



Response of the Dutch authorities to HT.4404 – Implementation and Review R&R Guidelines 2024, The Hague 9 November 2023

This response reflects the views of the Dutch 'Interdepartementaal Staatssteun Overleg (hereafter: ISO)'. The ISO is a central State aid coordination body composed of all Dutch ministries and representation of the regional and local authorities. The ISO is chaired by the Ministry of Economic Affairs and Climate Policy. The Minister of Economic Affairs and Climate Policy is responsible for competition policy in the Netherlands.

In a letter dated Thursday, 23 October 2023, the Commission is seeking Member States' views to its proposal of extension of the validity of the current Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty ('R&R Guidelines') without change of rules for a period of two years (until 31 December 2025) after a previous extension until 31 December 2023.

The Dutch authorities consider the R&R Guidelines an important instrument in the Commission's State aid toolbox. Therefore, the Dutch authorities endorse the Commission's proposal to extend the R&R Guidelines for a period of two years until 31 December 2025 to avoid a legal vacuum after their current expiry and to allow for sufficient time to complete the review, including the consultation of Member States and other stakeholders.

At the same time, the Dutch authorities consider it very important that the State aid frameworks are fit for purpose. The Commission is therefore urged to use the two year extension to, inter alia, review the definition of 'Undertaking in difficulty' also taking into account its relevance for the application of other State aid instruments such as the General Block Exemption Regulation (valid until 31 December 2026). The Dutch authorities emphasize the need for adequate consultation of Member States and other stakeholders during the review of the definition of 'undertaking in difficulty', for instance through working sessions or other expert meetings. The Dutch authorities are at the Commission's disposal for reviewing the R&R Guidelines and the definition of 'undertaking in difficulty'.