

Questionnaire - GBER general revision 2025

Fields marked with * are mandatory.

1

Introduction

The current version of Commission [Regulation](#) (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty ("General Block Exemption Regulation" or "GBER") entered into force on 1 July 2014 and applies until 31 December 2026. With this questionnaire, the Commission invites stakeholders to provide written input on the purpose and the scope of the revision of the GBER.

As the GBER encompasses many different aid categories, please mention precisely in your replies the specific GBER article or articles concerned.

For each question, please elaborate, if relevant, on the expected impact of the change on the reduction of the administrative burden for undertakings and Member States, competition in the market, legal certainty for undertakings, harmonised application of the competition rules, compliance or enforcement costs, innovation and sustainability. As regards these impacts (and more generally for all your replies), please provide, as much as possible, quantitative evidence underpinning your statements. This will ensure that the review process is based on facts and reliable evidence.

2 About you

* 1 Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian

- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

* 2 I am giving my contribution as

- ☐ Academic/research institution
- ☒ Business association
- ☐ Company/business
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union
- ☐ Other

* 3 First name

Raphael

* 4 Surname

Schenkel

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r.schenkel@agfw.de

* 9 Organisation name

255 character(s) maximum

AGFW | Der Energieeffizienzverband für Wärme, Kälte und KWK e. V.

* 10 Organisation size

- ☐ Micro (1 to 9 employees)
- ☒ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

11 Transparency register number

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

88403261302-20

* 12 Country of origin

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

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

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|-------------------------------------|--|-------------------------------------|--|
| ☐ Afghanistan | ☐ Djibouti | ☐ Libya | ☐ Saint Martin |
| ☐ Åland Islands | ☐ Dominica | ☐ Liechtenstein | ☐ Saint Pierre and Miquelon |
| ☐ Albania | ☐ Dominican Republic | ☐ Lithuania | ☐ Saint Vincent and the Grenadines |

☐ Algeria	☐ Ecuador	☐ Luxembourg	☐ Samoa
☐ American Samoa	☐ Egypt	☐ Macau	☐ San Marino
☐ Andorra	☐ El Salvador	☐ Madagascar	☐ São Tomé and Príncipe
☐ Angola	☐ Equatorial Guinea	☐ Malawi	☐ Saudi Arabia
☐ Anguilla	☐ Eritrea	☐ Malaysia	☐ Senegal
☐ Antarctica	☐ Estonia	☐ Maldives	☐ Serbia
☐ Antigua and Barbuda	☐ Eswatini	☐ Mali	☐ Seychelles
☐ Argentina	☐ Ethiopia	☐ Malta	☐ Sierra Leone
☐ Armenia	☐ Falkland Islands	☐ Marshall Islands	☐ Singapore
☐ Aruba	☐ Faroe Islands	☐ Martinique	☐ Sint Maarten
☐ Australia	☐ Fiji	☐ Mauritania	☐ Slovakia
☐ Austria	☐ Finland	☐ Mauritius	☐ Slovenia
☐ Azerbaijan	☐ France	☐ Mayotte	☐ Solomon Islands
☐ Bahamas	☐ French Guiana	☐ Mexico	☐ Somalia
☐ Bahrain	☐ French Polynesia	☐ Micronesia	☐ South Africa
☐ Bangladesh	☐ French Southern and Antarctic Lands	☐ Moldova	☐ South Georgia and the South Sandwich Islands
☐ Barbados	☐ Gabon	☐ Monaco	☐ South Korea
☐ Belarus	☐ Georgia	☐ Mongolia	☐ South Sudan
☐ Belgium	☒ Germany	☐ Montenegro	☐ Spain
☐ Belize	☐ Ghana	☐ Montserrat	☐ Sri Lanka
☐ Benin	☐ Gibraltar	☐ Morocco	☐ Sudan
☐ Bermuda	☐ Greece	☐ Mozambique	☐ Suriname
☐ Bhutan	☐ Greenland	☐ Myanmar/Burma	☐ Svalbard and Jan Mayen
☐ Bolivia	☐ Grenada	☐ Namibia	☐ Sweden
☐ Bonaire Saint Eustatius and Saba	☐ Guadeloupe	☐ Nauru	☐ Switzerland

