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Answer given by Executive Vice-President Ribera
on behalf of the European Commission
(25.3.2026)

Regarding the standstill obligation under Article 108(3) of the Treaty on the Functioning of the European Union (TFEU)¹, it is settled case-law of the Union Courts that aid implemented after the Commission's positive decision is presumed lawful until the Court of Justice of the European Union (CJEU) decides to annul that decision. The annulment of a Commission decision, in accordance with the first paragraph of Article 264 of the TFEU renders that decision void. Pursuant to Article 108(3) TFEU, State aid granted without valid Commission approval should be considered, in line with Article 1(f) of Council Regulation (EU) 2015/1589, as being unlawful. Nevertheless, it remains within the Commission's purview to re-assess the aid's compatibility with the internal market in the light of the Court judgment. The Commission cannot, at this stage, prejudge the outcome of that assessment.

¹ Article 108(3) of the Treaty on the Functioning of the European Union stipulates: 'The Commission shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. If it considers that any such plan is not compatible with the internal market having regard to Article 107, it shall without delay initiate the procedure provided for in paragraph 2. The Member State concerned shall not put its proposed measures into effect until this procedure has resulted in a final decision'.