

# Evaluation of the Guarantee Notice - Expert consultation

Fields marked with \* are mandatory.

## Introduction

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### *The Guarantee Notice and the need to evaluate it*

The [Guarantee Notice](#) describes how the Commission assesses State guarantees on loans and other liabilities of undertakings, in the form of both individual guarantees and guarantee schemes. More precisely, the 2008 Guarantee Notice provides guidance on the methodology for determining guarantee premiums, so that once such a methodology has been approved by a decision of the Commission, the Member State concerned would have legal certainty that guarantees granted in line with the methodology do not entail State aid. In addition, the Guarantee Notice established minimum margins or 'safe-harbour' rates, which when applied to small and medium-sized enterprises (SMEs) would ensure that the given guarantee can be deemed as not constituting State aid within the scope of Article 107(1) of the Treaty on the Functioning of the European Union (TFEU). The Guarantee Notice also made it clear that any public guarantees for which the premiums charged are below market level entail advantages and constitute State aid if the other conditions of existence of aid are fulfilled, and that the difference between the premium charged and the market-conform premium is the aid element.

The Guarantee Notice aimed to respond to the need for a clear and predictable framework for granting State guarantees on loans. State aid legislation typically requires quantification of the aid amount, and specifically the [General Block Exemption Regulation](#) (GBER) and [de minimis Regulation](#) require that aid must be transparent, i.e. it must be possible to calculate precisely the gross grant equivalent of the aid *ex ante* without any need to undertake a risk assessment. By laying down conditions for establishing market-conform guarantee premiums and determining the aid amount as the difference between the premiums charged and the market premiums, the Guarantee Notice addresses this need.

The Guarantee Notice was last revised in 2008. It does not contain any fixed review clause, but the macroeconomic context has changed significantly since 2008. The global financial crisis has led to a low interest-rate environment, while recently inflationary pressure has increased in the wake of the COVID pandemic and the Russian invasion of Ukraine. Furthermore, capital requirements regarding financial institutions were increased considerably following the global financial crisis. The risk management practices of financial market participants have also evolved in the past decade. All these aspects suggest that the Guarantee Notice needs to be evaluated. At the same time, the Commission has approved a large number of guarantee methodologies since the last review of the Guarantee Notice in 2008. There is thus considerable evidence available to allow an assessment of how the Guarantee Notice has worked in practice.

### Purpose of the evaluation

The main purpose of the evaluation is to check whether the Guarantee Notice is still fit for purpose. This entails assessing whether the Guarantee Notice has performed well and facilitated access to finance in an effective and efficient way for both small and medium-sized enterprises (SMEs)[1] and larger undertakings; whether it has led to undue distortions of competition; and whether Member States have faced difficulties in interpreting and applying the Guarantee Notice when providing individual guarantees or guarantee schemes.

In this regard, the evaluation will analyse how the Guarantee Notice has functioned over time and to what extent it has achieved its objectives of: (i) providing guidance on market-conform guarantee premiums to rule out the presence of State aid and prevent distortions of competition, (ii) increasing legal certainty for stakeholders and increasing the transparency of the Commission's policy so that its decisions are predictable and ensure equal treatment, and (iii) introducing easy-to-apply rules to help Member States improve access to finance, in particular for SMEs.

The evaluation covers the period since the entry into force of the 2008 Guarantee Notice until the present day. The evaluation will assess five main criteria, namely the effectiveness, efficiency, relevance, coherence and EU added value of the Guarantee Notice.

More information on the evaluation can be found in the Call for Evidence.

### Structure of the expert consultation and how to respond to it

As part of the evaluation, the Commission will seek stakeholders' views on the effectiveness, efficiency, relevance, coherence and EU added value of the Guarantee Notice. To this end, both a **public** consultation and an **expert** consultation are being organised in parallel. The results of these consultations will serve as input for the evaluation. Views are welcome from all stakeholders.

The public consultation is most suitable for the general public. The expert consultation is most suitable for stakeholders with more specific expertise and experience in the provision of State guarantees, including the pricing of such guarantees (for instance market participants, public authorities, financial intermediaries and academics). All the questions for the public consultation are also included in the questionnaire for the expert consultation, but the expert consultation contains additional, more technical questions.

Both consultations are open for 12 weeks, and replies can be provided in all 24 official EU languages. Replies to either questionnaire will be equally considered.

**You are now in the expert consultation.** If you want to switch to the public consultation, please click [here](#).

This expert consultation contains 31 high-level and more detailed technical questions grouped by the five evaluation criteria under consideration. The questions are available in English. The questions which also appear in the questionnaire for the public consultation are marked with an asterisk between brackets (\*).

You are invited to provide your feedback through this online questionnaire. Please explain your responses and, as far as possible, illustrate them with concrete examples. We also invite you to upload any documents and/or data that you consider useful to accompany your replies at the end of this online

questionnaire.

You are requested to read the privacy statement attached to this consultation for information on how your personal data and contribution will be handled.

In order to ensure a fair and transparent consultation process, only responses received through this online questionnaire will be taken into account and included in the report summarising the responses.

If you encounter problems with completing this questionnaire or if you require assistance, please contact [COMP-EVALUATION-GUARANTEE-NOTICE@ec.europa.eu](mailto:COMP-EVALUATION-GUARANTEE-NOTICE@ec.europa.eu).

[1] The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises that employ fewer than 250 persons and have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million ([Commission Recommendation concerning the definition of micro, small, medium-sized enterprises 2003/361/EC](#), Article 2(1)).

