

Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union

[<sup>F1</sup>COMMISSION REGULATION (EC) No 794/2004  
of 21 April 2004

implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union]

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty<sup>(1)</sup>, and in particular Article 27 thereof,

After consulting the Advisory Committee on State Aid,

Whereas:

- (1) In order to facilitate the preparation of State aid notifications by Member States, and their assessment by the Commission, it is desirable to establish a compulsory notification form. That form should be as comprehensive as possible.
- (2) The standard notification form as well as the summary information sheet and the supplementary information sheets should cover all existing guidelines and frameworks in the state aid field. They should be subject to modification or replacement in accordance with the further development of those texts.
- (3) Provision should be made for a simplified system of notification for certain alterations to existing aid. Such simplified arrangements should only be accepted if the Commission has been regularly informed on the implementation of the existing aid concerned.
- (4) In the interests of legal certainty it is appropriate to make it clear that small increases of up to 20 % of the original budget of an aid scheme, in particular to take account of the effects of inflation, should not need to be notified to the Commission as they are unlikely to affect the Commission's original assessment of the compatibility of the scheme, provided that the other conditions of the aid scheme remain unchanged.
- (5) Article 21 of Regulation (EC) No 659/1999 requires Member States to submit annual reports to the Commission on all existing aid schemes or individual aid granted outside an approved aid scheme in respect of which no specific reporting obligations have been imposed in a conditional decision.
- (6) For the Commission to be able to discharge its responsibilities for the monitoring of aid, it needs to receive accurate information from Member States about the types and amounts of aid being granted by them under existing aid schemes. It is possible to simplify and improve the arrangements for the reporting of State aid to the Commission which are currently described in the joint procedure for reporting and notification under

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the EC Treaty and under the World Trade Organisation (WTO) Agreement set out in the Commission's letter to Member States of 2 August 1995. The part of that joint procedure relating to Member States reporting obligations for subsidy notifications under Article 25 of the WTO Agreement on Subsidies and Countervailing measures and under Article XVI of GATT 1994, adopted on 21 July 1995 is not covered by this Regulation.

- (7) The information required in the annual reports is intended to enable the Commission to monitor overall aid levels and to form a general view of the effects of different types of aid on competition. To this end, the Commission may also request Member States to provide, on an ad hoc basis, additional data for selected topics. The choice of subject matter should be discussed in advance with Member States.
- (8) The annual reporting exercise does not cover the information, which may be necessary in order to verify that particular aid measures respect Community law. The Commission should therefore retain the right to seek undertakings from Member States, or to attach to decisions conditions requiring the provision of additional information.
- (9) It should be specified that time-limits for the purposes of Regulation (EC) No 659/1999 should be calculated in accordance with Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits<sup>(2)</sup>, as supplemented by the specific rules set out in this Regulation. In particular, it is necessary to identify the events, which determine the starting point for time-limits applicable in State aid procedures. The rules set out in this Regulation should apply to pre-existing time-limits which will continue to run after the entry into force of this Regulation.
- (10) The purpose of recovery is to re-establish the situation existing before aid was unlawfully granted. To ensure equal treatment, the advantage should be measured objectively from the moment when the aid is available to the beneficiary undertaking, independently of the outcome of any commercial decisions subsequently made by that undertaking.
- (11) In accordance with general financial practice it is appropriate to fix the recovery interest rate as an annual percentage rate.
- (12) The volume and frequency of transactions between banks results in an interest rate that is consistently measurable and statistically significant, and should therefore form the basis of the recovery interest rate. The inter-bank swap rate should, however, be adjusted in order to reflect general levels of increased commercial risk outside the banking sector. On the basis of the information on inter-bank swap rates the Commission should establish a single recovery interest rate for each Member State. In the interest of legal certainty and equal treatment, it is appropriate to fix the precise method by which the interest rate should be calculated, and to provide for the publication of the recovery interest rate applicable at any given moment, as well as relevant previously applicable rates.
- (13) A State aid grant may be deemed to reduce a beneficiary undertaking's medium-term financing requirements. For these purposes, and in line with general financial practice,

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the medium-term may be defined as five years. The recovery interest rate should therefore correspond to an annual percentage rate fixed for five years.

- (14) Given the objective of restoring the situation existing before the aid was unlawfully granted, and in accordance with general financial practice, the recovery interest rate to be fixed by the Commission should be annually compounded. For the same reasons, the recovery interest rate applicable in the first year of the recovery period should be applied for the first five years of the recovery period, and the recovery interest rate applicable in the sixth year of the recovery period for the following five years.
- (15) This Regulation should apply to recovery decisions notified after the date of entry into force of this Regulation,

HAS ADOPTED THIS REGULATION:

**Textual Amendments**

- F1** Substituted by [Commission Regulation \(EU\) 2015/2282 of 27 November 2015 amending Regulation \(EC\) No 794/2004 as regards the notification forms and information sheets \(Text with EEA relevance\)](#).

## CHAPTER I

### SUBJECT MATTER AND SCOPE

#### *Article 1*

#### **Subject matter and scope**

1 This Regulation sets out detailed provisions concerning the form, content and other details of notifications and annual reports referred to in Regulation (EC) No 659/1999. It also sets out provisions for the calculation of time limits in all procedures concerning State aid and of the interest rate for the recovery of unlawful aid.

2 This Regulation shall apply to aid in all sectors.

## CHAPTER II

### NOTIFICATIONS

#### *Article 2*

#### **Notification forms**

Without prejudice to Member States' obligations to notify state aids in the coal sector under Commission Decision 2002/871/CE<sup>(5)</sup>, notifications of new aid pursuant to Article 2(1) of Regulation (EC) No 659/1999, other than those referred to in Article 4(2), shall be made on the notification form set out in Part I of Annex I to this Regulation.

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Supplementary information needed for the assessment of the measure in accordance with regulations, guidelines, frameworks and other texts applicable to State aid shall be provided on the supplementary information sheets set out in Part III of Annex I.

Whenever the relevant guidelines or frameworks are modified or replaced, the Commission shall adapt the corresponding forms and information sheets.

### *F2* Article 3

#### **Transmission of notifications**

1 The notification shall be transmitted to the Commission by means of the electronic validation carried out by the person designated by the Member State. Such validated notification shall be considered as sent by the Permanent Representative.

2 The Commission shall address its correspondence to the Permanent Representative of the Member State concerned, or to any other address designated by that Member State.

3 As from 1 July 2008, notifications shall be transmitted electronically via the web application State Aid Notification Interactive (SANI).

All correspondence in connection with a notification shall be transmitted electronically via the secured e-mail system Public Key Infrastructure (PKI).

4 In exceptional circumstances and upon the agreement of the Commission and the Member State concerned, an agreed communication channel other than those referred to in paragraph 3 may be used for submission of a notification or any correspondence in connection with a notification.

In the absence of such an agreement, any notification or correspondence in connection with a notification sent to the Commission by a Member State through a communication channel other than those referred to in paragraph 3 shall not be considered as submitted to the Commission.

5 Where the notification or correspondence in connection with a notification contains confidential information, the Member State concerned shall clearly identify such information and give reasons for its classification as confidential.

6 The Member States shall refer to the State aid identification number allocated to an aid scheme by the Commission in each grant of aid to a final beneficiary.

The first subparagraph shall not apply to aid granted through fiscal measures.]

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#### **Textual Amendments**

- F2** Substituted by [Commission Regulation \(EC\) No 271/2008 of 30 January 2008 amending Regulation \(EC\) No 794/2004 implementing Council Regulation \(EC\) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty.](#)

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## Article 4

### **Simplified notification procedure for certain alterations to existing aid**

1 For the purposes of Article 1(c) of Regulation (EC) No 659/1999, an alteration to existing aid shall mean any change, other than modifications of a purely formal or administrative nature which cannot affect the evaluation of the compatibility of the aid measure with the common market. However an increase in the original budget of an existing aid scheme by up to 20 % shall not be considered an alteration to existing aid.

2 The following alterations to existing aid shall be notified on the simplified notification form set out in Annex II:

- a increases in the budget of an authorised aid scheme exceeding 20 %;
- b prolongation of an existing authorised aid scheme by up to six years, with or without an increase in the budget;
- c tightening of the criteria for the application of an authorised aid scheme, a reduction of aid intensity or a reduction of eligible expenses;

The Commission shall use its best endeavours to take a decision on any aid notified on the simplified notification form within a period of one month.

3 The simplified notification procedure shall not be used to notify alterations to aid schemes in respect of which Member States have not submitted annual reports in accordance with Article 5, 6, and 7, unless the annual reports for the years in which the aid has been granted are submitted at the same time as the notification.

## CHAPTER III

### **ANNUAL REPORTS**

## Article 5

### **Form and content of annual reports**

1 Without prejudice to the second and third subparagraphs of this Article and to any additional specific reporting requirements laid down in a conditional decision adopted pursuant to Article 7(4) of Regulation (EC) No 659/1999, or to the observance of any undertakings provided by the Member State concerned in connection with a decision to approve aid, Member States shall compile the annual reports on existing aid schemes referred to in Article 21(1) of Regulation (EC) No 659/1999 in respect of each whole or part calendar year during which the scheme applies in accordance with the standardised reporting format set out in Annex IIIA.

Annex IIIB sets out the format for annual reports on existing aid schemes relating to the production, processing and marketing of agricultural products listed in Annex I of the Treaty.

Annex IIIC sets out the format for annual reports on existing aid schemes for state aid relating to the production, processing or marketing of fisheries products listed in Annex I of the Treaty.

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2 The Commission may ask Member States to provide additional data for selected topics, to be discussed in advance with Member States.

#### *Article 6*

### **Transmission and publication of annual reports**

1 Each Member State shall transmit its annual reports to the Commission in electronic form no later than 30 June of the year following the year to which the report relates.

In justified cases Member States may submit estimates, provided that the actual figures are transmitted at the very latest with the following year's data.

2 Each year the Commission shall publish a State aid synopsis containing a synthesis of the information contained in the annual reports submitted during the previous year.

#### *Article 7*

### **Status of annual reports**

The transmission of annual reports shall not be considered to constitute compliance with the obligation to notify aid measures before they are put into effect pursuant to Article 88(3) of the Treaty, nor shall such transmission in any way prejudice the outcome of an investigation into allegedly unlawful aid in accordance with the procedure laid down in Chapter III of Regulation (EC) No 659/1999.

## CHAPTER IV

### **TIME-LIMITS**

#### *Article 8*

### **Calculation of time-limits**

[<sup>F31</sup> Time-limits provided for in Regulation (EC) No 659/1999 and in this Regulation or fixed by the Commission pursuant to Article 108 of the Treaty shall be calculated in accordance with Regulation (EEC, Euratom) No 1182/71, and the specific rules set out in paragraphs 2 to 5b of this Article. In case of conflict, the provisions of this Regulation shall prevail.]

2 Time limits shall be specified in months or in working days.

[<sup>F23</sup> With regard to timelimits for action by the Commission, the receipt of the notification or subsequent correspondence in accordance with Article 3(1) and Article 3(3) of this Regulation shall be the relevant event for the purpose of Article 3(1) of Regulation (EEC, Euratom) No 1182/71.]

4 With regard to timelimits for action by Member States, the receipt of the relevant notification or correspondence from the Commission in accordance with Article 3(2) of this Regulation shall be the relevant event for the purposes of Article 3(1) of Regulation (EEC, Euratom) No 1182/71.]

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5 With regard to the time-limit for the submission of comments following initiation of the formal investigation procedure referred to in Art. 6(1) of Regulation (EC) No 659/1999 by third parties and those Member States which are not directly concerned by the procedure, the publication of the notice of initiation in the *Official Journal of the European Union* shall be the relevant event for the purposes of Article 3(1) of Regulation (EEC, Euratom) No 1182/71.

[<sup>F4</sup>5a With regard to the time-limit for the submission of the information requested from third parties pursuant to Article 6a(6) of Regulation (EC) No 659/1999, the receipt of the request for information shall be the relevant event for the purposes of Article 3(1) of Regulation (EEC, Euratom) No 1182/71.

