


# Art. 2 (18) point c - undertaking in difficulty (insolvency)

1. **Page title:** Please insert the full Article reference (e.g. "Art. 1(4) a)") and a short title (e.g. "Deggendorf principle")
2. **Table:** Fill in **only the green** fields. Please respect the instructions (they are essential to optimise search).
3. **Questions:** Please create 1 question page per question
4. **Creation date:** fill in following the pattern **yyy.y.mm.dd** (e.g. 2017.03.17)
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Article	Article 2(18) point c
Key words	undertaking in difficulty, insolvency, group level
Member State	LU
Question	<p>An aid applicant belongs to a single economic entity, which is made up of several entities. Of those entities one entity is subject to an insolvency procedure (bankrupt).</p> <p>Does that mean that the aid applicant is no longer eligible? Or must the whole single economic entity be in an insolvency procedure for it to fulfill point c, paragraph 18, of article 2?</p>
Creation Date	2019.10.15
COMP Reply	<p><i>As indicated, among others, in the replies to eWIKI questions from BE (reply of 28 March 2018), BG (reply of 10 August 2017), HR (reply of 31 October 2016) and PL (reply of 27 April 2015), as a general rule, the assessment of the eligibility of the aid applicant under the GBER should be carried out both at the level of the legal entity applying for aid and at the level of the group to which such entity belongs.</i></p> <p><i>The insolvency of another entity belonging to that group will not affect the eligibility of the applicant, if it is demonstrated that (i) such insolvency does not affect the situation of the entire group in a way that the group must be considered as being in difficulty and (ii) that the insolvent entity will not benefit from the aid.</i></p> <p><i>Disclaimer: This reply does not represent a formal and definite position of the European Commission but is only an informal guidance provided by the services of DG Competition to facilitate the application of the GBER. It is therefore not binding and cannot create legal certainty or legitimate expectations.</i></p>
COMP Reply date	2021.05.31
COMP Responsible	<input checked="" type="checkbox"/> COMPethree ESTATE-AID-WIKI

<sup>1</sup> Article numbers & names

- Article 1 - Scope

- Article 2 - Definitions
- Article 3 - Conditions for exemption
- Article 4 - Notification thresholds
- Article 5 - Transparency of aid
- Article 6 - Incentive effect
- Article 7 - Aid intensity and eligible costs
- Article 8 - Cumulation
- Article 9 - Publication and information

<sup>2</sup> AT, BE, BG, HR, CY, CZ, DE, DK, EE, EFTA, EL, ES, FI, FR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK.