


Procedure file

Basic information		
CNS - Consultation procedure Regulation	1998/0060(CNS)	Procedure completed
Competition: specific sectors, aids granted by states, art. 93 EC Treaty		
Amended by 2012/0342(NLE) Repealed by 2014/0246(NLE)		
Subject 2.60.03 State aids and interventions		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ECON Economic and Monetary Affairs, Industrial Policy		18/03/1998
		PPE AREITIO TOLEDO Javier	
	Committee for opinion	Rapporteur for opinion	Appointed
	JURI Legal Affairs, Citizens' Rights		17/03/1998
		PSE MEDINA ORTEGA Manuel	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	2168	22/03/1999
	Industry	2133	16/11/1998
	Industry	2091	07/05/1998

Key events			
18/02/1998	Legislative proposal published	COM(1998)0073	Summary
13/03/1998	Committee referral announced in Parliament		
07/05/1998	Debate in Council	2091	
10/11/1998	Vote in committee		Summary
10/11/1998	Committee report tabled for plenary, 1st reading/single reading	A4-0418/1998	
16/11/1998	Debate in Council	2133	
13/01/1999	Debate in Parliament		
14/01/1999	Decision by Parliament	T4-0030/1999	Summary
22/03/1999	Act adopted by Council after consultation of Parliament		

22/03/1999	End of procedure in Parliament		
27/03/1999	Final act published in Official Journal		

Technical information	
Procedure reference	1998/0060(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2012/0342(NLE) Repealed by 2014/0246(NLE)
Legal basis	EC before Amsterdam E 094
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/09874

Documentation gateway					
Legislative proposal		COM(1998)0073 OJ C 116 16.04.1998, p. 0013	18/02/1998	EC	Summary
Economic and Social Committee: opinion, report		CES0963/1998 OJ C 284 14.09.1998, p. 0010	01/07/1998	ESC	
Committee report tabled for plenary, 1st reading/single reading		A4-0418/1998 OJ C 379 07.12.1998, p. 0006	10/11/1998	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0030/1999 OJ C 104 14.04.1999, p. 0102-0121	14/01/1999	EP	Summary
Committee of the Regions: opinion		CDR0284/1998 OJ C 093 06.04.1999, p. 0064	14/01/1999	CofR	

Additional information	
European Commission	EUR-Lex

Final act
Regulation 1999/659 OJ L 083 27.03.1999, p. 0001 Summary

Competition: specific sectors, aids granted by states, art. 93 EC Treaty

OBJECTIVE: the proposal for a regulation seeks to increase transparency and legal certainty by codifying and clarifying procedural rules in the field of state aid. SUBSTANCE: At present, the only legal provisions on State aid procedures are those of Article 93 of the Treaty. However, through the Commission's practice and also the case law of the Court of Justice, a whole set of rules has been developed, which, due to the fragmentation of rules, is not transparent enough. The proposed regulation will allow the integration of the procedural rules in one coherent text. The Commission's proposal confirms that the obligation of prior notification and the 'standstill' principle established by Article 93(3) constitute the cornerstone of the system of control of State aid. Following the existing case-law of the Court of Justice, the Commission confers the obligation pursuant to Article 93(3) on the Member State concerned. The State aid control procedure is thus largely based upon a dialogue between the Commission and the Member State concerned which is the 'ordinary law' interlocutor of the Commission. ?

Competition: specific sectors, aids granted by states, art. 93 EC Treaty

At present, the only legal provisions on State Aid procedures are those in Article 93 of the Treaty. The Commission has, however, over the years developed certain practices in handling State Aid Cases, which in several occasions have been further developed by the ECJ. To increase transparency and certainty, the Commission has put forward a proposal which essentially seeks to clarify and codify current procedural practices in the State Aid Field. Reporting on behalf of the Committee, Mr Javier AREITIO TOLEDO (EPP, E) broadly welcomes this Commission initiative. The Committee, however, has tabled a number of amendments to the proposal, which in particular set clearer time limits action. A separate issue is the recovery of unlawful aid; here the Commission Proposal would result in all hereto granted unlawful aid requiring notification or recovery. The Committee feels that this is unnecessarily harsh as unlawful state aids given years ago probably no longer have a detrimental effect on the Single Market. Thus the Committee has put forward an amendment effectively exempting unlawful aids given more than ten years ago from the present regulation.?

Competition: specific sectors, aids granted by states, art. 93 EC Treaty

In adopting its resolution drafted by Mr. Javier AREITIO TOLEDO (E, EPP), the Parliament approved the Commission's proposal subject to a number of amendments. These amendments seek to widen the concept of "existing aid" as certain forms of aid granted some time ago might still have a detrimental impact on the single market. Other amendments seek to ensure that Parliament and the Member States are informed when one Member State grants new aid. This would allow them to react to any aid that they consider to be illegal. The Parliament also called for the improvement of procedures enabling Member States to recover aid granted unlawfully.?

Competition: specific sectors, aids granted by states, art. 93 EC Treaty

PURPOSE: to increase transparency and legal safety by codifying and clarifying the rules of procedure in the field of State aids. **COMMUNITY MEASURE:** Council regulation 659/1999/EC laying down detailed rules for the application of Article 93 of the EC Treaty. **CONTENT:** the Commission, in accordance with the case-law of the Court of Justice, has developed and established a consistent practice for the application of Article 93 of the EC Treaty and has laid down certain procedural rules and principles in a number of communications. This regulation codifies and reinforces this practice with a view to ensuring increased transparency and legal certainty. The regulation confirms that the notification obligation and the standstill clause established by Article 93, paragraph 3 of the EC Treaty represent the keystone of the system of State aid control. In accordance with existing case-law, it attributes the obligations resulting from Article 93 paragraph 3 to the Member State concerned which is always the subject of the decision adopted by the Commission. **ENTRY INTO FORCE:** 16.04.1999.?