5b With regard to the time-limit for the submission of the information requested from third parties pursuant to Article 6a(7) of Regulation (EC) No 659/1999, the notification of the decision shall be the relevant event for the purposes of Article 3(1) of Regulation (EEC, Euratom) No 1182/71.]

6 Any request for the extension of a time-limit shall be duly substantiated, and shall be submitted in writing to the address designated by the party fixing the time-limit at least two working days before expiry.

#### Textual Amendments

- F2** Substituted by [Commission Regulation \(EC\) No 271/2008 of 30 January 2008 amending Regulation \(EC\) No 794/2004 implementing Council Regulation \(EC\) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty.](#)
- F3** Substituted by [Commission Regulation \(EU\) No 372/2014 of 9 April 2014 amending Regulation \(EC\) No 794/2004 as regards the calculation of certain time limits, the handling of complaints, and the identification and protection of confidential information \(Text with EEA relevance\).](#)
- F4** Inserted by [Commission Regulation \(EU\) No 372/2014 of 9 April 2014 amending Regulation \(EC\) No 794/2004 as regards the calculation of certain time limits, the handling of complaints, and the identification and protection of confidential information \(Text with EEA relevance\).](#)

## CHAPTER V

### INTEREST RATE FOR THE RECOVERY OF UNLAWFUL AID

#### [<sup>F2</sup>Article 9

##### Method for fixing the interest rate

1 Unless otherwise provided for in a specific decision, the interest rate to be used for recovering State aid granted in breach of Article 88(3) of the Treaty shall be an annual percentage rate which is fixed by the Commission in advance of each calendar year.

2 The interest rate shall be calculated by adding 100 basis points to the one-year money market rate. Where those rates are not available, the three-month money market rate will be used, or in the absence thereof, the yield on State bonds will be used.

3 In the absence of reliable money market or yield on stock bonds or equivalent data or in exceptional circumstances the Commission may, in close co-operation with the Member State(s) concerned, fix a recovery rate on the basis of a different method and on the basis of the information available to it.

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4 The recovery rate will be revised once a year. The base rate will be calculated on the basis of the one-year money market recorded in September, October and November of the year in question. The rate thus calculated will apply throughout the following year.

5 In addition, to take account of significant and sudden variations, an update will be made each time the average rate, calculated over the three previous months, deviates more than 15 % from the rate in force. This new rate will enter into force on the first day of the second month following the months used for the calculation.]

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#### **Textual Amendments**

- F2** Substituted by [Commission Regulation \(EC\) No 271/2008 of 30 January 2008 amending Regulation \(EC\) No 794/2004 implementing Council Regulation \(EC\) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty.](#)

#### *Article 10*

#### **Publication**

The Commission shall publish current and relevant historical State aid recovery interest rates in the *Official Journal of the European Union* and for information on the Internet.

#### *Article 11*

#### **Method for applying interest**

1 The interest rate to be applied shall be the rate applicable on the date on which unlawful aid was first put at the disposal of the beneficiary.

2 The interest rate shall be applied on a compound basis until the date of the recovery of the aid. The interest accruing in the previous year shall be subject to interest in each subsequent year.

[<sup>F23</sup> The interest rate referred to in paragraph 1 shall be applied throughout the whole period until the date of recovery. However, if more than one year has elapsed between the date on which the unlawful aid was first put at the disposal of the beneficiary and the date of the recovery of the aid, the interest rate shall be recalculated at yearly intervals, taking as a basis the rate in force at the time of recalculation.]

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#### **Textual Amendments**

- F2** Substituted by [Commission Regulation \(EC\) No 271/2008 of 30 January 2008 amending Regulation \(EC\) No 794/2004 implementing Council Regulation \(EC\) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty.](#)



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## [<sup>F4</sup>CHAPTER Va

### HANDLING OF COMPLAINTS

#### *Article 11a*

##### **Admissibility of complaints**

1 Any person submitting a complaint pursuant to Articles 10(1) and 20(2) of Regulation (EC) No 659/1999 shall demonstrate that it is an interested party within the meaning of Article 1(h) of that Regulation.

2 Interested parties shall duly complete the form set out in Annex IV and provide all the mandatory information requested therein. On a reasoned request by an interested party, the Commission may dispense with the obligation to provide some of the information required by the form.

3 Complaints shall be submitted in one of the official languages of the Union.

## CHAPTER Vb

### IDENTIFICATION AND PROTECTION OF CONFIDENTIAL INFORMATION

#### *Article 11b*

##### **Protection of business secrets and other confidential information**

Any person submitting information pursuant to Regulation (EC) No 659/1999 shall clearly indicate which information it considers to be confidential, stating the reasons for such confidentiality, and provide the Commission with a separate non-confidential version of the submission. When information must be provided by a certain deadline, the same deadline shall apply for providing the non-confidential version.]

## CHAPTER VI

### FINAL PROVISIONS

#### *Article 12*

##### **Review**

The Commission shall in consultation with the Member States, review the application of this Regulation within four years after its entry into force.

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### Article 13

#### **Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Chapter II shall apply only to those notifications transmitted to the Commission more than five months after the entry into force of this Regulation.

Chapter III shall apply to annual reports covering aid granted from 1 January 2003 onwards.

Chapter IV shall apply to any time limit, which has been fixed but which has not yet expired on the date of entry into force of this Regulation.

Articles 9 and 11 shall apply in relation to any recovery decision notified after the date of entry into force of this Regulation.

This Regulation shall be binding in its entirety and be directly applicable in all Member States.

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## ANNEX I

### STANDARD FORM FOR NOTIFICATION OF STATE AIDS PURSUANT TO ARTICLE 88 (3) EC TREATY AND FOR THE PROVISION OF INFORMATION ON UNLAWFUL AID

This form shall be used by Member States for the notification pursuant to Article 88(3) EC Treaty of new aid schemes and individual aid. It shall also be used when a non-aid measure is notified to the Commission for reasons of legal certainty.

Member States are also requested to use this form when the Commission requests comprehensive information on alleged unlawful aid.

The present form consists of three parts:

- I. **General Information:** to be completed in all cases
- II. **Summary Information for publication in the Official Journal**
- III. **Supplementary Information Sheet depending on the type of aid**

Please note that failure to complete this form correctly may result in the notification being returned as incomplete. The completed form shall be transmitted on paper to the Commission by the Permanent Representative of the Member State concerned. It shall be addressed to the Secretary General of the Commission.

If the Member State intends to avail itself of a specific procedure laid down in any regulations, guidelines, frameworks and other texts applicable to State aid, a copy of the notification shall be as well addressed to the Director General of the Commission department responsible.

## [<sup>F1</sup>PART I

### GENERAL INFORMATION

#### 1. Status of the notification

Does the information transmitted on this form concern:

- (a)  a pre-notification? If so, you may not need to complete the entire form at this stage but to agree with the Commission services which information is required for a preliminary assessment of the proposed measure.
- (b)  a notification pursuant to Article 108(3) of the Treaty on the Functioning of the European Union (TFEU)?
- (c)  a simplified notification under Article 4(2) of Regulation (EC) No 794/2004<sup>(4)</sup>? If so, please complete only the Simplified Notification Form in Annex II.
- (d)  a measure which does not constitute State aid within the meaning of Article 107(1) TFEU but is notified to the Commission for reasons of legal certainty?

If you have selected point (d) above, please indicate below why the notifying Member State considers that the measure does not constitute State aid within the meaning of Article 107(1) TFEU. Please provide a full assessment of the measure in light of each of following four criteria, stressing in particular the criteria that you consider not to be met in the planned measure:

Does the notified measure imply a transfer of public resources or is it imputable to the State?

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Does the notified measure confer an advantage upon undertakings?

Is the measure discretionary, available only to a limited number of undertakings, in a limited number of sectors of the economy or does it entail any territorial restrictions?

Does the measure affect competition on the internal market or threaten to distort intra-Union trade?

## 2. Identification of the aid grantor

Member State concerned:

Region(s) of the Member State concerned (at NUTS level 2); include information on their regional aid status:

Contact person(s):

Name:

Address:

Phone(s):

E-mail(s):

Please indicate the name, the address (including web address) and the e-mail contact of the granting authority:

Name:

Address:

Web address:

E-mail:

Contact person at the Permanent Representation

Name:

Phone(s):

E-mail:

If you would like a copy of the official correspondence sent by the Commission to the Member State to be forwarded to other national authorities, please indicate here their name, address (including their web address) and e-mail contact:

Name:

Address:

Web address:

E-mail:

## 3. Beneficiaries

3.1. Location of the beneficiary(ies)

(a)  in (an) unassisted region(s):

(b)  in region(s) eligible for assistance under Article 107(3)(a) TFEU (specify the region(s) at NUTS level 2):

(c)  in region(s) eligible for assistance under Article 107(3)(c) TFEU (specify the region(s) at NUTS level 3 or lower):

3.2. If applicable, location of the project(s)

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- (a)  in (an) unassisted region(s):
- (b)  in region(s) eligible for assistance under Article 107(3)(a) TFEU (specify the region(s) at NUTS level 2):
- (c)  in region(s) eligible for assistance under Article 107(3)(c) TFEU (specify the region(s) at NUTS level 3 or lower):
- 3.3. Sector(s) affected by the aid measure (i.e. in which the aid beneficiaries are active):
- (a)  Open to all sectors
- (b)  Sector specific. If so, please specify the sector(s) at NACE group level<sup>(6)</sup>:
- 3.4. In the case of an aid scheme, please specify:
- 3.4.1. Type of beneficiaries:
- (a)  large enterprises
- (b)  small and medium-sized enterprises (SMEs)
- (c)  medium-sized enterprises
- (d)  small enterprises
- (e)  micro enterprises
- 3.4.2. Estimated number of beneficiaries:
- (a)  under 10
- (b)  from 11 to 50
- (c)  from 51 to 100
- (d)  from 101 to 500
- (e)  from 501 to 1 000
- (f)  over 1 000
- 3.5. In the case of individual aid, either granted within the scope of a scheme or as ad hoc aid, please specify:
- 3.5.1. Name of the beneficiary(ies):
- 3.5.2. Type of beneficiary(ies):
- SME
- Number of employees:
- Annual turnover (full amount in national currency, in the last financial year):
- Annual balance-sheet total (full amount in national currency, in the last financial year):
- Existence of linked enterprise or partner enterprises (please attach a declaration according to Article 3(5) of the Commission Recommendation on SMEs<sup>(6)</sup> attesting to either the autonomous, linked or partner status of the beneficiary undertaking<sup>(7)</sup>):
- Large enterprise

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3.6. Is the beneficiary(ies) an undertaking in difficulty<sup>(8)</sup>?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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3.7. Outstanding recovery orders

3.7.1. In the case of individual aid:

The authorities of the Member State commit to suspend the award and/or payment of the notified aid if the beneficiary still has at its disposal earlier unlawful aid that was declared incompatible by a Commission Decision (either as individual aid or aid under an aid scheme being declared incompatible), until that beneficiary has reimbursed or paid into a blocked account the total amount of unlawful and incompatible aid and the corresponding recovery interest.

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Please provide the reference to the national legal basis concerning this point:

3.7.2. In the case of aid schemes:

The authorities of the Member State commit to suspend the award and/or payment of any aid under the notified aid scheme to any undertaking that has benefited from earlier unlawful aid declared incompatible by a Commission Decision (either as an individual aid or an aid under an aid scheme being declared incompatible), until that undertaking has reimbursed or paid into a blocked account the total amount of unlawful and incompatible aid and the corresponding recovery interest.