## Summary of the Guarantee Notice

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The Guarantee Notice describes how the Commission assesses State guarantees on loans and other financial obligations of undertakings, both in the form of individual guarantees and guarantee schemes. It is a guidance document which describes the conditions under which guarantees granted with public support do not confer an advantage and thus can be considered free of State aid and priced at market terms. The Guarantee Notice also allows the aid amount in public guarantees to be determined and thus deals with the presence of aid under Article 107(1) of the TFEU. It does not include guidance on the compatibility of the aid, which – as a further step in the assessment of State aid, should this be present in a guarantee measure – needs to be ensured by reference to specific compatibility rules, e.g. under the General Block Exemption Regulation or relevant State aid guidelines.

In particular, the Guarantee Notice provides for the following main building blocks:

- Explanation of the background of the Notice and a description of the types of guarantees and the types of financial obligations covered by the Guarantee Notice (point 1 of the Guarantee Notice);
- Applicability of Article 107(1) TFEU as regards aid to the borrower and the lender (point 2 of the Guarantee Notice);
- Horizontal conditions on guarantees as necessary conditions to rule out the presence of State aid. Among other conditions, State guarantees cannot be granted to undertakings in difficulty, and the guarantee may only cover 80% of the outstanding loan or financial obligation. The conditions apply to individual guarantees and guarantee schemes (point 3.2 (a)-(c) of the Guarantee Notice);
- Guidance on market-oriented prices for individual guarantees, which relies on available market benchmarks (point 3.2 (d) of the Guarantee Notice);
- ‘Safe-harbour’ guarantee premiums, differentiated by the credit quality of the beneficiary company, for State guarantees on loans granted to SMEs. Safe-harbour premiums are guarantee premiums considered to be aid free and can be used by Member States for individual guarantees and guarantee schemes (point 3.3 of the Guarantee Notice);
- Conditions for guarantee methodologies to ensure that the guarantee premiums charged within guarantee schemes make the schemes self-financing. Self-financing means that the premiums, differentiated by the credit quality of and paid by the beneficiary companies, cover, in all probability, all payments made by the scheme. The payments comprise the cost of risk, administrative costs and capital costs. The fact that

premiums make a scheme self-financing is considered an indication that the scheme may be free of aid. Self-financing methodologies can be used by Member States for guarantee schemes for all types of companies (point 3.4 of the Guarantee Notice). They must be notified to and approved by the Commission if used for aided guarantee schemes under secondary State aid legislation (e.g. de minimis Regulation and GBER);

- Conditions for further facilitation of the granting of State guarantees to SMEs in the form of 'single premiums' within schemes for limited loan amounts. Single premiums are not differentiated by the credit quality of the beneficiary company but are set such that the scheme becomes self-financing (point 3.5 of the Guarantee Notice);

- Guidance on the calculation of the aid element in individual guarantees and guarantee schemes (point 4 of the Guarantee Notice).

## About you

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### \* 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

\* I am giving my contribution as

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

\* First name

Head of

\* Surname

STATE AID UNIT -EZK

\* Email (this won't be published)

wjzstaatssteun@minezk.nl

\* Scope

- International
- Local
- National
- Regional

\* Level of governance

- Parliament
- Authority
- Agency

\* Organisation name

255 character(s) maximum

This response reflects the views of the Dutch 'Interdepartementaal Staatssteun Overleg'. The ISO is a central State aid coordination body composed of all Dutch ministries and representation of the regional and local authorities.

### \* Organisation size

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

### Transparency register number

255 character(s) maximum

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

/

### \* 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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|---|--|-------------------------------------|--|
| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti           | <input type="radio"/> Libya         | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania     | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria             | <input type="radio"/> Ecuador            | <input type="radio"/> Luxembourg    | <input type="radio"/> Samoa                            |
| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt              | <input type="radio"/> Macau         | <input type="radio"/> San Marino                       |
| <input type="radio"/> Andorra             | <input type="radio"/> El Salvador        | <input type="radio"/> Madagascar    | <input type="radio"/> São Tomé and Príncipe            |
| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea  | <input type="radio"/> Malawi        | <input type="radio"/> Saudi Arabia                     |
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| <input type="radio"/> Argentina           | <input type="radio"/> Ethiopia           | <input type="radio"/> Malta         | <input type="radio"/> Sierra Leone                     |

- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo

- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena
- Ascension and Tristan da Cunha
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia



- Democratic Republic of the Congo
- Lesotho
- Saint Kitts and Nevis
- Zimbabwe
- Denmark
- Liberia
- Saint Lucia

\* The reason of my contribution is:

- Public authority responsible for the administration, implementation or granting of State guarantees
- Financial intermediary that provides loans backed by State guarantees
- Financial intermediary that does not provide loans backed by State guarantees
- Beneficiary company (or association of beneficiary companies) of State guarantees
- Company (or association of companies) that does not use State guarantees for its borrowed amounts
- Other

If selected other, please elaborate below:

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

### \* 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](#)

## Questions about the effectiveness of the Guarantee Notice

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The questions in this section aim at assessing whether the Guarantee Notice has achieved its objectives, namely to facilitate the granting of public guarantees in line with State aid rules (either as free of aid or compatible aid); to provide guidance on market-conform guarantee premiums to rule out the presence of State aid and prevent distortions of competition; to increase legal certainty for stakeholders and transparency on the Commission's policy so that its decisions are predictable and ensure equal treatment; and to introduce easy-to-apply rules, including safe-harbour guarantee premiums, for small and medium-sized enterprises (SMEs) to improve their access to finance.