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| ☐ Bosnia and Herzegovina | ☐ Guam | ☐ Nepal | ☐ Syria |
| ☐ Botswana | ☐ Guatemala | ☐ Netherlands | ☐ Taiwan |
| ☐ Bouvet Island | ☐ Guernsey | ☐ New Caledonia | ☐ Tajikistan |
| ☐ Brazil | ☐ Guinea | ☐ New Zealand | ☐ Tanzania |
| ☐ British Indian Ocean Territory | ☐ Guinea-Bissau | ☐ Nicaragua | ☐ Thailand |
| ☐ British Virgin Islands | ☐ Guyana | ☐ Niger | ☐ The Gambia |
| ☐ Brunei | ☐ Haiti | ☐ Nigeria | ☐ Timor-Leste |
| ☐ Bulgaria | ☐ Heard Island and McDonald Islands | ☐ Niue | ☐ Togo |
| ☐ Burkina Faso | ☐ Honduras | ☐ Norfolk Island | ☐ Tokelau |
| ☐ Burundi | ☐ Hong Kong | ☐ Northern Mariana Islands | ☐ Tonga |
| ☐ Cambodia | ☐ Hungary | ☐ North Korea | ☐ Trinidad and Tobago |
| ☐ Cameroon | ☐ Iceland | ☐ North Macedonia | ☐ Tunisia |
| ☐ Canada | ☐ India | ☐ Norway | ☐ Türkiye |
| ☐ Cape Verde | ☐ Indonesia | ☐ Oman | ☐ Turkmenistan |
| ☐ Cayman Islands | ☐ Iran | ☐ Pakistan | ☐ Turks and Caicos Islands |
| ☐ Central African Republic | ☐ Iraq | ☐ Palau | ☐ Tuvalu |
| ☐ Chad | ☐ Ireland | ☐ Palestine | ☐ Uganda |
| ☐ Chile | ☐ Isle of Man | ☐ Panama | ☐ Ukraine |
| ☐ China | ☐ Israel | ☐ Papua New Guinea | ☐ United Arab Emirates |
| ☐ Christmas Island | ☐ Italy | ☐ Paraguay | ☐ United Kingdom |
| ☐ Clipperton | ☐ Jamaica | ☐ Peru | ☐ United States |

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| ☐ Cocos (Keeling) Islands | ☐ Japan | ☐ Philippines | ☐ United States Minor Outlying Islands |
| ☐ Colombia | ☐ Jersey | ☐ Pitcairn Islands | ☐ Uruguay |
| ☐ Comoros | ☐ Jordan | ☐ Poland | ☐ US Virgin Islands |
| ☐ Congo | ☐ Kazakhstan | ☐ Portugal | ☐ Uzbekistan |
| ☐ Cook Islands | ☐ Kenya | ☐ Puerto Rico | ☐ Vanuatu |
| ☐ Costa Rica | ☐ Kiribati | ☐ Qatar | ☐ Vatican City |
| ☐ Côte d'Ivoire | ☐ Kosovo | ☐ Réunion | ☐ Venezuela |
| ☐ Croatia | ☐ Kuwait | ☐ Romania | ☐ Vietnam |
| ☐ Cuba | ☐ Kyrgyzstan | ☐ Russia | ☐ Wallis and Futuna |
| ☐ Curaçao | ☐ Laos | ☐ Rwanda | ☐ Western Sahara |
| ☐ Cyprus | ☐ Latvia | ☐ Saint Barthélemy | ☐ Yemen |
| ☐ Czechia | ☐ Lebanon | ☐ Saint Helena
Ascension and
Tristan da Cunha | ☐ Zambia |
| ☐ Democratic Republic of the Congo | ☐ Lesotho | ☐ Saint Kitts and Nevis | ☐ Zimbabwe |
| ☐ Denmark | ☐ Liberia | ☐ Saint Lucia | |

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* 14 Contribution 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 organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☒ **Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the [personal data protection provisions](#)

3 Objectives of the GBER and of the GBER revision

3.1 Objectives of the GBER

15 In its 2012 [Communication](#) on State aid modernisation, the Commission considered that the objectives of State aid modernisation were the promotion of growth, the prioritisation of enforcement on aid with the highest impact on the single market, and the simplification of the State aid rules. Do you consider that the implementation of the GBER has contributed to the achievement of these objectives?

Please rank each objective from 1 to 4 according to the following scale: 1 – Not at all. The implementation of the GBER did not contribute in any meaningful way. 2 – To a small extent. The implementation of the GBER had a noticeable but limited contribution. 3 – To a large extent. The implementation of the GBER contributed significantly to achieving the objective. 4 – Yes, to a very large extent. The implementation of the GBER was instrumental in achieving this objective.