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Please provide the reference to the national legal basis concerning this point:

4. **National Legal Basis**

4.1. Please provide the national legal basis of the aid measure including the implementing provisions and their respective sources:

National legal basis:

Implementing provisions (where applicable):

References (where applicable):

4.2. Please enclose with this notification one of the following:

- (a)  a copy of the relevant extracts of the final text(s) of the legal basis (together with a web address which provides direct access to it, if available)
- (b)  a copy of the relevant extracts of the draft text(s) of the legal basis (together with a web address which provides direct access, if available)

4.3. In case of a final text, does the final text contain a stand-still clause whereby the aid granting body can only grant the aid after the Commission has authorised the aid?

Yes

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- No: has a provision been included to that effect in the draft text?
  - Yes
  - No: please explain why such a provision was not included in the text of the legal basis.
- 4.4. Where the text of the legal basis contains a stand-still clause, please indicate whether the date of granting of the aid will be:
  - the date of the approval by the Commission
  - the date of the commitment of the national authorities to grant the aid, subject to the approval of the Commission
- 5. **Identification of the Aid, Objective and Duration**
- 5.1. Title of the aid measure (or name of the beneficiary of the individual aid)
- 5.2. Brief description of the objective of the aid
- 5.3. Does the measure concern the national co-financing of an European Fund for Strategic investment (EFSI)<sup>(9)</sup> project?
  - No
  - Yes: please attach the European Investment Bank application form to the notification form
- 5.4. Type of aid
- 5.4.1. Does the notification relate to an aid scheme?
  - No
  - Yes: Does the scheme amend an existing aid scheme?
    - No
    - Yes: Are the conditions laid down for the simplified notification procedure pursuant to Article 4(2) of Regulation (EC) No 794/2004 fulfilled?
      - Yes: Please use and complete the Simplified Notification Form (see Annex II).
      - No: Continue with this form, and specify whether the original scheme which is being amended was notified to the Commission
        - Yes: please specify:  
Aid number<sup>(10)</sup>: ...  
Date of Commission approval (reference of the letter of the Commission) if relevant or exemption number: .../  
.../...;  
Duration of the original scheme: ...  
Please specify which conditions are being amended in relation to the original scheme and why:

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- No: please specify when the scheme was implemented:

5.4.2. Does the notification relate to individual aid<sup>(11)</sup>?

No

Yes: please indicate whether:

- the aid is based on an approved/block-exempted scheme which should be individually notified. Please provide the reference to the approved scheme or to the exempted scheme:

Title:

Aid number<sup>(10)</sup>:...

Letter of Commission approval (where applicable):

- individual aid is not based on a scheme

5.4.3. Does the system of financing form an integral part of the aid measure (for example, by applying parafiscal levies in order to raise the necessary funds to allow for the aid to be granted)?

No

Yes: if yes, the system of financing should be notified as well.

5.5. Duration

Scheme

Indicate the planned last date until which individual aid may be granted under the scheme. If the duration exceeds 6 years please indicate why a longer period is indispensable to achieve the objectives of the aid scheme.

Individual aid

Indicate the planned date when the aid will be granted<sup>(12)</sup>:

If the aid will be paid out in instalments, indicate the planned date(s) of each instalment

## 6. Compatibility of the aid

**Common assessment principles** (Sub-sections 6.2 to 6.7 do not apply to aid to the agriculture, fishery and aquaculture sectors<sup>(13)</sup>)

6.1. Please indicate the primary objective and, where applicable, the secondary objective(s), of common interest to which the aid contributes:

	Primary objective( <i>please tick only one</i> )	Secondary objective <sup>a</sup>
<b>Agriculture; Forestry; Rural areas</b>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>a</sup> A secondary objective is one for which, in addition to the primary objective, the aid will be exclusively earmarked. For example, a scheme for which the primary objective is research and development may have as a secondary objective small and medium-sized enterprises (SMEs) if the aid is earmarked exclusively for SMEs. The secondary objective may also be sectorial, in the case for example of a research and development scheme in the steel sector.



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<b>Broadband infrastructures</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Closure aid</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Compensation of damage caused by natural disasters or exceptional occurrences</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Culture</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Aid or disadvantaged workers and/or workers with disabilities</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Energy infrastructures</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Energy efficiency</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Environmental protection</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Execution of an important project of common European interest</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Fisheries and aquaculture</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Heritage conservation</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Promotion of export and internationalisation</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Regional development (including territorial cooperation)</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Remedy for a serious disturbance in the economy</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Renewable energy</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Rescuing undertakings in difficulty</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Research, development and innovation</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Restructuring undertakings in difficulty</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Risk finance</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sectorial development</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Services of general economic interest (SGEI)</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SMEs</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Social support to individual consumers</b>	<input type="checkbox"/>	<input type="checkbox"/>

- a A secondary objective is one for which, in addition to the primary objective, the aid will be exclusively earmarked. For example, a scheme for which the primary objective is research and development may have as a secondary objective small and medium-sized enterprises (SMEs) if the aid is earmarked exclusively for SMEs. The secondary objective may also be sectorial, in the case for example of a research and development scheme in the steel sector.

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<b>Sport and multifunctional recreational infrastructures</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Training</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Airport infrastructure or equipment</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Airport operation</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Start-up aid to airlines for the development of new routes</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Coordination of transport</b>	<input type="checkbox"/>	<input type="checkbox"/>

- a** A secondary objective is one for which, in addition to the primary objective, the aid will be exclusively earmarked. For example, a scheme for which the primary objective is research and development may have as a secondary objective small and medium-sized enterprises (SMEs) if the aid is earmarked exclusively for SMEs. The secondary objective may also be sectorial, in the case for example of a research and development scheme in the steel sector.

- 6.2. Please explain the need for State intervention. Please note that the aid must be targeted towards a situation where it can bring about a material improvement which cannot be delivered by the market itself, by remedying a well-defined market failure.
- 6.3. Please indicate why the aid is an appropriate instrument to address the objective of common interest as defined in point 6.1. Please note that the aid will not be considered compatible if less distortive measures make it possible to achieve the same positive contribution.
- 6.4. Please indicate whether the aid has an incentive effect (that is, when the aid changes the behaviour of an undertaking leading it to engage in additional activity which it would not have engaged in without the aid or would only have engaged in such activity in a restricted or different manner).

yes

no

Please indicate whether activities which started before the submission of an application for aid are eligible.

yes

no

If they are eligible, please explain how the incentive effect requirement is complied with.

- 6.5. Please indicate why the aid granted is proportionate insofar as it amounts to the minimum needed to induce investment or activity.
- 6.6. Please indicate the possible negative effects of the aid on competition and trade and specify the extent to which they are outweighed by the positive effects.
- 6.7. In accordance with the Transparency Communication<sup>(14)</sup>, please indicate whether the following information will be published on a single national or regional website: the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions, or a link to it; the identity of the granting authority/(ies); the identity of the individual beneficiary(ies), the aid instrument<sup>(15)</sup> and amount of aid granted to each beneficiary(ies); the objective of the aid, the date of granting, the type

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of undertaking (for example SME, large company); the Commission's aid measure reference number; the region where the beneficiary is located (at NUTS level 2) and the principal economic sector of the beneficiary(ies) (at NACE group level)<sup>(16)</sup>.

<input type="checkbox"/> yes	<input type="checkbox"/> no
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6.7.1. Please provide the address(es) of the website(s) on which the information will be made available:

6.7.2. If applicable, please provide the address(es) of the central website retrieving information from the regional website(s):

6.7.3. If the address(es) of the website referred to in point 6.7.2 are not known at the time of the submission of the notification, the Member State must undertake to inform the Commission once those websites are created and the addresses are known.

**7. Aid instrument, Aid amount, Aid intensity and Means of funding**

7.1. Aid instrument and aid amount

Specify the form of the aid and the aid amount<sup>(17)</sup> made available to the beneficiary(ies) (where appropriate, for each measure):

Aid instrument	Aid amount or budget allocation <sup>a</sup>	
	Overall	Annual
<input type="checkbox"/> <b>Grants (or similar in effect)</b> (a) <input type="checkbox"/> Direct grant (b) <input type="checkbox"/> Interest rate subsidy (c) <input type="checkbox"/> Debt write-off		
<input type="checkbox"/> <b>Loans (or similar in effect)</b> (a) <input type="checkbox"/> Soft loan (including details of how the loan is secured and its duration) (b) <input type="checkbox"/> Repayable advances (c) <input type="checkbox"/> Tax deferral		
<input type="checkbox"/> <b>Guarantee</b> Where appropriate, provide a reference to the Commission decision approving the methodology to calculate the gross grant equivalent and information on the loan or other financial transaction covered by the guarantee,		

<sup>a</sup> For information on aid amounts or budget at any chapter of this form and supplementary forms, give the full amount in national currency.

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the security required and the premium to be paid, the duration, etc.		
<input type="checkbox"/> Any form of <b>equity or quasi-equity</b> intervention		
<input type="checkbox"/> <b>Tax advantage or tax exemption</b> <input type="checkbox"/> (a) Tax allowance <input type="checkbox"/> (b) Tax base reduction <input type="checkbox"/> (c) Tax rate reduction <input type="checkbox"/> (d) Reduction of social security contributions <input type="checkbox"/> (e) Other (please specify) ...		
<input type="checkbox"/> <b>Other</b> (please specify) ..... Please indicate the instruments to which it would broadly match as regards its effect .....		
<p><b>a</b> For information on aid amounts or budget at any chapter of this form and supplementary forms, give the full amount in national currency.</p>		

For guarantees, please indicate the maximum amount of loans guaranteed:

For loans, please indicate the maximum (nominal) amount of the loan granted:

#### 7.2. Description of the aid instrument

For each aid instrument chosen from the list in point 7.1, please describe the conditions of application of the aid (such as the tax treatment, whether the aid is awarded automatically based on certain objective criteria or whether there is an element of discretion by the awarding authorities):

#### 7.3. Source of funding

##### 7.3.1. Specify the financing of the aid:

- (a)  General budget of the State/region/local
- (b)  Through parafiscal charges or taxes affected to a beneficiary. Please provide full details of the charges and the products/activities on which they are levied (specify in particular whether products imported from other Member States are liable to the charges). If applicable, please annex a copy of the legal basis of the financing.
- (c)  Accumulated reserves

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(d)  Public enterprises

(e)  Structural fund co-financing

(f)  Other (please specify)

7.3.2. Is the budget adopted annually?

Yes

No. Please specify what period it covers:

7.3.3. If the notification concerns changes to an existing scheme, please indicate the budgetary effects for each of the aid instruments of the notified changes to the scheme on the:

Overall budget

Annual budget<sup>(18)</sup>

7.4. Cumulation

Can the aid be cumulated with aid or *de minimis* aid<sup>(19)</sup> received from other local, regional or national aid<sup>(20)</sup> to cover the same eligible costs?

Yes. If available, please provide the name, purpose and objective of the aid

Please explain the mechanisms put in place in order to insure that the cumulation rules are respected:

No

## 8. Evaluation

8.1. Is the scheme considered for evaluation<sup>(21)</sup>?

No

If the scheme is not considered for evaluation, please explain why you consider the criteria for evaluation not to be fulfilled.

Yes

According to which criteria is the scheme considered for *ex post* evaluation:

(a)  A scheme with large aid budget;

(b)  A scheme containing novel characteristics;

(c)  A scheme where significant market, technology or regulatory changes can be foreseen;

(d)  A scheme that you plan for evaluation even if the other criteria referred to in this point do not apply.

If any of the criteria referred to in this point are fulfilled, please indicate the period of evaluation and complete the supplementary information sheet for the notification of an evaluation plan in Annex 1, Part III.8<sup>(22)</sup>.

8.2. Please indicate whether any *ex-post* evaluation has already been carried out for a similar scheme (where relevant, with a reference and a link to any relevant websites)

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## 9. Reporting and Monitoring

In order to enable the Commission to monitor the aid scheme and individual aid, the notifying Member State undertakes to:

- Annually submit to the Commission the reports provided for by Article 26 of Council Regulation (EU) 2015/1589<sup>(23)</sup>.
- Maintain for at least 10 years from the date of award of the aid (individual aid and aid granted under the scheme) detailed records containing the information and supporting documentation necessary to establish that all compatibility conditions are met, and provide them, on a written request, to the Commission within a period of 20 working days or such longer period as may be fixed in the request.