### ***Background information on concepts referred to in the questions***

Market conformity means 'in line with market terms', i.e. terms that would be granted by profit-oriented market-economy operators in the same circumstances and under normal market conditions, for the same company, bearing the same risk. This comparison with market operators is called the 'market economy investor principle' and is used by Union courts to determine whether a public body's investment or guarantee leads to the granting of an advantage (one of the conditions of State aid). If a public authority grants a measure, e.g. a loan or recapitalisation, at market terms, i.e. in line with the market-economy investor principle, it does not confer an advantage and thus the measure is free of State aid. Conversely, if a State measure is granted at below market terms, e.g. in the form of a subsidised loan, the difference between the prices charged and the market-conform prices constitutes the advantage and the aid element, if the other conditions of existence of an aid are fulfilled.

Transparency and predictability of the Commission's policy as regards State guarantees refers to the Guarantee Notice's objective, along with that of providing guidance on market conformity, of reducing uncertainty as to how the Commission determines aid-free State guarantee premiums and on the conditions under which Member States may implement State guarantees. The degree to which the Guarantee Notice achieves transparency and predictability depends on the Notice, on the Commission's approval of guarantee methodologies, and on the publication of the corresponding non-confidential decision. The term 'transparent aid' means aid granted in a form for which it is possible to calculate precisely the gross grant equivalent of the aid *ex ante* without any need to undertake a risk assessment. The simplest, most transparent form of aid is a grant. In State aid legislation, aid in the form of guarantees is considered transparent if the aid element can be calculated as a gross-grant equivalent at the time of granting by calculating the net present value of the aid elements accruing over the lifetime of a guarantee.

Selective advantage in a State aid context means an advantage granted only to certain undertakings (thus

selective), that is not available on the market. The amount of the advantage is equal to the aid element.

Distortions of pricing in credit markets are deviations from the market prices of credit products (premiums of credit guarantees, interest on loans, prices of credit derivatives) which would prevail in normal market conditions, i.e. where prices would be determined by demand and supply of private operators and where markets are sufficiently competitive. Prices can be distorted by the presence of public operators that offer prices below market terms; or if private operators withdraw from a market segment (e.g. due to the presence of operators offering below market terms that private operators are not able to effectively compete with, i.e. the practice of 'crowding out'), leading to insufficient supply and in the long run to illiquidity and higher prices in that market segment. Price distortions in credit markets can be identified by opportunities for arbitrage (i.e., opportunities to earn a risk-free return), which exists if different financial instruments with equivalent economic returns are priced differently (e.g. the interest on a loan with collateral should be equal to the interest rate on an uncollateralised loan plus the premium on a guarantee that provides the same benefit as the collateral). In perfectly competitive credit markets, such arbitrage opportunities should not exist, as market operators would exploit such differences by buying the cheaper product and offering the more expensive product. This eventually leads to a re-pricing of the underlying financial instruments, erasing the opportunity for arbitrage. In practice, market operators may not be able to exploit such arbitrage opportunities due to high transaction costs.

Lenders are the financial intermediaries which lend to borrowers who benefit from a State guarantee on the borrowed amounts.

Beneficiary companies are the borrowing companies which benefit from a State guarantee on the borrowed amounts.

Small and medium-sized enterprises (SMEs) are defined in the [Commission Recommendation 2003/361/EC](#). Any company whose size exceeds the SME definition is considered a large company. SMEs typically find it more difficult to access capital and obtain financing and their cost of capital is often higher than for larger businesses, i.e. they face an 'access to finance' problem. In addition, the costs of regulation often affect SMEs proportionately more than larger companies, while the benefits of regulation tend to be more evenly distributed among companies of different sizes. SMEs benefit less from economies of scale than large companies do and have less capacity to absorb fixed costs of measures. The definition of SMEs also comprises start-ups, which can be characterised as small young and innovative companies, and other high-tech high-risk companies within the SME size limits. The access to finance problem may be particularly pronounced for such companies.

**\* Question 1 (\*)**

In your experience, has the Guarantee Notice facilitated the granting of State guarantees by public authorities in the Member State(s) in which you are active?

- Yes
- No
- I do not know / No opinion

Please elaborate on your response:

*400 character(s) maximum*

The Guarantee Notice is a useful instrument. It can be updated with a revision. To further increase the ease-of-use of the Notice, possibilities can be explored for visual aid tools as additional guidance. This could for example be in the form of an infographic with the steps to be taken and checks to be made to make a guarantee 'State aid proof' (i.e. no aid) under the Notice.

**\* Question 2 (\*)**

In your experience, has the Guarantee Notice facilitated the granting of market-conform State guarantees by public authorities in your Member State?

- Yes
- No
- I do not know / No opinion

Please elaborate on your response

*400 character(s) maximum*

The Guarantee Notice is a useful instrument. It can be updated with a revision. To further increase the ease-of-use of the Notice, possibilities can be explored for visual aid tools as additional guidance. This could for example be in the form of an infographic with the steps to be taken and checks to be made to make a guarantee 'State aid proof' (i.e. no aid) under the Notice.

**\* Question 3 (\*)**

In your experience, has the Guarantee Notice facilitated the granting of State guarantees at below-market terms, i.e. involving State aid, by public authorities in your Member State?