	1 - No, not at all	2 - Yes, to a small extent	3 - Yes, to a large extent	4 - Yes, to a very large extent
Promotion of growth	☐	☒	☐	☐

Prioritisation of enforcement on aid with the highest impact on the single market ("big on big, small on small")	☐	☐	☒	☐
Simplification of the State aid rules	☐	☒	☐	☐

16 In your view, is the GBER well aligned with the following policy objectives?

Please rank each objective from 1 to 3 according to the following scale: 1 – Not at all. The GBER should not contribute in any meaningful way. 2 – To some extent. The GBER should contribute to achieving the objective. 3 – To a large extent. The GBER should be instrumental in achieving this objective.

	1 – Not at all	2 – To some extent	3 – To a large extent
Encouraging the green transition (including decarbonization)	☐	☒	☐
Fostering the digital transition	☐	☐	☐
Legal certainty (predictability and ease of understanding) for Member States and undertakings	☐	☒	☐
Promoting R&D and innovation	☐	☒	☐
Promoting the economic, social and territorial cohesion of Member States and the Union as a whole, as well as regional development of disadvantaged areas	☐	☐	☐
Promoting the uptake of private investment in the EU through de-risking	☐	☐	☐
Protecting a level playing field in the single market and minimising distortions of competition	☐	☐	☐
Strengthening the resilience of the EU economy against external shocks and dependency on third countries (including mining and processing of critical raw materials and growth of EU key strategic sectors referred to in the Competitiveness Compass)	☐	☐	☐
Supporting social protection measures	☐	☐	☐
Supporting the competitiveness of the EU	☐	☒	☐
Supporting the just transition	☐	☒	☐
The prioritisation of enforcement on the most distortive types of State aid, which should be notified to the Commission	☐	☐	☐

3.2 Objectives of the revision of the GBER

17 In your view, does the GBER adequately address the following issues?

Please rank each issue from 1 to 4

	1. No	2. Yes, to a limited extent	3. Yes, to some extent	4. Yes, to a large extent
The reduction of the administrative burden of Member States and the Commission	☐	☒	☐	☐
Improving the user-friendliness, readability, consistency and accessibility of the GBER	☐	☒	☐	☐
Increasing the scope of the GBER to more aid measures	☐	☒	☐	☐
Simplifying the compatibility conditions to block exempt more aid measures while keeping sufficient safeguards to avoid undue distortions	☐	☐	☒	☐
Adapting the current text to take into account political, economic, technical and social changes	☐	☒	☐	☐

18 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting the transition towards a climate neutral, clean and sustainable economy, in particular for SMEs? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

No, the current GBER provides a framework for supporting environmental protection, but it does not sufficiently contribute to the transition towards a climate-neutral, sustainable economy, particularly in heating and cooling and for SMEs. Its aid requirements and conditions remain too restrictive, which limits usability. Particularly for SMEs, the administrative burden and low aid intensities of GBER remain major obstacles. Finally, the GBER still relies on outdated definitions and thresholds. The reference to the old definition of efficient district heating is inconsistent with the revised Energy Efficiency Directive from 2023 and should be changed. Aid intensity ceilings and notification thresholds for district heating projects are far too low given the high capital costs of district heating infrastructure. A reformed, more flexible GBER is essential to unlock the potential of district heating and cooling, accelerate decarbonisation of the sector, strengthen competitiveness, and ensure affordable, secure energy.

19 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting a just transition (addressing negative impacts on territories

and communities that are most affected by the transition to a climate-neutral, clean and sustainable economy), especially in view of the retraining and re-employment needs of workers from decarbonized industries? If not, please explain why.

2000 character(s) maximum

No, the current GBER does not sufficiently support a just transition in heating and cooling. Many existing district heating networks in Europe are old and rely on fossil fuels, particularly to cover peak demand and to achieve high flow temperatures in winter. Yet aid intensities remain too low to make refurbishment and fuel switching viable. Higher aid intensities are needed to enable these networks to modernise, reduce emissions, and provide affordable clean energy. New heat networks face significantly increased construction costs for network and heat generation infrastructure and would similarly benefit from higher aid intensities.

20 Digitalisation and new technologies are a key driver of innovation, competitiveness and growth. Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting the transition towards a digitalised economy? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

21 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting the resilience of the EU economy, in particular of certain strategic sectors defined in the [EU Competitiveness Compass](#), against external shocks and dependency on third countries? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

22 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting research, development and innovation activities? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

23 Do you consider that the current GBER contributes sufficiently to achieving the objective of supporting cohesion objectives (regional development, recognition of territorial specificities) or social objectives? If not, please explain why. Should in particular cohesion policy objectives be better taken into account in the various provisions of GBER (also beyond Section 1 of Chapter III), by including specific support in certain regions?

