EN
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Answer given by Executive Vice-President Ribera
on behalf of the European Commission
(17.4.2026)

1. Undertakings in difficulty within the meaning of the General Block Exemption Regulation ('GBER')[1] or the Rescue and Restructuring Guidelines ('R&R Guidelines')[2] are not simply in a situation of weakened solvency, but are instead either manifestly insolvent[3] or in a situation of severe distress nearing bankruptcy[4].

An undertaking in difficulty has structural difficulties irrespective of the economic sector or whether it is an energy-intensive user. The State aid rules include crisis indicators which, when they are met for a given company, are generally considered by creditors as high-risk and triggering restrictions on financing.

Such companies are not excluded from State aid altogether: they can benefit from rescue and restructuring aid, as well as targeted categories of aid under the GBER (e.g. natural disasters and start-ups)[5]. Public support to failing companies – which would otherwise exit the market – is severely distortive of competition and is in any event ill-suited to achieve other public policy objectives.

2. The Commission is currently revising the GBER, with the main objective of simplifying it and reducing administrative burden for Member States and beneficiaries, with an emphasis on small and medium-sized enterprises.

The GBER already enables Member States to provide support to energy-intensive users, for example through aid for decarbonisation or tax reductions under the Energy Taxation Directive.

In addition, the existing State aid rules[6] have recently been amended to expand the possibilities for energy-intensive users to receive various types of public support, including compensation for indirect emission costs and temporary electricity price support.

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[1] Article 2(18) of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187 26.6.2014, p. 1).

[2] Point 20 of the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).

[3] See Article 2(18)(c) GBER and point 20(c) of the R&R Guidelines.

[4] See Article 2(18)(a), (b), (d) and (e) GBER and point 20(a), (b), (d) and (e) of the R&R Guidelines.

[5] Article 1(4)(c) GBER.

[6] Guidelines on State aid for climate, environmental protection and energy 2022 (OJ C 80, 18.2.2022, p. 1), Guidelines on certain State aid measures in the context of the system for greenhouse gas emission allowance trading post-2021 (OJ C 317, 25.9.2020, p. 4), and Framework for State Aid measures to support the Clean Industrial Deal (OJ C, C/2025/3602, 4.7.2025).