- Yes
- No
- I do not know / No opinion

Please elaborate on your response:

*400 character(s) maximum*

Specifically for export credit insurance, certain insurance products are based on the guidance provided by the Notice. The Guarantee Notice is an effective instrument for this type of credit, in particular for credit to SMEs. The largest part of credit provided under the Guarantee Notice is provided to SMEs, as SMEs have difficulties obtaining credit in the market.

**Question 4**

	Not helpful	Rather not helpful	Neutral	Rather helpful	Helpful	I do not know / No opinion
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<p>* If Member States want to provide <u>guarantees on market terms</u>, to what extent has the Guarantee Notice helped ensure that <u>beneficiary companies do not receive a selective advantage</u> when obtaining loans covered by a State guarantee? Please also explain why you gave a particular score, including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted.</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
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**Please elaborate on your response:**

*400 character(s) maximum*

The Notice is a useful instrument. The Notice is relatively easy to use with regard to SMEs. However, it is more complicated in case of one on one guarantees, for example when a fund is involved. The Notice could be improved with respect to funds and with subordinated loans (e.g. applicability safe harbour rates). In general, it may also be good to scrutinize the definitions.

**Question 5**

	Not helpful	Rather not helpful	Neutral	Rather helpful	Helpful	I do not know / No opinion
<p>* To what extent has the Guarantee Notice helped ensure that <u>lenders do not retain any selective advantage</u> when granting loans covered by a State guarantee but passed on the advantage to the beneficiary company? Please also explain why you gave a particular score, including by referring to specific circumstances of State guarantees that you may have in mind, the potential safeguards applied to ensure the passing on of the advantage to the ultimate beneficiaries, and when the State guarantees were granted</p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**Please elaborate on your response:**

*400 character(s) maximum*

It is a helpful tool. However, inherent to a guarantee is that there is some (financial) benefit to the intermediary (more market share, less financial coverage needed, which can be used for other activities). According to the Dutch authorities some improvements are possible regarding funds, e.g., funds should not be too strict in their benefit pass-through requirements (to cover their costs).

## Question 6

To what extent has the Guarantee Notice been successful in achieving the following objectives? Please also explain why you gave a particular score, including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted:

	Not successful	Rather not successful	Neutral	Rather successful	Successful	I do not know / No opinion
* a) Providing guidance to determine market-conform guarantee premiums:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* b) Increasing legal certainty on the use of market-conform guarantee premiums:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* c) Increasing transparency on market-conform guarantee premiums:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* d) Increasing predictability of the Commission's assessment and ensuring equal treatment of market participants:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* e) Introducing easy-to-apply ('safe-harbour') rules for small and medium-sized enterprises (SMEs):	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* f) Providing guidance on the calculation of the aid element in guarantees:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain the reasoning behind your answers to question 6 (also specifying 6a to 6f).

*400 character(s) maximum*

The Notice has a relative simplicity. For example, when there is an accepted method of calculation that can be used for an individual guarantee. It would be helpful if the Commission codifies guarantee methodologies to determine market-based premiums that the Commission considers acceptable, indicating which methodologies are preferred under which circumstances.



## Question 7

In terms of the following provisions, to what extent has the Guarantee Notice been successful in providing guidance to determine market-conform guarantee premiums? Please also explain why you gave a particular score, including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted:

	Not successful	Rather not successful	Neutral	Rather successful	Successful	I do not know / No opinion
* a) By laying down horizontal conditions on guarantees to rule out the presence of State aid (point 3.2 (a)-(c) of the Guarantee Notice), including guidance on market-oriented prices for individual guarantees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* b) By providing guidance on market-oriented prices for individual guarantees (point 3.2 (d))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* c) By providing safe-harbour rates for SMEs (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* d) By laying down conditions on guarantee methodologies to determine premiums that make schemes self-financing and that are aid free (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* e) By laying down conditions on the use of 'single premiums' in guarantee schemes for SMEs (point 3.5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* f) Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 7 (also specifying 7a to 7f).

*400 character(s) maximum*

For individual cases, the Guarantee Notice works well. The Notice could be improved with respect to funds. Moreover, it would be helpful if the Commission codifies guarantee methodologies to determine market-based premiums that the Commission considers acceptable, indicating which methodologies are preferred under which circumstances.

## Question 8

In terms of the following provisions, to what extent has the Guarantee Notice been successful in increasing the transparency and predictability of the Commission's assessment as regards State guarantees? Please also explain why you gave a particular score, including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted:

	Not successful	Rather not successful	Neutral	Rather successful	Successful	I do not know / No opinion
* a) By laying down horizontal conditions on guarantees to rule out the presence of State aid (point 3.2 (a)-(c) of the Guarantee Notice), including guidance on market-oriented prices for individual guarantees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* b) By providing guidance on market-oriented prices for individual guarantees (point 3.2 (d))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* c) By providing safe-harbour rates for SMEs (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* d) By laying down conditions on guarantee methodologies to determine premiums that make schemes self-financing and that are aid free (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* e) By laying down conditions on the use of 'single premiums' in guarantee schemes for SMEs (point 3.5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* f) Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain the reasoning behind your answers to question 8 (also specifying 8a to 8f).

*400 character(s) maximum*

The Dutch authorities consider that the Notice is generally well applicable. Nevertheless, the Notice can be improved, for example with respect to funds and with respect to subordinated loans. In general, it may also be good to scrutinize the definitions.