2000 character(s) maximum

Please explain and provide examples

24 Do you consider that the current GBER contributes sufficiently to the competitiveness of the EU economy? If not, please explain why.

2000 character(s) maximum

Please explain and provide examples

No, the current GBER does not fully support the competitiveness of the EU economy. Aid for district heating and cooling remains limited in scope, intensity, and geographic coverage as its applicability has been limited to a small number of Member States and companies. This limits investments in modernisation and decarbonisation. Higher aid intensities and updated thresholds with simplified funding requirements are essential to enable timely infrastructure upgrades, promote efficient low-carbon technologies, and strengthen the EU's industrial leadership in clean heating and cooling solutions.

25 Do you consider that the current GBER contributes sufficiently to improving the business environment (including access to finance) for SMEs, small mid-caps, startups and scale ups? Please explain in particular whether the possibility of benefitting from block exempted aid improves the business environment for SMEs, for example by facilitating or accelerating the completion of projects carried out by SMEs.

2000 character(s) maximum

26 Do you consider that the current GBER contributes sufficiently to supporting integrated investments/projects, such as those combining multiple objectives (and thus possibly multiple articles of Chapter III) and multiple types of costs (related to infrastructure, equipment, personnel, services, etc.)? Please explain and provide examples.

2000 character(s) maximum

27 Do you consider that the current GBER contributes sufficiently to promoting the uptake of private investment in the EU through de-risking? If not, please explain why.

2000 character(s) maximum

4 Common compatibility conditions (Chapter I of the GBER)

28 Do you consider that certain articles (or parts thereof) in Chapter III are not or not often used?

- ☐ No
- ☒ Yes, certain articles (or parts thereof) are not or not often used and should be updated.
- ☐ Yes, certain articles (or parts thereof) are not or not often used and should be deleted.
- ☐ I don't know

29 If you replied that some articles should be updated, please indicate which provisions and explain how they should be updated.

3000 character(s) maximum

Certain articles in Chapter III of the GBER are not often used and should be updated to better support investments in district heating and cooling (DHC) and the clean energy transition. In particular, Article 46, which governs aid for DHC infrastructure, is largely unused because its conditions are restrictive, aid intensities are low, and the rules are difficult to apply in practice. Aid remains concentrated on specific countries (mostly the Nordics) and specific companies. Many DHC operators struggle to finance the modernisation of old networks relying on fossil fuels and high flow temperatures, and the complex funding gap demonstration further limits usability. Moreover, the current EUR 50 million aid threshold for DHC projects in Art. 4(1) lit. w GBER is insufficient for typical DHC projects. Increasing the threshold is necessary to finance typical DHC modernisation projects and build new networks. Furthermore, the definition of “energy efficient district heating and cooling” in Article 2(124) is outdated and inconsistent with Article 26(1) of the revised Energy Efficiency Directive, reducing clarity for investments. Updating these provisions to increase aid intensities (e.g., up to 50% for infrastructure), raising notification thresholds to reflect the scale of DHC investments (e.g. to EUR 100 million per undertaking per project), simplifying funding gap calculations, and aligning the efficiency definition with the EED would make Article 46 GBER and the broader regulation more usable, reduce administrative burdens, and accelerate investments in decarbonised and modernised heating and cooling systems.

4.1 Scope of the GBER

Article 1(1) of Council [Regulation](#) (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid (the “Enabling Regulation”) empowered the Commission to block exempt 15 different categories of State aid in favour of (i) SMEs, (ii) research, development and innovation, (iii) environmental protection, (iv) employment and training, (v) culture and heritage conservation, (vi) making good the damage caused by natural disasters, (vii) making good the damage caused by certain adverse weather conditions in fisheries, (viii), forestry, (ix) promotion of food sector products not listed in Annex I of the TFEU, (x) conservation of marine and freshwater biological resources, (xi) sports, (xii) residents of remote regions, (xiii) certain telecommunications infrastructure, (xiv) infrastructure in support of the objectives above, of cohesion, and of other objectives of common interest, (xv) aid that complies with the regional aid maps. The GBER may only block exempt these aid categories from the notification obligation.

31 Do you consider that, within the scope of the Enabling Regulation, there are categories of aid that meet the block exemption criteria and that are not included in the GBER?