For fiscal aid schemes:

- In case of schemes under which fiscal aid is granted automatically based on tax declarations of the beneficiaries, and where there is no *ex ante* control that all compatibility conditions are met for each beneficiary, the Member State undertakes to put in place an appropriate control mechanism, by which it regularly verifies (for example once per fiscal year), at least *ex post* and on a sample basis, that all compatibility conditions are met, and to impose sanctions in case of fraud. In order to enable the Commission to monitor fiscal aid schemes, the notifying Member State undertakes to maintain detailed records of the controls for at least 10 years from the date of the controls, and provide them, on a written request, to the Commission within a period of 20 working days or such longer period as may be fixed in the request.

## 10. Confidentiality

Does the notification contain confidential information<sup>(24)</sup> which should not be disclosed to third parties?

- Yes. Please indicate which of the form are confidential and provide reasons for confidentiality.
- No

## 11. Other Information

Where applicable, please indicate any other information relevant for the assessment of the aid.

## 12. Attachments

Please list all documents which are attached to the notification and provide paper copies or internet addresses which allow access to the documents concerned.

## 13. Declaration

I certify that to the best of my knowledge the information provided on this form, annexes and attachments is accurate and complete.

Date and place of signature

Signature:

Name and position of person signing

## 14. Supplementary Information Sheet

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- 14.1. Based on the information submitted in the general information form, please select the applicable supplementary information sheet to be completed:
- (a)  Supplementary information sheets on regional aid
    - 1.  investment aid
    - 2.  operating aid
    - 3.  individual aid
  - (b)  Supplementary information sheet on research, development and innovation aid
  - (c)  Supplementary information sheets on aid for restructuring and rescuing undertakings in difficulty
    - 1.  rescue aid
    - 2.  restructuring aid
    - 3.  aid schemes
  - (d)  Supplementary information sheet on audiovisual production aid
  - (e)  Supplementary information sheet on aid for broadband aid
  - (f)  Supplementary information sheet on environment and energy aid
  - (g)  Supplementary information sheet on risk finance aid
  - (h)  Supplementary information sheet on aid to the transport sector:
    - 1.  investment aid to airports
    - 2.  operating aid to airports
    - 3.  start-up aid to airlines
    - 4.  aid of a social character under Article 107(2)(a) TFEU
    - 5.  aid for maritime transport
  - (i)  Supplementary information sheet for the notification of an evaluation plan
  - (j)  Supplementary information sheets on aid in the agriculture and forestry sectors and in rural areas
  - (k)  Supplementary information sheet on aid to the fishery and aquaculture sector
- 14.2. For aid which is not covered by any supplementary information sheet, please select the relevant provision of the TFEU, guideline or another text applicable to State aid:
- (a)  Short term export credit<sup>(25)</sup>
  - (b)  Emissions Trading Systems<sup>(26)</sup>
  - (c)  Banking Communication<sup>(27)</sup>
  - (d)  Communication on important projects of common European interest<sup>(28)</sup>
  - (e)  Services of General Economic Interest (Article 106(2) TFEU)<sup>(29)</sup>

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- (f)  Article 93 TFEU
- (g)  Article 107(2)(a) TFEU
- (h)  Article 107(2)(b) TFEU
- (i)  Article 107(3)(a) TFEU
- (j)  Article 107(3)(b) TFEU
- (k)  Article 107(3)(c) TFEU
- (l)  Article 107(3)(d) TFEU
- (m)  Other(s), please specify

Please provide a justification for the compatibility of the aid falling in the categories selected in this point:

*For practical reasons, it is recommended to number the documents provided as annexes and to refer to those document numbers in the relevant sections of the supplementary information sheets.]*

[<sup>F5</sup>]

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**Textual Amendments**

- F5** Deleted by Commission Regulation (EC) No 271/2008 of 30 January 2008 amending Regulation (EC) No 794/2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty.



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## SUPPLEMENTARY INFORMATION SHEETS

To be completed as necessary depending on the type of aid concerned:

1. SME aid
2. Training aid
3. Employment aid
4. Regional aid
5. Aid coming under the multisectoral framework
6. Research and development aid
  - a) in the case of a scheme
  - b) in the case of individual aid
7. Aid for rescuing firms in difficulty
  - a) in the case of a scheme
  - b) in the case of individual aid
8. Aid for restructuring firms in difficulty
  - a) in the case of a scheme
  - b) in the case of individual aid
9. Aid for audio-visual production
10. Environmental protection aid
11. Risk capital aid
12. Aid in the agricultural sector
  - a) Aid for agriculture
    - i. Aid for investment in agricultural holdings
    - ii. Aid for investments in connection with the processing and marketing of agricultural products
  - b) Agri-environmental aid
  - c) Aid to compensate for handicaps in the less favoured areas
  - d) Aid for the setting up of young farmers
  - e) Aid for early retirement or for the cessation of farming activities
  - f) Aid for closing production, processing and marketing capacity
  - g) Aid for producer groups
  - h) Aid to compensate for damage to agricultural production or the means of agricultural production
  - i) Aid for land reparation
  - j) Aid for the production and marketing of quality agricultural products
  - k) Aid for the provision of technical support in the agricultural sector
  - l) Aid for the livestock sector
  - m) Aid for the outermost regions and the Aegean Islands
  - n) Aid in the form of subsidised short-term loans
  - o) Aid for the promotion and advertising of agricultural and certain non-agricultural products
  - p) Aid for rescue and restructuring firms in difficulty
  - q) Aid for TSE tests; fallen stock and slaughterhouse waste
13. Aid in the transport sector
  - a) Individual aid for restructuring firms in difficulty in the aviation sector
  - b) Aid for transport infrastructure
  - c) Aid for maritime transport
  - d) Aid for combined transport
- <sup>(1)</sup>14. Aid to the fisheries sector ◀

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## [<sup>F1</sup>PART III

### SUPPLEMENTARY INFORMATION SHEETS

#### PART III.1.A

#### Supplementary Information Sheet on individual regional investment aid

*This supplementary information sheet must be used for the notification of any individual investment aid covered by the Guidelines on regional State aid 2014-2020<sup>(30)</sup> (the 'RAG'). Where several beneficiaries are involved in an individual aid measure, the relevant information must be provided for each of them.*

#### 1. Scope

##### 1.1. Reasons for notifying the measure:

- a)  The notification relates to individual aid granted under a scheme and the aid from all sources exceeds the notification threshold. Please provide State aid references of the approved or block-exempted aid schemes concerned.
- b)  The notification relates to individual aid granted outside a scheme (ad hoc aid).
- c)  The notification relates to aid granted to a beneficiary that has closed down the same or similar activity<sup>(31)</sup> in the EEA two years preceding the date of applying for aid or at the moment when submitting the aid application the beneficiary has the intention of closing down such an activity within a period of two years after the investment to be subsidised is completed.
- d)  The notification relates to an investment by a large undertaking to diversify an existing establishment in a 'c' area into new products and/or new process innovation.
- e)  Other. Please explain:

##### 1.2. Scope of the notified aid measure

##### 1.2.1. Please confirm that the beneficiary is not an undertaking in difficulty<sup>(32)</sup>

##### 1.2.2. If the measure covers investment aid to broadband networks, please explain how the aid granting authority will ensure that the following conditions are complied with and provide the reference to the relevant provisions in the legal basis and/or supporting documents:

- aid is granted only to areas where there is no network of the same category (either basic broadband or next generation access networks) and where none is likely to be developed in the near future
- the subsidised network operator offers active and passive wholesale access under fair and non-discriminatory conditions with the possibility of effective and full unbundling
- aid was or will be allocated on the basis of a competitive selection process in accordance with paragraphs 78(c) and (d) of the EU Guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks<sup>(33)</sup>.

##### 1.2.3. If the measure covers aid to research infrastructures<sup>(34)</sup>, please confirm that the aid is conditional on giving transparent and non-discriminatory access to this infrastructure

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and provide supporting documents to that effect and/or provide reference(s) to the relevant parts of the legal basis (paragraph 13 RAG).

1.2.4. Please provide a copy of the application form and the (draft) aid granting agreement.

**2. Additional information on the beneficiary, investment project and aid**

2.1. Beneficiary

2.1.1. Identity of aid recipient(s):

2.1.2. If the legal identity of the aid recipient is different from that of the undertaking(s) that finance(s) the project or the actual beneficiary or beneficiaries of the aid, describe those differences.

2.1.3. Please give a clear description of the relationship between the beneficiary, the group of enterprises it belongs to and other associated enterprises, including joint ventures.

2.2. The investment project

2.2.1. Please provide the following information on the notified investment project:

Date of application for the aid:	
(Planned) date of start of works on the investment project:	
Planned date of the start of production:	
Planned date on which the full production capacity is reached:	
Planned end date of the investment project:	

2.2.2. If the notification covers an investment in an 'a' area or an investment by an one or more SMEs<sup>(35)</sup> in a 'c' area, please specify the category or categories of initial investment concerned by the notification (paragraph 20(h) RAG):

- (a)  the setting-up of a new establishment
- (b)  the extension of the capacity of an existing establishment
- (c)  the diversification of the output of an establishment into products not previously produced in the establishment
- (d)  a fundamental change in the overall production process of an existing establishment
- (e)  an acquisition of assets directly linked to an establishment provided the establishment has closed down or would have closed down had it not been purchased, and is bought by an investor unrelated to the seller<sup>(36)</sup>.

2.2.3. If the notification covers an investment in a 'c' area by a Large Enterprise, please specify the category or categories of initial investment concerned by the notification (paragraph 15 and paragraph 20(i) RAG):

- (a)  the setting-up of a new establishment

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- (b)  the diversification of the activity of an establishment, under the condition that the new activity is not the same or a similar activity<sup>(37)</sup> to the activity previously performed in the establishment
- (c)  diversification of an existing establishment into new products
- (d)  new process innovation at an existing establishment
- (e)  the acquisition of the assets belonging to an establishment that has closed or would have closed had it not been purchased, and is bought by an investor unrelated to the seller, under the condition that the new activity to be performed using the acquired assets is not the same or a similar activity to the activity performed in the establishment prior to the acquisition.

2.2.4. Please describe briefly the investment explaining how the project concerned falls within one or more of the categories of initial investment indicated above:

2.3. Eligible costs calculated on the basis of investment costs

2.3.1. Please provide the following breakdown of the total eligible investment costs in nominal and discounted value:

	<b>Total eligible cost (nominal)<sup>a</sup></b>	<b>Total eligible cost (discounted)<sup>a</sup></b>
<b>Preparatory studies or consultancy costs linked to the investment (SMEs only)</b>		
<b>Land</b>		
<b>Buildings</b>		
<b>Plant/machinery/equipment<sup>b</sup></b>		
<b>Intangible assets</b>		
<b>Total eligible cost</b>		

**a** In national currency (see also point 2.5 below)

**b** In the transport sector, expenditure on the purchase of transport equipment cannot be included in the uniform set of items of expenditure. Such expenditure is not eligible for initial investment.

2.3.2. Please confirm that the acquired assets are new (paragraph 94 RAG)<sup>(38)</sup>.

<input type="checkbox"/> yes	<input type="checkbox"/> no
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2.3.3. Please provide evidence to show that in the case of SMEs not more than 50 % of the costs of preparatory studies or consultancy costs linked to the investment is included in the eligible cost (paragraph 95 RAG).

2.3.4. Please provide evidence to show that for aid awarded for a fundamental change in the production process, the eligible costs exceed the depreciation of the assets linked to the activity to be modernised in the course of the three preceding fiscal years (paragraph 96 RAG).