## Question 9

In terms of the following provisions, to what extent has the Guarantee Notice been successful in introducing easy-to-apply rules for providing public guarantees for small and medium-sized enterprises (SMEs)? Please also explain why you gave a particular score, including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted:

	Not successful	Rather not successful	Neutral	Rather successful	Successful	I do not know / No opinion
* a) By laying down horizontal conditions on guarantees to rule out the presence of State aid (point 3.2 (a)-(c) of the Guarantee Notice), including guidance on market-oriented prices for individual guarantees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* b) By providing guidance on market-oriented prices for individual guarantees (point 3.2 (d))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* c) By providing safe-harbour rates for SMEs (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* d) By laying down conditions on guarantee methodologies to determine premiums that make schemes self-financing and that are aid free (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* e) By laying down conditions on the use of 'single premiums' in guarantee schemes for SMEs (point 3.5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* f) Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 9 (also specifying 9a to 9f).

*400 character(s) maximum*

The Guarantee Notice is a useful tool with regard to SMEs.

### Question 10 (\*)

To what extent has the Guarantee Notice been successful in contributing to the following long-term impacts? Please also explain why you gave a particular score, including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees occurred:

	Not successful	Rather not successful	Neutral	Rather successful	Successful	I do not know / No opinion
* a) Ensuring that creditworthy SMEs were able to get the bank loans or other forms of credit they needed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* b) Ensuring that creditworthy large enterprises were able to get the bank loans or other forms of credit they needed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* c) Ensuring that the guarantee premiums established by the Guarantee Notice reflect genuine risks covered by the guarantee across the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* d) Limiting distortions of competition on the market(s) in which beneficiary companies are active, i.e. between beneficiary companies and companies not having obtained loans guaranteed by public guarantees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* e) Ensuring, to the maximum extent, the passing on of the advantage from the financial intermediary to the ultimate beneficiary	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* f) Limiting distortions of competition between financial intermediaries providing loans subject to public guarantees and other financial intermediaries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* g) Limiting distortions of pricing on credit markets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 10 (also specifying 10a to 10g).

400 character(s) maximum

The Notice is a useful tool for Member States. It is imperfect, but given practicability and level playing field the Dutch authorities do not immediately see another solution. It works well for SME's. And also if the intermediate is a bank. The Notice can be improved with regard to funds and explicitly give guidance for subordinated loans. In general, it may be good to scrutinize the definitions.

### Question 11

Are you aware of instances where the Guarantee Notice was applied to financial obligations other than loan instruments? If your answer is 'Yes', please describe the financial obligation covered by the State guarantee and, where relevant, how a market-conform guarantee premium was determined.

	Yes	No	I do not know / No opinion
* a) State guarantees on equity instruments	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* b) State guarantees on financial obligations that do not display all of the features listed in point 1.3 of the Guarantee Notice, such as insurance contracts	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* c) State guarantees on other financial obligations	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 11 (also specifying 11a to 11c).

Please see SA.48197 (Groefaciliteit) guaranteeing equity investments in particular.

### \* Question 12

Are you aware of benchmarks to determine market-conform guarantee premiums that are not included in the Guarantee Notice?

- Yes
- No
- I do not know / No opinion

If yes, please elaborate on your response:

400 character(s) maximum

/



### \* Question 13

Are you aware of other effective pricing methods to determine market-conform guarantee premiums in schemes that are not based on the Guarantee Notice?

- Yes
- No
- I do not know / No opinion

If yes, please elaborate on your response:

*400 character(s) maximum*

/

## **Questions about the efficiency of the Guarantee Notice**

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The questions in this section aim at evaluating the extent to which the provision of guarantees under the Guarantee Notice has been cost effective, i.e. whether the costs related to their implementation were proportional to their benefits. The questions also seek to evaluate whether the provisions of the Guarantee Notice have been clear, transparent and easy to understand.

The costs and benefits of the Guarantee Notice can be quantitative and qualitative. Costs include, but are not limited to, the amounts of State aid granted or disbursed, the operational and administrative costs, and the burden borne by public authorities, lenders, and beneficiary companies. The authorities responsible for setting up guarantee methodologies incur costs for administering and obtaining the approval of such methodologies. The benefits encompass the guidance on market-conform guarantee premiums to rule out the presence of State aid and prevent distortions of competition; increased legal certainty for stakeholders and increased transparency of the Commission's policy so that its decisions are predictable and ensure equal treatment; and the introduction of easy-to-apply ('safe-harbour') rules for small and medium-sized enterprises (SMEs) to improve their access to finance.

### ***Background information on concepts referred to in the questions***

Administrative and operational costs include all costs incurred by the parties involved to grant or obtain a State guarantee on a financial obligation. The main operational and administrative costs borne by the granting authorities and the lender are the screening, evaluation, monitoring and administration of guaranteed loans and guarantees. The beneficiary companies incur costs related to the application and monitoring procedures. Especially for SMEs such costs can be significant, and they may also face costs when demonstrating their creditworthiness and obtaining a rating.

The amount of State aid provided and the budgetary impact is a key cost component for the Member States and their granting authorities. Legally, the amount of State aid is the amount of aid at the time of granting, i.e. at the time a State guarantee is provided. The (*ex-post*) budgetary impact is equal to the payments made under the outstanding guarantees, which depend on the losses realised on the loan instruments covered by the guarantees. From the budgetary perspective of the State, there may thus be a difference between projected aid disbursements and *ex post* expenditure.

