

EN

E-002395/2024

Answer given by Executive Vice-President Ribera  
on behalf of the European Commission  
(20.12.2024)

1. Pursuant to the principle of sincere cooperation enshrined in Article 4(3) of the Treaty on European Union, Member States must assist the Commission and cooperate in good faith in all phases of State aid proceedings.

It follows that if the Commission requests information or documents from the Member State concerned about unlawful aid pursuant to Article 12 of Council Regulation (EU) 2015/1589<sup>1</sup>, the Member State must, to fulfil its duty to cooperate with the Commission, provide all the documentation, information and data necessary to enable the Commission to take a decision.

However, a repeated failure from the Member State concerned to provide complete information does not prevent the Commission from adopting a decision on the basis of the information available.

2. On the basis of Article 263 of the Treaty on the Functioning of the European Union, a complainant can challenge the validity of a Commission State aid decision before the EU Courts, provided that the complainant has legal standing.

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TEXT/HTML/?uri=CELEX:32015R1589>