



# Best Practice Code

**GCLC, 22.02.2019**

The views expressed in this document are those of the speaker and may not in any circumstances be regarded as stating an official position of the European Commission

*Competition*



# Outline

1. Origins: Adoption of 2009 Best Practice Code
2. Reasons for review
3. Main novelties in the 2018 Best Practice Code



# 1. Origins: adoption of 2009 Best Practice Code



## 2009 Best Practice Code

- 2005 State Aid Action Plan – road map for reform 2005-2009:
  - Call for more effective, simple and predictable procedures
- Simplification package 2009
  - Notice on a simplified procedure for treatment of certain types of State aid
  - Best Practice Code
  - Notice on the enforcement of State aid law by national courts



## 2. Reasons for Review



# Evolution

- Review of Procedural Regulation 2013
  - Complaints' handling
    - Obligatory complaint form
    - Demonstration how interests will be affected
  - Sector inquiries
  - Market information tools
- Simplified procedure – overtaken by GBER expansion
- New ways of interacting with Member States



### 3. Main novelties



# 2018 Best Practice Code

- Pre-notification
  - Recommended process
  - Ideally no longer than 6 months
- Mutually Agreed Planning
  - Linked with case portfolio approach
- Preliminary examination
- Streamlined procedure
  - Replaces simplified procedure
  - “sufficiently similar to other measures that were approved”
  - 3 precedents
  - Renamed to avoid confusion with procedure provided for in the implementing regulation
  - Best effort to adopt decision within 25 working days



# 2018 Best Practice Code

- Formal investigation procedure
  - Sector inquiries
  - Other information sources than the MS
- Complaints handling
  - Aligned with changes in Procedural Regulation
- Evaluation plans
- Monitoring
  - Corollary to wider scope of GBER
- Cooperation with MS
  - WG MS
  - Network of Country Contacts



# Thank you for your attention!