The EEAG application was only partially adequate in addressing recent market deployment. Typically, in the case of the cost decrease of some renewable energy technologies, too quick a conclusion was reached that this was sufficient for establishing a fair energy market. Many technologies are still in the process of progressing towards market maturity and the distortions that result from shifts in support schemes and regulatory framework are hindering this progress and harming the global competitiveness of these European industries.

Specifically in the heating and cooling sector, the state aid framework did not adequately address the issue of prevalent subsidies for fossil fuels energy sources.

17. To what extent do recent economic developments – such as the falling renewable energy costs and possible changes to trade intensity and electro intensity of the sectors concerned – impact the relevance of the rules which apply to reductions for energy-intensive users (EIUs)?

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<tr>
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<th>To a large extent</th>
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<tr>
<td>Falling costs of renewable energy producers</td>
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<td>Changes to the trade intensity of the sectors listed in Annex 3 and 5 of the EEAG</td>
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<td>Changes to the electro intensity of the sectors listed in Annex 3 of the EEAG</td>
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<td>Other (please specify)</td>
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Coherence:

In this section, we would like to know your opinion on the extent to which the EEAG and the related GBER provisions are coherent with other EU policies and legislations.

18. Based on your experience, to what extent are the EEAG and the related GBER provisions coherent with relevant EU policies and legislation such as:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Renewable Energy Directive</td>
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<td>Electricity Directive [6]</td>
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<td>Electricity Market Regulation [7]</td>
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<td>Risk-preparedness Regulation [8]</td>
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<td>EU ETS Directive</td>
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<td>Industrial Emissions Directive</td>
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<td>Alternative Fuels Directive</td>
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<td>Energy Efficiency Directive</td>
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<td>EU Waste legislation</td>
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<td>Water Framework Directive</td>
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<td>Birds Directive</td>
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<td>Habitats Directive</td>
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<td>ERDF Regulation</td>
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Please explain:

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The State Aid framework must reflect the updated EU regulatory framework on climate and energy. In particular, it should reflect the provisions listed in article 4 and 6 of the Renewable Energy Directive on the
rules for support schemes to renewable energy, and the provisions on heating and cooling, particularly the Article 23 and the possibilities it offers Member States to endeavour to mainstream renewables in the heating and cooling sector.


[8] This directive is under review. The latest text can be consulted on: https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0377(COD)&l=en

19. Have the EEAG and GBER rules on exemptions or reductions from energy taxation produced inconsistencies with other EU rules?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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<th>I don't know</th>
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<tbody>
<tr>
<td>Energy Taxation Directive</td>
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Please explain:

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Final Comments and Document Upload

If there is anything else you would like to say which may be relevant for the evaluation of the EEAG and the related GBER provisions, please feel free to do so:

1000 character(s) maximum

If you wish to attach relevant supporting documents for any of your replies to the questions above, please feel free to do so:

Please upload your file

The maximum file size is 1 MB
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Please indicate whether the Commission services may contact you for further details on the information submitted, if required.

☐ Yes
☐ No
THANK YOU FOR RESPONDING TO THIS QUESTIONNAIRE

Useful links

Fitness Check (http://ec.europa.eu/competition/state_aid/modernisation/fitness_check_en.html)


Contact

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