- ☐ No
- ☐ Yes
- ☐ I don't know

4.2 Application of the GBER to primary agricultural production and fisheries /aquaculture

The GBER only exceptionally applies to the sectors of primary agricultural production and fisheries /aquaculture (the scope is defined in Article 1(3)(a) and (b)), given that tailor-made Block Exemption

Regulations exist for those sectors. This initiative concerns a revision of the GBER, not of the specific block exemption regulations applicable to agriculture, forestry, fisheries and aquaculture (Regulation (EU) 2022/2472 'ABER' and Regulation (EU) 2022/2473 'FiBER').

33 Do you think that other GBER articles, which are currently not applicable to the sectors of primary agricultural production/fisheries and aquaculture, should be opened to those sectors, taking into account the existing block-exemptions under ABER and FiBER?

- ☐ No
- ☐ Yes
- ☐ I don't know

35 Is the GBER used to grant aid to the sector of primary agricultural production and/or fisheries and aquaculture? If yes, which provisions of the GBER are used and were there difficulties to apply these provisions?

2000 character(s) maximum

36 Under the current version of the GBER, there are specific aid measures which apply to the fisheries and aquaculture sector but not to primary agricultural production (or the other way around) leading to a difference in treatment between these sectors. Is this problematic in your view or are the exclusions justified by the specificities of the sectors, e.g. because the aid categories would not be relevant for the excluded sectors? Please substantiate your reply and provide relevant evidence.

2000 character(s) maximum

4.3 Definitions

37 Article 2 of the GBER provides a list of definitions of certain terms or concepts.

What is your position regarding the definitions laid down in the GBER?

- ☐ The current list of definitions is fine.
- ☐ Certain concepts should be defined while they currently are not.
- ☒ Certain definitions should be updated.
- ☐ Certain definitions are unnecessary and should be deleted.
- ☐ Certain definitions rather constitute substantial compatibility conditions and should be moved to Chapter III.
- ☐ I don't know.

39 If you replied that some definitions should be updated, please provide a list, the exact suggestion for an update and explain.

3000 character(s) maximum

The definition of “energy efficient district heating and cooling” in Article 2(124) GBER should be updated to align with Article 26(1) of the revised Energy Efficiency Directive (EU) 2023/1791. The current GBER refers to the older definition from EED 2012 (Directive 2012/27/EU), which no longer reflects the technological and efficiency benchmarks established in the EED 2023. Updating this definition would provide a clear and consistent framework for investors and aid authorities, ensuring coherence across EU legislation. It would also clarify which DHC systems qualify for support, reducing uncertainty and administrative burden. Specifically, the update should reflect the efficiency criteria in Article 26(1) of the EED 2023, including metrics for energy performance, share of renewable and waste heat sources, and integration of high-efficiency cogeneration. The revised definition in the EED 2023 is not static but sets a forward-looking trajectory, offering clear conditions of compatibility with the EU’s 2030 and 2050 targets. It guarantees that aid granted under the GBER is fully aligned with the EU’s pathway towards climate neutrality for the district heating sector.

4.4 Evaluation

42 In 2014, the corollary of the expansion of GBER to new aid categories was the obligation of Member States to conduct an ex post evaluation of large aid schemes. As a result, the GBER does not apply to large aid schemes under certain sections of Chapter III beyond a period of 6 months after their entry into force, unless the Commission has approved an evaluation plan (Article 1(2)(a) GBER). Large aid schemes are defined as those having an average annual budget above €150 million (certain articles of Sections 1, 2, 3, 4 and 7) or above €200 million (Section 16). What is your position concerning the obligation to submit an evaluation plan for large aid schemes?



The evaluation obligation has contributed to the efficiency and effectiveness of large aid schemes and should be maintained as it is.

- ☐ The notion of large aid schemes should be expanded (e.g. lower thresholds, more Sections of Chapter III).
- ☐ The notion of large aid schemes should be restricted (e.g. higher thresholds, fewer Sections of Chapter III, only long-term schemes beyond a certain duration, because it is difficult to carry out an evaluation of short-term schemes, only schemes which were not subject to an evaluation plan carried out in the past).
- ☐ The evaluation obligation should no longer be a requirement for block exemption and could be moved to Chapter 2, by analogy to the conditions on reporting).
- ☐ The evaluation obligation does not add value and should be deleted.
- ☐ Other

43 Please explain your reply as to the evaluation requirement.

2000 character(s) maximum

4.5 Undertakings in difficulty

44 In principle, aid to undertakings in difficulty cannot be block exempted (Article 1(4) (c)) GBER). There are exceptions concerning aid schemes to make good the damage caused by certain natural disasters, start-up aid schemes, regional operating aid schemes, aid schemes to SMEs benefitting from community-led local development projects, and aid to financial intermediaries under certain articles. While the general principle of exclusion should remain because State aid to undertakings in difficulty is among the most distortive types of aid, do you see a need for adaptations of the exceptions to this general exclusion or to the definition in Article 2(18) of the GBER?

