

## ESG: ENVIROMENT - SOCIAL - GOVERNANCE

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### STATE AID

One of the main catchphrases in European state aid law in recent years has been the “Green Deal”. EU state aid rules are to play a key role in a transition to a green economy. From 2022 on, the “Guidelines on State aid for climate, environmental protection and energy” (CEEAG) will apply. They are of enormous practical importance, as green aid now accounts for over 50 percent of total state aid in the EU.

Green aid is highly complex. Gleiss Lutz advises extensively on the legal structuring of possibilities for obtaining aid: Drawing from the numerous subsidy programmes available, we put together a package that makes the most of funding levels and is tailored to the business case needs of our client.

We also coordinate subsidy applications, grant awards and grant agreements with the national funding agencies and assist in application and approval procedures before the European Commission. Economic issues with which we are well acquainted also play a central role here.

It is not easy to gain a clear picture of the EU legal requirements. In addition to the “Guidelines on State aid for climate, environmental protection and energy” (CEEAG), a large number of state aid regulations, such as the “General Block Exemption Regulation” (GBER), are relevant. Thanks in particular to our office in Brussels, we have a network that has existed for many years as well as considerable know-how.

When companies face recovery claims, we represent them in administrative and court proceedings. Given the usual long duration of proceedings, we try to reach an amicable settlement wherever possible. Above all, we already provide support in advance by helping to set up an effective compliance management system.

Together with M&A lawyers, we advise on corporate transactions: If, for example, the company to be acquired is receiving state aid, there is a risk of “purchasing” state aid-related problems (e.g. recovery claims, but also the obligation to comply with state aid law requirements). As part of the due diligence process, we specifically also check for state aid problems and develop solutions to mitigate these risks, either in the form of contracts or by negotiating with the funding agencies.

#### CONTACT PERSON

**Dr. Ulrich Soltész**