### Question 14 (\*)

To what extent do you agree with the following general statements? Please also explain why you gave a particular score (including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted).

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	I do not know / No opinion
* a) The Guarantee Notice is <u>easy to understand</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* b) The Guarantee Notice is formulated in a way which is likely to lead to a common standard for <u>granting public guarantees across the EU</u>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* c) There is sufficient publicly available information, including the published version of State aid decisions on guarantee methodologies, to ensure a good understanding of the Commission's policy in this field	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain the reasoning behind your answers to question 14 (also specifying 14a to 14c).

*400 character(s) maximum*

- A. Given the complexity of the matter, the Guarantee Notice is relatively easy to use.  
 B. The Dutch authorities cannot speak for other EU Member States.  
 C. The Guarantee Notice is relatively easy to use. However, it does involve complex issues and also requires tailor-made solutions in certain cases.

### Question 15 (\*)

To what extent has the Guarantee Notice helped the different parties involved to keep down the administrative and operating costs related to the granting of State guarantees? Please also explain why you gave a particular score (including by referring to specific circumstances of public guarantees that you may have in mind, and when those guarantees were granted).

	Not helpful	Rather not helpful	Neutral	Rather helpful	Helpful	I do not know / No opinion
* a) Public authorities responsible for setting up guarantee methodologies and/or granting State guarantees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* b) Lenders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* c) Beneficiary companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 15 (also specifying 15a to 15c).

400 character(s) maximum

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### Question 16 (\*)

To what extent do you agree with the following statements? Please also explain why you gave a particular score (including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted).

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	I do not know / No opinion
* a) Public authorities in my Member State have fully used the various methods of granting State guarantees offered by the Guarantee Notice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* b) The Guarantee Notice is formulated in a way that has led to a <u>predictable provision of public guarantees in my Member State</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* c) The Guarantee Notice has helped my Member State use <u>State expenditure efficiently</u> when providing State guarantees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain the reasoning behind your answers to question 16 (also specifying 16a to 16c).

400 character(s) maximum

### Question 17

In terms of the following provisions, how effective has the Guarantee Notice been in lowering administrative and operating costs for public authorities responsible for setting up guarantee methodologies and/or granting State guarantees? Please also explain why you gave a particular score (including by referring to specific circumstances of public guarantees that you may have in mind, and when those guarantees were granted).

	Not effective	Rather not effective	Neutral	Rather effective	Effective	I do not know / No opinion
* a) By laying down horizontal conditions on guarantees to rule out the presence of State aid (point 3.2 (a)-(c) of the Guarantee Notice), including guidance on market-oriented prices for individual guarantees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* b) By providing guidance on market-oriented prices for individual guarantees (point 3.2 (d))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* c) By providing safe-harbour rates for SMEs (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* d) By laying down conditions on guarantee methodologies to determine premiums that make schemes self-financing and that are aid free (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* e) By laying down conditions on the use of 'single premiums' in guarantee schemes for SMEs (point 3.5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* f) Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 17 (also specifying 17a to 17f).

400 character(s) maximum

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### Question 18

In terms of the following provisions, how effective has the Guarantee Notice been in limiting the amount of State aid and State aid expenditure for public authorities granting State guarantees? Please also explain why you gave a particular score (including by referring to specific circumstances of public guarantees that you may have in mind, and when those guarantees were granted).

	Not effective	Rather not effective	Neutral	Rather effective	Effective	I do not know / No opinion
* a) By laying down horizontal conditions on guarantees to rule out the presence of State aid (point 3.2 (a)-(c) of the Guarantee Notice), including guidance on market-oriented prices for individual guarantees	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* b) By providing guidance on market-oriented prices for individual guarantees (point 3.2 (d))	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* c) By providing safe-harbour rates for SMEs (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* d) By laying down conditions on guarantee methodologies to determine premiums that make schemes self-financing and that are aid free (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* e) By laying down conditions on the use of 'single premiums' in guarantee schemes for SMEs (point 3.5)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* f) Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 18 (also specifying 18a to 18f).

The Guarantee Notice is helpful in determining whether or not there is State aid involved and, if so, the aid element. Not so much the choice of whether or not to provide State aid.

### Question 19

In terms of the following provisions, how effective has the Guarantee Notice been in lowering administrative and operating costs for lenders? Please also explain why you gave a particular score (including by referring to specific circumstances of public guarantees that you may have in mind, and when those guarantees were granted).

	Not effective	Rather not effective	Neutral	Rather effective	Effective	I do not know / No opinion
* a) By laying down horizontal conditions on guarantees to rule out the presence of State aid (point 3.2 (a)-(c) of the Guarantee Notice), including guidance on market-oriented prices for individual guarantees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* b) By providing guidance on market-oriented prices for individual guarantees (point 3.2 (d))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* c) By providing safe-harbour rates for SMEs (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* d) By laying down conditions on guarantee methodologies to determine premiums that make schemes self-financing and that are aid free (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* e) By laying down conditions on the use of 'single premiums' in guarantee schemes for SMEs (point 3.5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* f) Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 19 (also specifying 19a to 19f).

The Guarantee Notice is a useful instrument. Both at the time of preparing a measure and during its implementation.

## Question 20

In terms of the following provisions, how effective has the Guarantee Notice been in lowering administrative costs for SMEs to access finance? Please also explain why you gave a particular score (including by referring to specific circumstances of public guarantees that you may have in mind, and when those guarantees were granted).