- ☐ No
- ☐ Yes
- ☐ I don't know

4.6 Incentive effect

46 The incentive effect requirement under the GBER is generally met if a written application for the aid has been submitted before the start of works, which covers among others any commitment that "makes the investment irreversible" (Article 6 in combination with Article 2(23) GBER). This is to ensure that an undertaking does not receive aid if it was able to execute the project without it. What is your position on the assessment of the incentive effect?

- ☐ This condition functions well.
- ☐ This condition is complex to apply and could be simplified.
- ☐ This condition is not sufficient and should be reinforced.
- ☐ I don't know

47 Please explain your reply as to the incentive effect requirement and provide specific examples. If you consider that the condition can be simplified, please explain why and how it could be simplified to reduce the administrative burden while preserving this essential compatibility condition.

2000 character(s) maximum

4.7 Simplified cost options

48 Article 7(1) of the GBER lays down the general possibility of calculating eligible costs in accordance with simplified cost options (SCOs), provided that the operation is "at least partly financed through a Union fund that allows the use of simplified cost options". Other articles also lay down specific possibilities of using SCOs. What is your position on the use of SCOs under the GBER?

- ☐ The possibilities of using SCOs are sufficient.
- ☐ The possibilities of using SCOs are not sufficient for small enterprises.
- ☐ The possibilities of using SCOs are not sufficient for SMEs.
- ☐ The possibilities of using SCOs are not sufficient for all types of beneficiaries.
- ☐

I don't know

49 Please explain your reply as to the use of SCOs. If you consider that a wider use of SCOs is needed, please explain for which aid categories and under which conditions.

2000 character(s) maximum

5 Specific conditions for compatibility (Chapter III of the GBER)

5.1 Complexity of the conditions

50 Which provisions of the GBER are too complex, raise difficulties of interpretation or application, and should in your view be updated or clarified? Please refer to specific provisions and explain why. Please specify how you consider these provisions could be clarified.

3000 character(s) maximum

Please refer to specific provisions and explain how these provisions could in your view be clarified

Two provisions of the current GBER are particularly complex and hinder its usability: The aid intensities in Article 46(7) and the taxonomy compliance requirements in Articles 41(4a) and 46(4). The current aid intensities for district heating and cooling infrastructure under Article 46(7) are too low and do not reflect the high CAPEX nature of these investments. Many networks, particularly those still operating with fossil fuels, require major refurbishment to integrate low-carbon and renewable heat sources. However, with intensities capped at 30%, projects often remain unviable. This not only undermines affordability of heat prices but also slows the transformation of networks essential for decarbonisation of the heat sector overall. Increasing the aid intensity in Art. 46(7) GBER to at least 50% of investment costs for all companies, would provide a workable framework and ensure that Member States can deliver the scale of investment needed to align with 2030 and 2050 targets. SMEs should benefit from slightly higher aid intensities. Furthermore, the current taxonomy alignment requirements in Articles 41(4a), 46(4) and 46(5b) are overly complex and impractical in application. They make aid for any investments using natural gas virtually impossible in practise, even for high-efficiency cogeneration within an efficient DHC network. The requirements for immediate compliance with strict thresholds, such as the 270 gCO₂/kWh limit and a one-step 55% reduction, is not realistic for coal-to-gas transitions or CHP refurbishments. These conditions block investments that would already deliver substantial emission reductions and pave the way for future integration of renewable gases or hydrogen. Instead of introducing rigid taxonomy rules, the GBER should link eligibility to the updated definition of efficient district heating and cooling in Article 26(1) of the EED 2023. This definition is dynamic, forward-looking, and provides clear compatibility conditions with 2030 and 2050 targets. Clarifying and updating these provisions would make the GBER more practical, reduce administrative burden, and allow Member States to roll out timely aid schemes that directly contribute to decarbonisation, competitiveness, and energy security.

51 Apart from aid intensities and eligible costs, Chapter III of the GBER lays down a series of other compatibility conditions, for instance related to the eligibility of the beneficiaries and/or projects. Are any of these other compatibility conditions unnecessary or disproportionate in your view? Why? How should they be updated, relaxed or should they be completely lifted?

