There are many notes during this webinar that will hopefully, one way or the other, find their way into the proposal. At this point I (as a member of the audience) asked whether Module 2 is necessary in the first place. Merger control and national security always were the two pillars of our state aid regime. Why create another instrument with another notification requirement, next to the existing notification obligations? At the moment, companies who receive state aid from a Member State are at a disadvantage compared to companies that receive foreign subsidies. The EU normally has rigorous state aid rules. (He is right about that, well, unless we are one of the many companies that are being granted through temporary, or not in temporary, temporary frameworks such as the Special Procedure or the Special Procedure II, or such). These rules do not apply to foreign subsidies - if you receive foreign subsidies, you are better off. Therefore, the EU turned to bilateral and regional agreements (also for the purposes of export control, as some may describe as the same towards our companies?) Why mix competences here? Such an approach could lead to a different assessment of the same measure. Further, it will be very difficult to obtain information from the undertakings on the notification procedure, and such an approach could be in breach of the WTO de jure notification obligation. At the moment, companies and the EU Commission are never in a position to collaborate or to understand the conditions of an agreement.

It is extremely hard to fulfill the test. Concepts existing at national level, for example in Germany, cannot be transferred to the EU context. Therefore, the EU turned to bilateral and regional agreements (also for the purposes of export control, as some may describe as the same towards our companies?) Why mix competences here? Such an approach could lead to a different assessment of the same measure. Further, it will be very difficult to obtain information from the undertakings on the notification procedure, and such an approach could be in breach of the WTO de jure notification obligation.

The EU should not be a naïve open economy - Conference debriefing: Webinar White Paper on Foreign Subsidies after the public consultation

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