

**From:** [...] (COMP)  
**To:** [PIERGIOVANNI Michele \(CAB-VESTAGER\)](#); [JENSEN Anne Funch \(CAB-VESTAGER\)](#); [COLUCCI Anna \(COMP\)](#); [\[...\] \(COMP\)](#); [SMULDERS Ben \(COMP\)](#); [\[...\] \(COMP\)](#); [\[...\] \(COMP\)](#); [\[...\] \(COMP\)](#); [\[...\] \(COMP\)](#); [\[...\] \(COMP\)](#)  
**Subject:** Verband der Deutschen Chemischen Industrie on TCF 2.4  
**Date:** mercredi 23 novembre 2022 11:02:00

---

Dear all,

FYI, please see below a summary call with Verband der Deutschen Chemischen Industrie (VCI), 22.11.2022, 14 – 15h

Present: [...] (all VCI), [...] (Chemiepark Hoechst)  
COM: M. Piergiovanni, A. F. Jensen, [...]

VCI requested meeting to discuss TCF, section 2.4 and the German gas price brake. Three main points of interest: a) EBITDA requirement in TCF will prompt companies to make provisions on the advances, b) too much bureaucracy, c) too low aid ceilings.

VCI said that gas consumption in DE had fallen by 18% compared to early 2021, but gas prices increased much more compared to Japan and US.

The aim of the gas price brake was that value chains would remain intact. Example ammonia/fertiliser: side products CO<sub>2</sub> used as input for brewing.

TCF instead focuses on whether companies risks going out of the market, need aid to survive. However, even companies with little overall loss at level of undertaking would consider closing small production lines (and relocate), while this would be important input in value chain.

VCI argued that the EBITDA criterion would be like a claw-back and thus require companies to make provisions on advance payments unless they could exactly project that the Ebitda criterion would be satisfied ex post.

VCI inquired on solutions when aid ceiling was too low for company needs (i.e. large scale consumer); is there a European solution?

Asked about the historical consumption approach of the DE gas expert commission, VCI replied that this was pushed by academics, while industry would have preferred actual consumption.

COM thanked for feedback, noted the extensive consultation with MS, need to consider all MS' needs.

COM noted that recent amendment offered much simplification and more flexibility. Explained that needs test necessary for aid compatibility, but EBITDA was light criterion, other SA GL would ask for more complex analysis.

Considering value chains would be very complex and add bureaucracy, noted that the DE gas experts did not make that analysis either.

As regards a European solution to larger aid ceilings, COM said unclear at this stage and pointed to the recapitalisation provisions as one possibility.

---

[...]  
[...]

**European Commission**

DG Competition

[...] [...]

B-1049 Brussels

Tel: +32 2 29 [...]

Mobile: [...]