

EN

P-003103/2026

Answer given by Executive Vice-President Ribera
on behalf of the European Commission
(19.8.2026)

The Court of Justice's ruling in Case C-88/03¹ lays down certain requirements for excluding the regional selectivity of fiscal aid measures. Whether these principles apply specific measures depends on the conditions under which such specific measures operate. If, in any given case, the requirements set out by the Court in its judgment on Case C-88/03 were fulfilled, the measure in question would not be selective and would thus be excluded from the scope of Article 107(1) of the Treaty on the Functioning of the European Union (TFEU), as one of the cumulative criteria for the presence of State aid would not be met.

The procedure of State aid control under Article 108 TFEU is a procedure between the Commission and the Member State. In that procedure, regional or territorial authorities, while being important sources of information, do not enjoy any special procedural rights. Hence, in the case of measures adopted by authorities of an autonomous region, the Member State remains responsible for ensuring compliance with the obligations laid down in Articles 107 and 108 TFEU.

Current EU State aid rules already provide extensive possibilities for support to islands. The current general and sectoral State aid frameworks include State aid rules intended to take account of the specificities of remote areas, which include islands. This is the case, for instance, in relation to regional aid or aid in the field of transport.

¹ Judgment of 6 September 2006, *Portugal v Commission*, C-88/03, EU:C:2006:511.