3000 character(s) maximum

Please explain and provide examples

52 The amount of aid can be determined in several ways under the GBER: by reference to a maximum aid intensity applied to eligible costs determined with or without a counterfactual scenario, by reference to a funding gap or by reference to a competitive bidding process. What is your position concerning the possibility for Member States of determining State aid by reference to a funding gap (e.g. instead of using a maximum aid intensity)?

- ☐ Funding gap calculations should remain in the GBER, because they are most of the time not mandatory and national authorities may already rely on other methods to demonstrate the proportionality of aid.
- ☐ Funding gap calculations should not be required for small aid amounts, or they should be replaced with other methods (e.g. aid intensity).
- ☐ Funding gap calculations should be removed from the GBER, because they are too complex and not commonly used by granting authorities.
- ☐ Other

54 Some GBER provisions lay down that the eligible costs are the extra costs of a project by comparison to a counterfactual scenario in the absence of aid. The rationale for requiring a counterfactual scenario is the need for calibrating aid and avoiding that the aid covers costs that the beneficiary would have incurred in any event. It aims at ensuring that the aid only covers the extra costs of the green investment. What is your position concerning this condition?

This condition is reasonable and does not need to be changed. Member States should have the choice between either determining aid by reference to a counterfactual with higher aid intensities or without counterfactual but with lower aid intensities.

- ☐ This condition is too complex. To simplify, Member States should only have the possibility of granting the aid without reference to the counterfactual based on aid intensities that already take the counterfactual into account.
- ☐ Other

56 Certain articles in Chapter III lay down the possibility of carrying out a competitive bidding process as an appropriate way to ensure proportionality of aid and lay down additional conditions compared to the general definition in Article 2(38) GBER. This is because a competitive bidding process ensures that the aid amount is kept to the minimum. What is your position?

- ☐ A competitive bidding process is an efficient way to keep the aid amount limited to the minimum and the current criteria do not involve a particular administrative burden.
- ☐ Some conditions are unnecessary and could be simplified.
- ☐ A competitive bidding process is burdensome especially for small projects and should be replaced with another method such as aid intensities.
- ☐ Other

5.2 Consistency of the conditions (within the GBER, with other EU rules and with the evolution of technology and markets)

58 The GBER sometimes uses conditions or concepts which seem very similar (for instance 'competitive bidding process', 'competitive selection procedure' or 'competitive selection process'). The revision will seek to harmonise this terminology. Are there other concepts (or conditions) for which you consider that the terminology used in the GBER should be standardised? Please list them.

3000 character(s) maximum

59 Are there concepts and definitions used in the GBER that are not well aligned with other concepts and definitions already laid down in EU law?

3000 character(s) maximum

Please provide specific references

60 Does the GBER appropriately reflect technological and market development?

- ☐ No
- ☐ Yes
- ☐ I don't know

62 What do you think about the alignment between the GBER and conditions laid down by support programmes funded or co-funded by the EU budget?

- ☐ The GBER conditions are well aligned
- ☐ Better alignment is needed
- ☐ I don't know

65 Under the current Multiannual Financial Framework (2021-2027), EU funds can be granted until the end of 2029, while the GBER will expire by 31 December 2026. Should transitional provisions in the GBER be introduced to ensure that measures co-financed under the next Multiannual Financial Framework 2028-2034 remain block-exempted even after the expiry of the validity of the GBER (similarly to the provisions in Article 62(2) of Commission Regulation (EU) 2022/2472)?

- ☐ Yes
- ☐ No
- ☐ I don't know

5.3 Aid in the form of financial instruments

67 Member States may in some cases provide aid in the form of financial instruments instead of (or in addition to) aid in the form of grants. Financial instruments are a

vehicle to deliver support via a multi-layer structure through which financial instruments (e.g. loans, guarantees, equity) are provided to final recipients in order to leverage private investment. The multi-layer structure may involve – apart from Member State authorities providing the aid – also implementing bodies or partners (e.g. international/multilateral financial institutions, national promotional banks and institutions and financial intermediaries) and private co-investors, and may therefore imply the presence of aid at different levels. Some GBER articles directly cover aid in the form of financial instruments (e.g. Article 39 on investment aid for energy efficiency in buildings in the form of financial instruments). Do current GBER rules sufficiently accommodate the use of financial instruments to provide aid to final beneficiaries?