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- 2.3.5. Please provide a reference to the legal basis or explain how it is ensured that for aid awarded for a diversification of an existing establishment, the eligible costs exceed by at least 200 % the book value of the assets that are reused, as registered in the fiscal year preceding the start of works (paragraph 97 RAG). If appropriate, provide documentation containing the relevant quantitative data.
- 2.3.6. In cases involving the lease of tangible assets, please provide a reference to the relevant provisions in the legal basis where it is stipulated that the following conditions are respected (paragraph 98 RAG) or explain how respect for those conditions is otherwise achieved.
- for land and buildings, the lease must continue for at least five years after the expected date of completion of the investment for large companies, and three years for SMEs;
  - for plant or machinery, the lease must take the form of financial leasing and must contain an obligation for the beneficiary of the aid to purchase the asset at the expiry of the term of the lease.
- 2.3.7. Paragraph 99 RAG provides that ‘In the case of acquisition of an establishment only the costs of buying the assets from third parties unrelated to the buyer should be taken into consideration. The transaction must take place under market conditions. Where aid has already been granted for the acquisition of assets prior to their purchase, the costs of those assets should be deducted from the eligible costs related to the acquisition of an establishment. If the acquisition of an establishment is accompanied by an additional investment eligible for aid, the eligible costs of this latter investment should be added to the costs of purchase of the assets of the establishment’.

If relevant in the notified case, please explain how those conditions have been complied with, providing relevant supporting documentation.

- 2.3.8. **If the eligible expenditure for the investment project includes intangible assets**, please explain how it is ensured that the conditions set out in paragraphs 101 to 102 RAG<sup>(39)</sup> will be respected. In such cases please provide a precise reference to the relevant provision in the legal basis.

- 2.4. Eligible costs calculated on the basis of wage costs

Please:

- explain how eligible costs calculated on the basis of wage costs have been established (paragraph 103 RAG);
- explain how the number of jobs created has been calculated with reference to paragraph 20(k) RAG;
- explain how the wage costs of the persons hired have been established with reference to paragraph 20(z) RAG; and
- provide the relevant calculations and documentation supporting the figures.

- 2.5. Calculation of discounted eligible costs and the amount of aid

- 2.5.1. Please fill in the table in this point with the details of the eligible costs by category of eligible cost to be defrayed over the whole duration of the investment project:

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	<b>Nominal/ discounted</b>	<b>N-0<sup>a</sup></b>	<b>N+1<sup>a</sup></b>	<b>N+2<sup>a</sup></b>	<b>N+3<sup>a</sup></b>	<b>N+X<sup>a</sup></b>	<b>Total<sup>a</sup></b>
<b>Preparatory studies etc. (SMEs only)</b>	Nominal						
	Discounted						
<b>Land</b>	Nominal						
	Discounted						
<b>Buildings</b>	Nominal						
	Discounted						
<b>Plant/machinery/equipment</b>	Nominal						
	Discounted						
<b>Intangible assets</b>	Nominal						
	Discounted						
<b>Wage costs</b>	Nominal						
	Discounted						
<b>Other (please specify)</b>	Nominal						
	Discounted						
<b>Total</b>	Nominal						
	Discounted						

**a** In national currency

**b** In the transport sector, expenditure on the purchase of transport equipment cannot be included in the uniform set of items of expenditure. Such expenditure is not eligible for initial investment.

Please indicate the date to which the amounts were discounted, as well as the discount rate used<sup>(40)</sup>:

2.5.2. Please complete the table in this point with the details of the notified aid (to be) granted for the investment project by reference to the applicable form of aid:

	<b>Nominal/ discounted</b>	<b>N-0<sup>a</sup></b>	<b>N+1<sup>a</sup></b>	<b>N+2<sup>a</sup></b>	<b>N+3<sup>a</sup></b>	<b>N+X<sup>a</sup></b>	<b>Total<sup>a</sup></b>
<b>Grants</b>	Nominal						
	Discounted						
<b>Soft loan</b>	Nominal						
	Discounted						
<b>Guarantee</b>	Nominal						
	Discounted						
<b>Tax reduction</b>	Nominal						

**a** In national currency

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	Discounted						
...	Nominal						
	Discounted						
...	Nominal						
	Discounted						
Total	Nominal						
	Discounted						

**a** In national currency

Please indicate the date to which the amounts were discounted, as well as the discount rate used:

For each form of aid mentioned in the table in point 2.5.2 please indicate how the grant equivalent is calculated:

Soft loan:

Guarantee:

Tax reduction:

Other:

2.5.3. Please specify whether any of the aid measures to be granted to the project are not yet defined, and explain how the granting authority will ensure that the applicable maximum aid intensity is respected (paragraphs 82 and 83 RAG):

2.5.4. Is the project co-financed by the ESI Funds? If so, please explain under which operational programme the ESI Funds finance will be obtained. Please also indicate the amount of ESI Fund finance that will be involved.

2.5.5. If the beneficiary (at group level) has received aid for one (or more) initial investment(s) started in the same NUTS 3 region over a period of three years from the date of start of works of the notified investment project (paragraph 20(t) RAG), please provide details of the aid measures for each of the previous aided initial investments (including a short description of the investment project, the date of aid application, the date of the aid award, the date of start of works, the aid amount(s) and the eligible costs<sup>(41)</sup>).

	Eligible investm. cost <sup>a</sup>	Aid amount granted <sup>a</sup>	Date of application	Date of aid granting	Date of start of work	Short description	Aid reference(s)
<b>Initial invest. project 1</b>							
<b>Initial invest. Project 2</b>							

**a** In national currency

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<b>Initial invest. project 3</b>							
...							
<b>a</b>	In national currency						

2.5.6. Please confirm that the total amount of aid that will be granted to the initial investment project does not exceed the ‘maximum aid intensity’ (as defined in paragraph 20(m) RAG), taking into account the increased aid intensity for SMEs (as determined in paragraph 177 RAG) and the ‘adjusted aid amount’ (as defined in paragraph 20(c) RAG), where applicable. Please provide the relevant supporting documentation and calculations.

2.5.7. Where the aid to be granted to the investment project is to be awarded under several regional aid schemes or cumulated with ad hoc aid, please confirm that the maximum permissible aid intensity that may be granted to the project has been calculated in advance by the first granting authority and specify the amount of that maximum aid intensity. Please explain how the aid granting authorities will ensure that that maximum aid intensity will be respected (paragraph 92 RAG).

2.5.8. If the initial investment is linked to a European Territorial Cooperation (ETC) project please explain with reference to the provisions set out in paragraph 93 RAG how the maximum aid intensity applicable to the project and the different beneficiaries involved are established.

### 3. **Compatibility assessment of the measure**

3.1. Contribution to regional objectives and need for State intervention

3.1.1. Please:

- indicate the exact location of the aided project (that is to say the locality and the NUTS 2 or 3 region to which the locality belongs);
- provide details on its regional aid status in the current regional aid map (that is to say is it in an area eligible for regional aid under Article 107(3)(a) or (c) TFEU?); and
- provide the maximum aid intensity applicable to large enterprises.

3.1.2. Please explain how the aid will contribute to regional development<sup>(42)</sup>.

3.1.3. If the notification concerns an individual application for aid under a scheme, please explain how the project contributes towards the objective of the scheme and provide relevant supporting documents (paragraph 35 RAG).

3.1.4. If the notification concerns ad hoc aid, please explain how the project contributes towards the development strategy of the area concerned and provide relevant supporting documents (paragraph 42 RAG).

3.1.5. Please explain how the provision requiring that the investment will be maintained in the area concerned for at least five years (three years for SMEs) after its completion is implemented (paragraph 36 RAG). Please provide the reference to the relevant provision in the legal basis (e.g. the aid granting contract).

3.1.6. In cases where the aid is calculated on the basis of wage costs, please explain how the method of implementation of the provision requiring that jobs are created within three



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years of the investment completion and that each job created by the investment will be maintained within the area for a period of five years (three years for SMEs) from the date the post is first filled is implemented (paragraph 37 RAG). Please provide the reference to the relevant provision in the legal basis (e.g. the aid granting contract).

- 3.1.7. Please provide a reference to the legal basis or demonstrate that the recipient(s) has to make a contribution of at least 25 % of the eligible costs, through its own resources or by external financing, in a form that is exempted of any public financial support<sup>(43)</sup> (paragraph 38 RAG).
- 3.1.8. Did you or do you commit to carry out an Environmental Impact Assessment ('EIA') for the investment (paragraph 39 RAG).

yes

no

If no, please explain why an EIA is not required for this project.

3.2. Appropriateness of the measure

- 3.2.1. If the notification concerns ad hoc aid, please demonstrate how the development of the area concerned is better ensured by such aid than by aid under a scheme or other types of measures (paragraph 55 RAG):
- 3.2.2. If the aid is granted in forms that provide a direct pecuniary advantage<sup>(44)</sup>, please demonstrate why other potentially less distortive forms of aid such as repayable advances or forms of aid that are based on debt or equity instruments<sup>(45)</sup> are not appropriate (paragraph 57 RAG):

3.3. Incentive effect and proportionality of the measure

- 3.3.1. Please confirm that works on the notified individual investment started only after submission of the application for the aid (paragraph 64 RAG). Please provide a copy of the aid application sent to the granting authority by the beneficiary and documentary evidence of the date of the start of works.
- 3.3.2. Please explain the incentive effect of the aid by describing the counterfactual scenario with reference to one of the two possible scenarios set out in paragraph 61 RAG.
- 3.3.3. In Scenario 1 cases (that is to say, investment decisions under paragraph 61 RAG), please provide the following information (or refer to the relevant parts of the submitted counterfactual scenario) (paragraph 104 RAG):
- the calculation of the investment's Internal Rate of Return ('IRR') with and without the aid<sup>(46)</sup>;
  - information on the relevant benchmarks for the company (e.g. normal rates of return required by the beneficiary to undertake similar projects, cost of capital of the company as a whole, relevant industry benchmarks);
  - an explanation of why, on the basis of the criteria in this point, the aid is the minimum necessary to render the project sufficiently profitable (cf. paragraph 79 RAG):
- 3.3.4. In Scenario 2 cases (that is to say, location decisions under paragraph 61 RAG), please provide the following information (or refer to the relevant parts of the submitted counterfactual scenario) (paragraph 105 RAG):
- the calculation of the difference of the Net Present Value ('NPV') of the investment in the target area and the NPV of the investment in the alternative location<sup>(47)</sup>:

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- all the parameters used for the calculation of the NPV of the investment in the target area and the NPV of the investment in the alternative location (among others the time frame concerned, discount rate used, etc.):
- an explanation of why on the basis of the information referred to in the first two sub-points the aid does not exceed the difference between the NPV of investment in the target area and the NPV in the alternative location (cf. paragraph 80 RAG):

3.3.5. If the regional aid is awarded through ESI Funds in ‘a’ regions to investments necessary to achieve standards set by Union law, please explain the following (and provide supporting documentation):

- What is the standard concerned?
- Why is the investment necessary to achieve the standard?
- Why it would not be sufficiently profitable for the beneficiary to make the investment in the area concerned which would lead to the closure of an existing establishment in the area in the absence of the aid (paragraph 63 RAG)?

3.4. Avoidance of negative effects on competition and trade

**For scenario 1 cases**

*Definition of the relevant market*

3.4.1. Please provide the information specified in this point to identify the relevant product market(s) (that is to say, products affected by the change in behaviour of the aid beneficiary) and to identify the competitors and customers/consumers affected (paragraphs 129 and 130 RAG):

- Specify all the product(s) that will be produced in the aided facility upon the completion of the investment and indicate, where appropriate, the NACE code or Prodcom code or CPA nomenclature<sup>(48)</sup> for projects in the service sectors.
- Will the products envisaged by the project replace any other products produced by the beneficiary (at group level)? What product(s) will it replace? If these replaced products are not produced at the location of the project, indicate where they are currently produced. Please provide a description of the link between the replaced production and the current investment and provide a time schedule for the replacement.
- What other product(s) can be produced with the same new facilities (through flexibility of the production installations of the beneficiary) at little or no additional cost?
- Explain whether the project concerns an intermediate product and whether a significant part of the output is sold otherwise than on the market (under market conditions). Based on that explanation, for the purpose of calculating the market share and capacity increase in the remainder of this section, please indicate whether the product concerned is the product envisaged by the project or whether it is a downstream product.
- Please indicate the relevant product market(s) of the product(s) concerned and, if possible, provide evidence in support, from an independent third party. A relevant product market includes the product concerned and its demand-side substitutes, that is to say products considered to be such by the consumer (by reason of the product's characteristics, prices and intended use) and its supply-side substitutes, that is to say products considered as such by producers (through flexibility of the production installations of the beneficiary and its competitors).