	Not effective	Rather not effective	Neutral	Rather effective	Effective	I do not know / No opinion
* a) By laying down horizontal conditions on guarantees to rule out the presence of State aid (point 3.2 (a)-(c) of the Guarantee Notice), including guidance on market-oriented prices for individual guarantees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* b) By providing guidance on market-oriented prices for individual guarantees (point 3.2 (d))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* c) By providing safe-harbour rates for SMEs (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* d) By laying down conditions on guarantee methodologies to determine premiums that make schemes self-financing and that are aid free (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* e) By laying down conditions on the use of 'single premiums' in guarantee schemes for SMEs (point 3.5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* f) Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 20 (also specifying 20a to 20f).

400 character(s) maximum

The Guarantee Notice is a useful instrument. Both at the time of preparing a measure and during its implementation.

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**\* Question 21 (\*)**

Are there certain aspects or concepts related to the provision of State guarantees that made the application of the Guarantee Notice difficult or sub-optimal and that could therefore have been further clarified or been defined more precisely?

- Yes
- No
- I do not know / No opinion

If yes, please elaborate on your response (including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted):

*400 character(s) maximum*

The Guarantee Notice could explicitly give guidance with regard to subordinated loans, and with respect to funds, specific tailor-made rules would also be welcomed.

Moreover, investment in 'green' projects may have a higher risk perception in the market. More flexibility and/ or possibilities for 'green' guarantees would be welcomed. Both in the no aid approach and when State aid is involved.

**\* Question 22 (\*)**

Has the provision of State guarantees under the Guarantee Notice created any disproportionate administrative burden?

- Yes
- No
- I do not know / No opinion

If yes, please elaborate on your response (including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted):

*400 character(s) maximum*

Not applicable.

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**Questions about the relevance of the Guarantee Notice**

The questions in this section aim at evaluating the relevance of the Guarantee Notice over time, that is, the extent to which the Guarantee Notice has remained relevant in addressing the needs of Member States and other stakeholders over time. The needs addressed at the time of the revision were: to provide guidance on market-conform guarantee premiums so as to rule out the presence of State aid and prevent



distortions of competition; to increase legal certainty for stakeholders and transparency of the Commission's assessment so that its decisions are predictable and ensure equal treatment; and to provide for easy-to-apply rules for SMEs to improve their access to finance. The questions in this section concern the relevance of the Guarantee Notice over time with regard to macroeconomic, financial stability and regulatory developments that have taken place since 2008.

***Background information on the macroeconomic context referred to in the questions***

**Financial crisis episodes**, such as the global financial crisis and the ensuing sovereign debt crisis in the EU (2007-2013), the COVID-19 pandemic (since 2020) and recently the economic shocks triggered by Russia's invasion of Ukraine gave rise, to a varying degree, to a tightening of financing conditions for companies and also led to lower amounts of lending. This may be due to supply-side constraints whereby financial intermediaries face higher funding costs or are in a weaker financial position, so that they are less willing to lend (i.e. either rationing credit or charging high interest rates). It may also be due to higher credit risk of companies due to lower profits, and higher incurred or projected losses, which also imply higher prices for credit risk products, leading ultimately to lower amounts of lending.

**The low interest rate environment** refers to the period after the global financial crisis which was characterised, in the EU, by a persistently low risk-free interest rate and a compression of credit risk spreads. The former was determined mainly by central banks' interest rate policies, while the latter was a result of the large-scale asset purchases of central banks, which led to lower prices for risky assets through a portfolio balancing effect. The pricing of credit products, including State guarantees, is based on the risk-free interest rate, the credit risk of the borrower and other factors (liquidity, competition, risk aversion). In the low interest rate environment, the prices for credit products for companies have been quite low in a historic context, due to the low (i.e. zero) risk-free interest rate, but also the compression of credit risk spread.

**Changes in the regulatory framework governing financial intermediaries, most importantly credit institutions**, refer to the overhaul of the regulatory framework governing credit institutions (such as the [Capital Requirements Regulation](#) and the [Capital Requirements Directive](#)) which leads, among others, to higher capital requirements for credit institutions.

**\* Question 23 (\*)**

Noting that the Guarantee Notice was aimed at helping Member States provide financing to undertakings in the form of guarantees, do you think that the Guarantee Notice has been and remains relevant in addressing the needs of Member States and other stakeholders over time?

- Yes
- No
- I do not know / No opinion

If no, please elaborate (including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted):

400 character(s) maximum

Not applicable.

### Question 24 (\*)

In your opinion, how important were the following developments and events for the relevance of the Guarantee Notice over time? Please also explain why you gave a particular score (including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted).

	Not important	Rather not important	Neutral	Rather important	Important	I do not know / No opinion
* a) Financial crisis episodes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* b) The low interest rate environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* c) Changes in the regulatory framework governing financial intermediaries, most importantly credit institutions, in the aftermath of the global financial crisis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* d) Other factors (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 24 (also specifying 24a to 24d).

400 character(s) maximum

### Question 25

To what extent have the following provisions remained relevant over time, in particular during changes in the macroeconomic context, including crisis episodes and changes in the regulatory framework governing financial intermediaries? For example, were the safe-harbour premiums for SMEs equally useful at different points in time? Please also explain why you gave a particular score (including by referring to specific circumstances of State guarantees that you may have in mind, and when those guarantees were granted).