- ☐ No
- ☐ Yes
- ☐ I don't know

69 Do the current GBER rules appropriately accommodate and promote the use of specific type of financial instrument, such as equity?

- ☐ Yes
- ☐ No

71 Should the GBER be simplified to enable participation of financial intermediaries other than banks and involvement of co-investors in financing programmes?

- ☐ Yes
- ☐ No

5.4 Training and employment aid

73 The [Communication](#) on training aid provides guidance on the compatibility assessment of notifiable training aid measures. The Communication dates from 2009 and overlaps to a large extent with the training aid measures now block exempted under Article 31 GBER (Chapter III, Section 5). In light of this, is this Communication still relevant?

- ☐ Yes
- ☐ No
- ☐

I don't know

75 Do you consider that the GBER requirements on training aid are appropriate?

- ☐ No
- ☐ Yes
- ☐ I don't know

77 The [Communication](#) on employment aid provides guidance on the compatibility assessment of notifiable training aid measures. The Communication dates from 2009 and overlaps to a large extent with the training aid measures now block exempted under Article 31 GBER (Chapter III, Section 5). In light of this, is this Communication still relevant?

- ☐ Yes
- ☐ No
- ☐ I don't know

79 Do you consider that the GBER requirements on employment aid are appropriate?

- ☐ No
- ☐ Yes
- ☐ I don't know

81 The definition of disadvantaged workers is provided in Article 2(4) GBER and has not been updated since 2008. Is this definition still relevant?

- ☐ No
- ☐ Yes
- ☐ I don't know

5.5 SMEs and small mid-caps

83 Annex I to the GBER provides a definition of SMEs based on the 2003 [Recommendation](#). Because of their limited size, SMEs generally benefit from more favourable rules under the GBER, such as specific aid categories or higher aid intensities (recitals 40-46 to the GBER). Should the SME definition be clarified?

- ☐ No
- ☐

Yes

☐ I don't know

85 Are the current GBER rules (e.g. Articles 38b and 56e GBER) sufficient to accommodate the needs of small mid caps?

☐ No

☐ Yes

☐ I don't know

5.6 Other

87 Should the GBER be updated or simplified for other reasons?

3000 character(s) maximum

Please provide justifications and examples

6 Structure of the GBER

88 The GBER is currently divided into four chapters containing common provisions (Chapter I), monitoring (Chapter II), specific provisions for different categories of aid (Chapter III) and final provisions (Chapter IV). There are also four annexes on the definition of micro, small and medium-sized enterprises (SMEs – Annex I), information sheets (Annexes II and III) and a list of critical raw materials for the purposes of specific compatibility provisions (Annex IV). Do you consider that the current structure of the GBER is satisfactory?

☐ Yes

☐ No, all provisions in Chapter I (Common provisions) should be moved to Chapter III (Specific provisions for different categories of aid), such that all compatibility conditions would be, for each aid category, laid down in a self-standing chapter or section.

☐ No, some provisions in Chapter I (Common provisions) should be moved to Chapter III (Specific provisions for different categories of aid).

☐ Other

91 The current structure of Chapter III of the GBER (Specific provisions for different categories of aid) is based on the list of aid categories laid down in the Enabling Regulation. For example, there are distinct sections within Chapter III on, among others, aid to SMEs (Section 2), aid for R&D&I (Section 4), aid for environmental protection (Section 7), etc. This leads to a situation where distinct GBER articles cover relatively similar activities (e.g. Articles 18 and 49 about consultancy services, Articles 25 and 30 about R&D&I).

- ☐ The current structure of Chapter III of the GBER is sufficiently clear.
- ☐ Chapter III of the GBER should be organised using a different structure which would be more helpful for granting authorities.
- ☐ I don't know

94 The structure of individual articles in Chapter III is not always the same, in that the order of provisions regulating an article's scope, eligibility conditions, compatibility conditions and proportionality is not uniform across all the articles. Do you see a need for harmonisation of the structure of each article in Chapter III?

- ☐ No
- ☐ Yes
- ☐ I don't know

7 Guidance on (and interpretation of) the GBER

Since the State aid modernisation, the Commission has provided central national authorities with guidance on the interpretation of State aid legislation, and especially on the GBER, through the e-State aid wiki platform.

96 Should the Commission consider ways of providing guidance on the interpretation of the GBER?

- ☐ No, the current e-State aid wiki system (through which only Member States may ask interpretation questions) works well.
- ☐ Yes, the Commission should provide guidance in a different format in addition to replies on e-State aid wiki
- ☐ I don't know

Contact

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