3.4.2. Please provide information, and supporting evidence, on the relevant geographic market of the beneficiary:

*Market Power (paragraph 115 and paragraph 132(a)RAG)*

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3.4.3. Please provide the following information on the market position of the beneficiary (over a period of time before receiving the aid and the expected market position after finalising the investment):

- an estimate of all sales (in value and volume terms) of the beneficiary in the relevant market (at group level).
- an estimate of the overall sales of all producers in the relevant market (in value and volume terms). If available, include statistics prepared by public and/or independent sources.

3.4.4. Provide an assessment of the structure of the relevant market including, for example, the level of concentration in the market, possible barriers to entry, buyer power and barriers to expansion or exit. Please provide evidence, from an independent third party if possible, to support the conclusions on this point.

*Capacity (paragraph 132(a) RAG)*

3.4.5. Provide an estimate of the additional production capacity created by the investment (in volume and value terms):

**For all cases**

*Manifest negative effects*

3.4.6. In Scenario 1 cases, please provide the following information, and supporting evidence, on the relevant product market<sup>(49)</sup>:

- From a long-term perspective, is the relevant market structurally in absolute decline (that is to say, showing a negative growth rate)? (paragraph 135 RAG)?
- Is the relevant market in relative decline (that is to say, showing a positive growth rate, but not exceeding a benchmark growth rate)? (paragraph 135 RAG)

In Scenario 2 cases, please indicate whether without aid the investment would have been located in a region with a regional aid intensity which is higher or the same as the target region (paragraph 139 RAG). Please provide supporting evidence.

3.4.7. Please confirm whether the beneficiary has submitted a statement in which it confirms that, at group level, it has not closed down the same or a similar activity in the EEA in the two years preceding the aid application and does not intend to close down the same or a similar activity elsewhere in the EEA in the two years after the completion of investment (paragraph 23 RAG).

If such a statement was provided, please annex a copy of it to the notification, otherwise, please explain why it was not provided.

3.4.8. If the beneficiary at group level has closed down the same or a similar activity in another area in the EEA in the two years preceding the aid application, or intends to do so in the two years after the completion of investment, and has relocated that activity to the target area, or intends to do so, please explain why it considers that there is no causal link between the aid and the relocation (paragraph 122 RAG).

3.4.9. Please explain whether the State aid would directly result in a substantial loss of jobs in existing locations within the EEA. If the State aid would result in a substantial loss of jobs in existing locations within the EEA, please indicate their number and the proportion compared to the total employment of the location(s) concerned.

#### 4. **Other information**

Please provide any other relevant information to assess the notified aid measure under the RAG:

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### PART III.1.B

#### Supplementary Information Sheet on regional investment aid schemes

*This supplementary information sheet must be used for the notification of any investment aid schemes covered by the Guidelines on regional State aid 2014-2020<sup>(50)</sup> (the 'RAG').*

#### 1. Scope

1.1. Reasons for notifying the scheme instead of putting it in place under the General Block Exemption Regulation ('GBER')<sup>(51)</sup> or *de minimis* Regulation<sup>(52)</sup>:

- (a)  The notification relates to a sectoral scheme. In that case please indicate the sector covered by the scheme (NACE code):
- (b)  The notification relates to a general scheme also covering the shipbuilding sector.
- (c)  Other. Please specify:

1.2. Scope of the notified scheme

1.2.1. I confirm that the legal basis for the notified scheme foresees an obligation to notify to the Commission individual aid to beneficiaries that have closed down the same or a similar activity<sup>(53)</sup> in the EEA during the two years preceding the date of applying for aid or at the moment of the aid application have the intention to close down such an activity within a period of two years after the investment to be subsidised is completed (paragraph 23 RAG).

Please provide the reference to the relevant provision of the legal basis:

1.2.2. I confirm that the notified aid scheme provides that no regional investment aid will be granted to categories of companies and sectors listed below. In each case, please list the relevant provision in the legal basis of the scheme.

Excluded categories of companies and sectors	Relevant provision in the legal basis of the scheme
Undertakings in difficulty <sup>a</sup>	
The steel sector <sup>b</sup>	
Synthetic fibres sector <sup>b</sup>	
Production of agricultural products listed in Annex I to the TFEU	

**a** As defined in the Communication from the Commission on Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).

**b** As defined in Annex IV to Guidelines on regional State aid for 2014–2020.

**c** The Regional Aid Guidelines apply to aid schemes supporting activities outside the scope of Article 42 TFEU but covered by Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487) and which are either co-financed by the European Agriculture Fund for Rural Development or are granted as additional national financing to such co-financed schemes, unless sectoral rules provide otherwise.

**d** As defined in footnote 12 of the Regional Aid Guidelines.

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Processing and/or marketing of agricultural products listed in Annex I to the TFEU <sup>c</sup> into products listed in that Annex I	
Production, processing and/or marketing of fishery and aquaculture products listed in Annex I to the TFEU	
The transport sector <sup>d</sup>	
The energy sector	
<b>a</b>	As defined in the Communication from the Commission on Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).
<b>b</b>	As defined in Annex IV to Guidelines on regional State aid for 2014–2020.
<b>c</b>	The Regional Aid Guidelines apply to aid schemes supporting activities outside the scope of Article 42 TFEU but covered by Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487) and which are either co-financed by the European Agriculture Fund for Rural Development or are granted as additional national financing to such co-financed schemes, unless sectoral rules provide otherwise.
<b>d</b>	As defined in footnote 12 of the Regional Aid Guidelines.

1.2.3. If the scheme covers investment aid to broadband networks please specify whether each of the following conditions are complied with:

- (a)  aid is granted only to areas where there is no network of the same category (either basic broadband or new generation access networks) and where none is likely to be developed in the near future;
- (b)  the subsidised network operator offers active and passive wholesale access under fair and non-discriminatory conditions with the possibility of effective and full unbundling;
- (c)  aid should be allocated on the basis of a competitive selection process in accordance with paragraphs 78(c) and (d) of the Broadband guidelines<sup>(54)</sup>;

Please provide the reference to the relevant provision of the legal basis:

1.2.4. If the scheme covers aid to research infrastructures, is the aid made conditional on giving transparent and non-discriminatory access to this infrastructure?

- (a)  No
- (b)  Yes. Please provide the reference to the relevant provision of the legal basis:

## 2. Initial investment, eligible costs and aid

2.1. Types of initial investments covered by the scheme

2.1.1. Where the scheme covers investments in ‘a’ areas by SMEs or large enterprises<sup>(55)</sup> or investments by SME(s) in ‘c’ areas (paragraph 34 RAG), please specify the category or categories of initial investment concerned by the notification (paragraph 20(h) RAG):

- (a)  the setting-up of a new establishment?
- (b)  the extension of the capacity of an existing establishment

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- (c)  the diversification of the output of an establishment into products not previously produced in the establishment
  - (d)  a fundamental change in the overall production process of an existing establishment
  - (e)  an acquisition of assets directly linked to an establishment provided the establishment has closed or would have closed if it had not been purchased, and is bought by an investor unrelated to the seller<sup>(56)</sup>
- 2.1.2. In case the scheme covers investments in ‘c’ areas by large enterprises, please specify the category or categories of initial investment concerned by the notification (paragraph 15 and paragraph 20(i) RAG):
- (a)  the setting-up of a new establishment
  - (b)  the diversification of the activity of an establishment, under the condition that the new activity is not the same or a similar activity<sup>(57)</sup> to the activity previously performed in the establishment
  - (c)  diversification of an existing establishment into new products
  - (d)  new process innovation at an existing establishment
  - (e)  the acquisition of the assets belonging to an establishment that has closed or would have closed if it had not been purchased, and is bought by an investor unrelated to the seller, under the condition that the new activity to be performed using the acquired assets is not the same or a similar activity to the activity performed in the establishment prior to the acquisition
- 2.1.3. Please provide the reference to the relevant provisions of the legal basis where it is stipulated that the Commission will be notified of any individual aid to be granted under the legal basis of the scheme to large enterprises in ‘c’ areas for (paragraphs 24 and 34 RAG):
- (a) diversification of an existing establishment into new products;
  - (b) new process innovation at an existing establishment.
- 2.1.4. Please provide the reference to the relevant provisions of the legal basis where it is stipulated that the Commission will be notified of any individual aid to be granted under the legal basis of the scheme that would lead to the notification threshold being exceeded<sup>(58)</sup> (paragraph 23 RAG).
- 2.2. Eligible costs calculated on the basis of investment costs
- 2.2.1. Where the eligible expenditure (paragraph 20(x) RAG) under the scheme relates to tangible assets, is the value of the investment established as a percentage on the basis of land, buildings and plant, machinery and equipment?<sup>(59)</sup>:
- (a)  land
  - (b)  buildings
  - (c)  plant/machinery/equipment?

Please provide the reference to the relevant parts of the legal basis:

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- 2.2.2. Please provide a reference to the relevant provision of the legal basis which stipulate that the acquired assets should be new<sup>(60)</sup> (paragraph 94 RAG)
- 2.2.3. Please provide a reference to the relevant provision in the legal basis which stipulate that in the case of SMEs not more than 50 % of the costs of preparatory studies or consultancy costs linked to the investment can be considered as eligible costs (paragraph 95 RAG).
- 2.2.4. Please provide a reference to the relevant provision of the legal basis which stipulates that for aid awarded for a fundamental change in the production process, the eligible costs exceed the depreciation of the assets linked to the activity to be modernised in the course of the preceding three fiscal years (paragraph 96 RAG).
- 2.2.5. Please provide a reference to the relevant provision of the legal basis which stipulates that for aid awarded for a diversification of an existing establishment, the eligible costs exceed by at least 200 % the book value of the assets that are reused, as registered in the fiscal year preceding the start of works (paragraph 97 RAG).
- 2.2.6. In cases involving the lease of tangible assets, please provide a reference to the relevant provisions of the legal basis which stipulate that the following conditions should be respected (paragraph 98 RAG):
- for land and buildings, the lease must continue for at least five years after the expected date of completion of the investment for large companies, and three years for SMEs;
  - for plant or machinery, the lease must take the form of financial leasing and must contain an obligation for the beneficiary of the aid to purchase the asset at the expiry of the term of the lease.
- 2.2.7. Paragraph 99 RAG provides that ‘In the case of acquisition of an establishment only the costs of buying the assets from third parties unrelated to the buyer should be taken into consideration. The transaction must take place under market conditions. Where aid has already been granted for the acquisition of assets prior to their purchase, the costs of those assets should be deducted from the eligible costs related to the acquisition of an establishment. If the acquisition of an establishment is accompanied by an additional investment eligible for aid, the eligible costs of this latter investment should be added to the costs of purchase of the assets of the establishment’.

If relevant for the notified scheme, please provide a reference to the provisions of the legal basis which stipulate that the conditions in this point should be respected.

- 2.2.8. Where the eligible expenditure under the scheme relates to intangible assets (paragraph 20(j) RAG), is the value of the investment established on the basis of expenditure entailed by the transfer of technology through the acquisition of patent rights, licences, know-how or unpatented technical knowledge?
- (a)  patent rights
  - (b)  licences
  - (c)  know-how
  - (d)  unpatented technical knowledge

Please provide the reference to the relevant parts of the legal basis:

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2.2.9. Please provide a reference to the relevant provisions of the legal basis which stipulate that for large undertakings the expenditure on eligible intangible investment must not exceed 50 % of the total eligible investment costs of the project (paragraph 100 RAG).