	Not relevant	Rather not relevant	Neutral	Rather relevant	Relevant	I do not know / No opinion
* a) Description of the types of guarantees and the types of financial obligations covered by the Guarantee Notice (point 1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* b) Laying down horizontal conditions for guarantees to rule out the presence of State aid (point 3.2 (a)-(c) of the Guarantee Notice), including guidance on market-oriented prices for individual guarantees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* c) Providing guidance on market-oriented prices for individual guarantees (point 3.2 (d))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* d) Providing safe-harbour rates for SMEs (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* e) Laying down conditions for guarantee methodologies to determine premiums that make schemes self-financing and that are aid free (point 3.3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*						

e) Laying down conditions for the use of 'single premiums' in guarantee schemes for SMEs (point 3.5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* f) Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 25 (also specifying 25a to 25f).

400 character(s) maximum

The Guarantee Notice has always remained relevant regardless of the macro economic situation. In certain periods, the Notice is more frequently applied by the Dutch authorities.

### \* Question 26

In your opinion, should the Guarantee Notice have contained certain provisions in order to stay relevant over time regardless of changes in the macro-economic context?

- Yes
- No
- I do not know / No opinion

If yes, please elaborate on your response (including by referring to specific provisions that the Guarantee Notice should have contained):

The Notice should be applicable regardless the macro economic situation.

## Questions about the coherence of the Guarantee Notice

The questions in this section aim at evaluating the internal and external coherence of the Guarantee Notice. Internal coherence refers to the extent to which the provisions of the Guarantee Notice complement each other and do not lead to contradictions. External coherence refers to whether the Guarantee Notice is consistent and does not have any drawbacks in terms of policy outcomes when it interacts with other EU legislation. Relevant other EU legislation includes, among others, the [Reference Rate Communication](#), the de minimis Regulation, the GBER, and the [Commission Notice on the Notion of State aid](#).

### Question 27 (\*)

	Not coherent	Rather not coherent	Neutral	Rather coherent	Coherent	I do not know / No opinion
* To what extent are the provisions of the Guarantee						

Notice internally coherent, i.e. different sections of the Notice are consistent with one another?

<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
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Please elaborate on your response:

400 character(s) maximum

**Question 28**

To what extent has the Guarantee Notice achieved a balance between providing guidance on determining accurate market-conform guarantee premiums and easy-to-implement rules? Please also explain why you gave a particular score (including by referring to specific circumstances of State guarantees that you may have in mind, and when these were granted).

	Not achieved	Rather not achieved	Neutral	Rather achieved	Achieved	I do not know / No opinion
* a) In general	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* b) By providing safe-harbour rates for SMEs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain the reasoning behind your answers to question 28 (also specifying 28a to 28b).

400 character(s) maximum

The Guarantee Notice concerns a complicated subject matter, but when the Notice applies then what can be done based on the Notice is (relatively) easy to apply.

**Question 29 (\*)**

To what extent is the Guarantee Notice coherent with the following other EU policies and legislation? Please also explain why you gave a particular score (including by referring to specific circumstances of State guarantees that you may have in mind, and when these were granted).

	Not coherent	Rather not coherent	Neutral	Rather coherent	Coherent	I do not know / No opinion

* a) Reference Rate Communication	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* b) General Block Exemption Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* c) De minimis Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* d) Commission Notice on the Notion of State Aid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* e) Other – please specify which other EU policies and legislation you have in mind	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain the reasoning behind your answers to question 29 (also specifying 29a to 29e).

*400 character(s) maximum*

A guarantee may be linked to public interest objectives (e.g. development aid); as a result, it may also coincide with SGEI objectives. Clarification of how guarantees based on these frameworks relate to each other would be welcomed.

## **Questions about the EU added value of the Guarantee Notice**

The questions in this section aim at assessing the EU added value of the Guarantee Notice. Competition policy – which includes State aid control – represents an area of exclusive EU competence pursuant to Article 3(b) of the TFEU. Therefore, the subsidiarity principle does not apply. The Guarantee Notice allows Member States to determine market-conform guarantee premiums and to calculate the aid element in individual guarantees and guarantee schemes. In the absence of such guidance, the ability of the Member States to issue individual guarantees or guarantee schemes under State aid legislation would be limited and possibly excluded, as is the case for GBER. More broadly, the Member States would run the legal risk that the guarantees are actually below market terms.

### **\* Question 30 (\*)**

Has the Guarantee Notice provided an added value in comparison to a situation without such guidance?

- Yes
- No
- I do not know / No opinion

Please elaborate on your response:

*400 character(s) maximum*

The Dutch authorities consider the Guarantee Notice as a useful instrument. The Notice could be updated, for example with regard to subordinated loans and with tailor-made rules for funds.

## Additional information

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### \* Question 31 (\*)

Do you want to raise any other points which may be relevant for the evaluation of the Guarantee Notice?

- Yes
- No

If yes, please elaborate:

In the event of any revision, the Dutch authorities would like to see subordinated loans added explicitly and would welcome tailer-made rules for funds.

Furthermore, to further increase the the ease-of-use of the Notice, we invite the Commission to explore possibilities for visual aid tools as additional guidance. This could for example be in the form of an infographic with the steps to be taken and checks to be made to make a guarantee 'State aid proof' (i.e. no aid) under the Notice.

### Additional Documents

If you want to share any document (e.g. data, research paper, position paper, etc.) that may be relevant for the evaluation of the Guarantee Notice, please upload it here. Please make sure not to include any personal data in the file you upload if you wish to remain anonymous.

Please upload your file(s)

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

### Contact

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