2.2.10. Please provide a reference to the relevant provisions of the legal basis which stipulate that the conditions set out in paragraphs 101 and 102 RAG<sup>(61)</sup> should be respected.

2.3. Eligible costs calculated on the basis of wage costs

Please provide a reference to the relevant provisions of the legal basis where it is stipulated how the eligible costs calculated on the basis of wage costs should be established (paragraph 103 RAG), how the number of jobs created should be calculated with reference to paragraph 20(k) RAG and how the wage costs of the persons hired should be established with reference to paragraph 20(z) RAG.

2.4. Calculation of discounted eligible costs

2.4.1. Please indicate which forms of aid are allowed under the scheme:

- (a)  grants. Please provide the reference to the relevant provisions of the legal basis:
- (b)  soft loans. Please indicate how the grant equivalent will be calculated and provide the reference to the relevant provisions of the legal basis:
- (c)  guarantees. Please indicate how the grant equivalent will be calculated and provide the reference to the relevant provisions of the legal basis:
- (d)  tax measures. Please specify which type of measures and indicate how the grant equivalent will be calculated. Please also provide the reference to the relevant provisions of the legal basis:
- (e)  other. Please specify and indicate how the grant equivalent will be calculated. Please also provide the reference to the relevant provisions of the legal basis:

2.4.2. Is the aid scheme eligible to be co-financed by the ESI Funds? If so, please mention under which operational programmes the ESI Funds finance might be obtained. Please also indicate the amount of ESI Funds finance that will be involved, if known at this stage.

2.4.3. Please provide the reference to the relevant provisions of the legal basis which stipulate that the aid granting authority should establish before granting individual aid under the notified scheme whether the beneficiary (at group level) received aid for one (or more) initial investment(s) started in the same NUTS 3 region in a period of three years from the date of start of works on the investment project.

2.4.4. Please provide the reference to the relevant provisions of the legal basis which stipulate that the total amount of aid that will be granted under the scheme to any initial investment project does not exceed the 'maximum aid intensity' (as defined in paragraph 20(m) RAG), taking into account the increased aid intensity for SMEs (as determined in paragraph 177 RAG) or the 'adjusted aid amount' (as defined in paragraph 20(c) RAG), where applicable.

2.4.5. Please provide the reference to the relevant provisions of the legal basis which stipulate that where individual aid is awarded under several regional aid schemes or cumulated with ad hoc aid, the maximum permissible aid intensity that may be granted to the project will be calculated in advance by the first granting authority (paragraph 92 RAG)



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2.4.6. Where the aid scheme allows for aid to initial investment linked to European Territorial Cooperation (ETC) projects please provide the reference to the relevant provisions of the legal basis which stipulate (with reference to the provisions set out in paragraph 93 RAG) how the maximum aid intensity applicable to the project and the different beneficiaries involved will be established.

### 3. **Compatibility assessment of the aid scheme**

3.1. Contribution to regional objective and need for State intervention

Is the scheme part of an Operational Programme<sup>(62)</sup> (paragraph 32 RAG)?

- Yes. Please provide the reference(s) to the Operational Programme(s) concerned:
- No. Please explain how the scheme is consistent and contributes to the development strategy of the area concerned (paragraph 33 RAG):

3.1.1. Please provide the reference to the relevant provisions of the legal basis containing the requirement to carry out an Environmental Impact Assessment ('EIA') for the investments concerned before granting aid to individual projects, when so required by law (paragraph 39 RAG).

3.1.2. Please explain how the granting authorities will prioritise and select the investment projects according to the objectives of the scheme (for example, on the basis of a formal scoring approach) (paragraph 33 RAG). Please also provide the reference to the relevant provisions of the legal basis or other related administrative acts.

3.1.3. Please explain how, when awarding aid to individual investment projects under the notified scheme, the aid granting authority will establish that the selected project(s) contributes towards the objective of the scheme and thus towards the development strategy of the area concerned (paragraph 35 RAG).

3.1.4. Please explain how the provision requiring that any investment supported under the notified scheme will be maintained in the area concerned for at least five years (three years for SMEs) after its completion is implemented (paragraph 36 RAG). Please provide the reference to the relevant provisions in the legal basis.

3.1.5. In cases where the aid granted under the notified scheme is calculated on the basis of wage costs, please explain the method of implementation of the provision requiring that jobs are created within three years of the investment completion and that each job created by the investment concerned is maintained within the area for a period of five years (three years for SMEs) from the date the post is first filled (paragraph 37 RAG). Please provide the reference to the relevant provision in the legal basis.

3.1.6. Please provide a reference to the relevant provisions of the legal basis where it is stipulated that recipients have to make a contribution of at least 25 % of the eligible costs, through their own resources or by external financing, in a form that is exempted of any public financial support<sup>(63)</sup> (paragraph 38 RAG).

3.1.7. Please provide a reference to the relevant provisions of the legal basis showing that the scheme should respect the ceilings of the regional aid map applicable at the time of awarding the aid (paragraph 81 RAG). Please also provide the reference to the Commission decision approving the regional aid map concerned.

3.2. Appropriateness of the scheme

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 3.2.1. If the scheme is not eligible under an Operational Programme, please explain why regional aid is an appropriate instrument to tackle the common objective of equity or cohesion<sup>(64)</sup> (paragraph 52 RAG):
- 3.2.2. Where the scheme is sector-specific and is not eligible for co-financing by Structural Funds, please demonstrate the advantages of such an instrument compared to a multi-sectoral scheme or other policy options (paragraph 53 RAG):
- 3.2.3. Will individual aid under the notified scheme be granted:
- automatically, should the conditions of the scheme be fulfilled or
  - on a discretionary basis, following a decision of the authorities?

Please provide the reference to the relevant provision of the legal basis:

If aid is to be granted on a discretionary basis, please provide a short description of the criteria used and attach a copy of the internal administrative provisions of the granting authority applicable for the awarding of aid:

- 3.2.4. If the aid under the scheme is granted in forms that provide a direct pecuniary advantage<sup>(65)</sup>, please demonstrate why other potentially less distortive forms of aid such as repayable advances or forms of aid that are based on debt or equity instruments<sup>(66)</sup> are not appropriate (paragraph 57 RAG):
- 3.3. Incentive effect and proportionality of the scheme
- 3.3.1. Please provide the reference to the relevant provisions of the legal basis stipulating that any application for aid must be submitted before work is started on the investment project concerned (paragraph 64 RAG):
- 3.3.2. Please provide the reference to the relevant provisions of the legal basis which stipulate that those applying for aid under the notified scheme will be obliged to submit a standard application form provided by the aid granting authority in which they must explain counterfactually what would happen if they do not receive the aid and indicate which of the scenarios (*Scenario 1* — investment decision or *Scenario 2* — location decision) applies (paragraph 66 and paragraph 61 RAG). If that application form differs from the example provided in Annex V to the RAG, please provide a copy of that application.
- 3.3.3. Please provide the reference to the relevant provisions of the legal basis which stipulate that large enterprises who apply for aid under the notified scheme are required to provide documentary evidence in support of the counterfactual described. (paragraph 67 RAG). Please also explain what type of documents will be required.
- 3.3.4. Please provide the reference to the relevant provisions of the legal basis which stipulate that when assessing individual aid applications the aid granting authority is obliged to carry out a credibility check of the counterfactual provided and to verify that regional aid has the required incentive effect corresponding to *Scenario 1* or *Scenario 2*<sup>(67)</sup> (paragraph 68 RAG).
- 3.3.5. Please provide the reference to the relevant provisions of the legal basis which stipulate that individual aid granted to large enterprises under the notified scheme will be limited to the net extra costs of implementing the investment in the area concerned compared to the counterfactual in the absence of aid, using the method explained in paragraph 79 and paragraph 80 RAG (paragraph 88 RAG).

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*Status: Point in time view as at 31/01/2020.*

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- 3.4. Avoidance of undue negative effects on competition and trade
- 3.4.1. Please explain how the distortions of competition and trade caused by the notified aid scheme will be limited to the minimum (paragraph 125 RAG)<sup>(68)</sup>:
- 3.4.2. Please provide references to the relevant provisions in the legal basis stipulating that when awarding aid under the scheme to individual projects, the granting authority must verify and confirm that without aid the investment would not have been located in a region with a regional aid intensity which is higher or the same as the target region (paragraph 126 RAG).
- 3.4.3. Please provide references to the relevant provisions in the legal basis which stipulate that when awarding aid under the scheme to individual projects, the granting authority must notify individual aid grants in cases where the beneficiary has closed down the same or a similar activity in another area in the EEA in the two years preceding the date of applying for aid or at the moment of the aid application has the intention to close down such an activity within a period of two years after the investment to be subsidised is completed (paragraph 122 RAG).

#### 4. **Other information**

Please provide any other information that is of relevance to assess the notified aid measure under the RAG:

### *PART III.1.C*

#### **Supplementary Information Sheet on regional operating aid schemes**

*This supplementary information sheet must be used for the notification of any operating aid schemes covered by the Guidelines on regional State aid 2014-2020<sup>(69)</sup> (the 'RAG').*

#### 1. **Scope**

- (a) Please specify what kind of operating aid will be granted:
- (i.)  Operating aid to reduce certain specific difficulties faced by SMEs in 'a' areas
  - (ii.)  Operating aid to compensate additional costs in the outermost regions
  - (iii.)  Operating aid to reduce depopulation in very sparsely populated areas
  - (iv.)  Other. Please specify:
- (b) Does the notified aid scheme provide that no operating aid will be granted to the following categories of companies and sectors? In each case, please list the relevant provision in the legal basis of the scheme.

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<b>Excluded categories of companies and sectors</b>	<b>Undertakings in difficulty<sup>a</sup></b>	<b>Relevant provision in the legal basis of the scheme</b>
The steel sector <sup>b</sup>	<input type="checkbox"/> Yes	
Synthetic fibres sector <sup>b</sup>	<input type="checkbox"/> Yes	
Production of agricultural products listed in Annex I to the TFEU	Yes	
Processing and/or marketing of agricultural products listed in Annex I to the TFEU <sup>c</sup> into products listed in that Annex I	<input type="checkbox"/> Yes	
Production, processing and/or marketing of fishery and aquaculture products listed in Annex I to the TFEU	<input type="checkbox"/> Yes	
The transport sector	<input type="checkbox"/> Yes	
The energy sector	<input type="checkbox"/> Yes	
Section K 'Financial and insurance activities' of the NACE Rev.2 statistical classification of economic activities	<input type="checkbox"/> Yes	
NACE 70.10 'Activities of head offices' and NACE 70.22 'Business and other management consultancy activities'	<input type="checkbox"/> Yes	

**a** As defined in the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).

**b** As defined in Annex IV to Guidelines on regional State aid for 2014–2020.

**c** The Regional Aid Guidelines apply to aid schemes supporting activities outside the scope of Article 42 TFEU but covered by the Rural Development Regulation (Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487)) and which are either co-financed by the European Agriculture Fund for Rural Development or are being granted as additional national financing to such co-financed schemes, unless sectoral rules provide for otherwise.

## 2. Basic elements of the scheme

2.1. Please provide a description of the main elements of the scheme and its objectives:

2.2. Please indicate which forms of aid are allowed under the scheme:

(a)  Grants. Please provide the reference to the relevant provisions of the legal basis:

(b)  Soft loans. Please indicate how the grant equivalent will be calculated and provide the reference to the relevant provisions of the legal basis:

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- (c)  Guarantees. Please indicate how the grant equivalent will be calculated and provide the reference to the relevant provisions of the legal basis:
- (d)  Tax measures. Please specify which ones and indicate how the grant equivalent will be calculated. Please also provide the reference to the relevant provisions of the legal basis:
- (e)  Other. Please specify and indicate how the grant equivalent will be calculated. Please also provide the reference to the relevant provisions of the legal basis:

2.3. The individual aid under the notified scheme will be granted:

- (a)  automatically, should the conditions of the scheme be fulfilled
- (b)  on a discretionary basis, following a decision of the authorities.

Should the aid be granted on a case by case basis, please provide a short description of the criteria that will be applied. If administrative guidance for the assessment of the aid application exists, please attach a copy:

2.4. Will the aid scheme be co-financed by the ESI Funds? If so, please explain under which operational programmes ESI Funds finance will be obtained. Please also indicate the amount of ESI Funds finance that will be involved.

### 3. **Compatibility of the aid**

3.1. Contribution to regional objective and incentive effect:

*For aid to reduce certain specific difficulties faced by SMEs<sup>(70)</sup> in 'a' areas*

3.1.1. Please list the specific difficulties faced by SMEs in the region concerned to be addressed by the scheme (paragraph 43 RAG) and demonstrate the existence and importance of those difficulties (paragraph 44 RAG).

3.1.2. Please explain why the difficulties listed in point 3.1.1 cannot be overcome by investment aid and thus the notified operating aid scheme is needed (paragraph 44 RAG):

*For aid to compensate certain additional costs in the outermost regions*

3.1.3. Please identify the specific additional costs<sup>(71)</sup> that will be compensated under the scheme and demonstrate how those costs are related to the permanent handicaps set out in Article 349 TFEU (paragraph 45 RAG):

*For aid to reduce depopulation in very sparsely populated areas*

3.1.4. Please demonstrate the risk of depopulation of the relevant area in the absence of operating aid (paragraph 46 RAG):

3.2. Appropriateness of the scheme

Please indicate why the aid proposed is considered appropriate to achieve the objective of the scheme. Please explain in particular why other less distortive policy instruments and other less distortive types of aid instrument are not appropriate to achieve the same positive contribution to regional development (paragraphs 50, 56, 57 and 58 RAG):

3.3. Proportionality of the scheme

*For all types of operating aid*

3.3.1. Please determine the eligible costs that are fully attributable to the problems the aid is intended to address (paragraph 109 RAG):

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- 3.3.2. Please confirm that depreciation charges and the costs of financing included in the eligible costs relevant to regional investment aid will not be included in the eligible costs for operating aid (paragraph 109 RAG), and provide the reference to the relevant provision of the legal basis:
- 3.3.3. Please describe the compensation model (paragraph 56 RAG) that will be adopted and how that model will allow an appropriate calculation of the aid amount, ensuring that there is no overcompensation, as defined in paragraph 109 RAG:
- 3.3.4. Please indicate whether operating aid is also granted through other operating aid schemes in the region, by mentioning the relevant State aid reference of those schemes.
- 3.3.5. In case other operating aid schemes are applicable in the same region, please explain how it is ensured that operating aid granted under different operating aid schemes does not lead to overcompensation:

*For operating aid in outermost regions only*

- 3.3.6. Please demonstrate that the additional costs to be compensated under the notified scheme will be quantified in relation to the level of costs incurred by similar undertakings established in other regions of the Member State concerned (paragraph 110 RAG):

*For operating aid to reduce certain specific difficulties faced by SMEs in certain 'a' areas only*

- 3.3.7. Please explain how the level of aid will be progressively reduced over the duration of the scheme (paragraph 111 RAG) and provide the reference to the relevant provision of the legal basis:

- 3.4. Avoidance of undue negative effects on competition and trade

Please explain why it is unlikely that the aid granted under the scheme will create very significant distortions of competition in the market (paragraph 140 RAG):

#### 4. **Other information**

Please provide any other information that is of relevance to assess the notified aid measure under the RAG:

### *PART III.2*

#### **Supplementary information sheet for research and development and innovation aid**

*This supplementary information sheet must be used for the notification of any aid measures (aid schemes and individual aid) covered by the Framework for state aid for research and development and innovation ('the R & D&I Framework')<sup>(72)</sup>.*

*In case there are several beneficiaries involved in an individual aid measure, the relevant information must be provided for each of them.*

#### 1. **Characteristics of the notified aid measure**

- 1.1. Aid schemes

- A) Reasons for notifying the scheme:

- (a)  the scheme includes aid that is not transparent in the sense of Article 5 of the General Block Exemption Regulation ('GBER')<sup>(73)</sup>;

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(b)  other reasons.

Please specify:

B) Sectoral scope of the notified scheme:

C) Please tick the box below to confirm that any aid awarded under the notified scheme will be notified individually if it exceeds the thresholds laid down in Article 4 of the GBER:

1.2. Individual aid

A) In case the aid is based on an approved scheme, please provide information concerning that scheme, including its publication reference (internet address) and state aid registration number:

B) If applicable, please provide the exchange rate which has been used for the purposes of the notification:

1.3. General information

A) Please specify the type of aid:

(a)  aid for R & D projects;

(b)  aid for feasibility studies;

(c)  aid for the construction and upgrade of research infrastructures;

(d)  innovation aid for SMEs;

(e)  aid for process and organisational innovation;

(f)  aid for innovation clusters.

B) Does the notified measure involve Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the Union that is not directly or indirectly under the control of Member States?

yes

no

If so, please specify:

C) Does the notified measure involve undertakings in difficulty, as defined by the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty<sup>(74)</sup>?

yes

no

If so, please specify:

D) Does the notified measure involve undertakings that are subject to an outstanding recovery order following a previous decision declaring aid illegal and incompatible with the internal market?

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify and indicate the amounts still to be recovered:

- E) Does the notified measure involve research and knowledge dissemination organisations ('research organisations') or research infrastructures, as defined in points 15(ee) and (ff) of the R & D&I Framework?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify:

- F) Does the notified measure involve public procurement of research and development services?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify:

- G) Can the aid awarded under the notified measure be combined with other aid?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

If so, please specify:

- H) If applicable, please tick the box below to confirm that the beneficiaries comply with the SME definition as laid down in Annex I to the GBER and, for individual aid, provide relevant information and evidence:

## 2. **Research organisations and research infrastructures**

- A) Do research organisations or research infrastructures concerned by the notified aid measure carry out any economic activity consisting of offering goods or services on a given market?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Please provide details:

- B) If the same entity carries out activities of both an economic and a non-economic nature, can the two kinds of activities and their costs, funding and revenues be clearly separated?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify:

- C) If the same entity carries out activities of both an economic and a non-economic nature, is the amount of public funding allocated to it for a specific accounting period limited to the costs of non-economic activities incurred in the same period?



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<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify:

- D) If the same entity carries out activities of both an economic and a non-economic nature, does the economic use remain purely ancillary, that is to say does it correspond to an activity which is directly related to and necessary for the operation of the research organisation or research infrastructure or intrinsically linked to its main non-economic use, and which is limited in scope?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify and indicate the proportion of the overall capacity that is used or estimated to be used for such economic activities each year:

- E) If public funding is provided for non-ancillary economic activities of research organisations or research infrastructures, can it be shown that both the public funding and any advantage acquired through it are fully passed on to the final recipients, for example through reduced prices, and that no further advantage is awarded to the intermediary?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify:

3. **Indirect state aid to undertakings through research organisations and research infrastructures**

3.1. Research on behalf of undertakings

- A) Do research organisations or research infrastructures concerned by the notified aid measure perform contract research or provide research services to undertakings?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify:

- B) If research organisations or research infrastructures perform contract research or provide research services to undertakings, do they provide such services at market price?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify:

- C) If research organisations or research infrastructures perform contract research or provide research services to undertakings and there is no market price, do they provide such services at a price which reflects the full costs of the services and generally includes a margin established by reference to those commonly applied by undertakings active in the sector concerned, or is the result of arm's length negotiations where research organisations or research infrastructures negotiate in order to obtain the

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maximum economic benefit at the moment when the contract is concluded and cover at least their marginal costs?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify:

### 3.2. Collaboration with undertakings

A) Do research organisations or research infrastructures concerned by the notified aid measure effectively collaborate with undertakings with a view to jointly carrying out specific projects?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify:

B) If research organisations or research infrastructures effectively collaborate with undertakings, please indicate whether any of the following conditions are fulfilled:

(a) the participating undertakings bear the full cost of the projects

<input type="checkbox"/> yes	<input type="checkbox"/> no
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(b) the results of the collaboration which do not give rise to intellectual property rights (IPR) may be widely disseminated and any IPR resulting from the activities of research organisations or research infrastructures are fully allocated to them

<input type="checkbox"/> yes	<input type="checkbox"/> no
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(c) any IPR resulting from the project, as well as related access rights are allocated to the different collaboration partners in a manner which adequately reflects their work packages, contributions and respective interests

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If the answer to any of the above questions is yes, please provide details:

C) If research organisations or research infrastructures effectively collaborate with undertakings and none of the answers to question (B) is yes, please indicate whether any of the following conditions are fulfilled:

(a) the research organisations or research infrastructures receive a compensation the amount of which has been established by means of an open, transparent and non-discriminatory competitive sale procedure:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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(b) the research organisations or research infrastructures receive a compensation the amount of which is confirmed to be at least equal to the market price by an independent expert valuation:

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<input type="checkbox"/> yes	<input type="checkbox"/> no
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- (c) the research organisations or research infrastructures can demonstrate that they effectively negotiated the compensation, at arm's length, in order to obtain the maximum economic benefit at the moment when the contract is concluded:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- (d) in cases where the collaboration agreement provides the collaborating undertakings with a right of first refusal as regards IPR generated by research organisations or research infrastructures, the latter exercise a reciprocal right to solicit more economically advantageous offers from third parties so that the collaborating undertakings will have to match their offer accordingly:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If the answer to any of the questions in this section is yes, please provide details:

4. **Public procurement of research and development services**

- A) If the notified measure involves public procurement of research and development services from undertakings, are the providers selected by means of an open tender procedure carried out in accordance with the applicable directives<sup>(75)</sup>?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If yes, please specify:

- B) In all other cases where the notified measure involves public procurement of research and development services from undertakings, including pre-commercial procurement, please indicate whether the following conditions are fulfilled:

- (a) the selection procedure is open, transparent and non-discriminatory, and based on objective selection and award criteria specified in advance of the bidding procedure

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If no, please provide details indicating whether a competitive, transparent and non-discriminatory procedure in line with the applicable directives was followed (for instance, competitive procedure with negotiations, innovation partnership, or competitive dialogue):

- (b) the envisaged contractual arrangements describing all rights and obligations of the parties, including with regard to IPR, are made available to all interested bidders prior to the bidding procedure:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Please provide details:

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- (c) the procurement does not give any of the participant providers any preferential treatment in the supply of commercial volumes of the final products or services to a public purchaser in the Member State concerned<sup>(76)</sup>, and one of the following conditions is met:
  - all results which do not give rise to IPR may be widely disseminated in a way that allows other undertakings to reproduce them, and any IPR are fully allocated to the public purchaser
  - any service provider to which results giving rise to IPR are allocated is required to grant the public purchaser unlimited access to those results free of charge, and to grant access to third parties under market conditions.

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Please provide details:

**5. Description of the notified aid measure**

**5.1. Aid for R & D projects**

- A) Please indicate which R & D stages are supported under the notified measure:
  - (a)  fundamental research;
  - (b)  industrial research;
  - (c)  experimental development.
- B) For individual aid, if the project encompasses different research categories, please list and qualify the different tasks as falling under the categories of fundamental research, industrial research or experimental development:
- C) Please specify the eligible costs and, for individual aid, indicate their amount:

	<b>Fundamental research</b>	<b>Industrial research</b>	<b>Experimental development</b>
<b>Personnel costs</b>			
<b>Costs of instruments and equipment</b>			
<b>Costs of buildings and land</b>			
<b>Cost of contractual research, knowledge and patents bought or licensed from outside sources in arm's length transactions</b>			

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<b>Additional overheads incurred directly as a result of the project</b>			
<b>Other operating expenses</b>			

D) Please specify the applicable maximum aid intensities:

	<b>Small enterprise</b>	<b>Medium-sized enterprise</b>	<b>Large enterprise</b>
<b>Fundamental research</b>			
<b>Industrial research</b>			
—	subject to effective collaboration between undertakings (for large enterprises cross-border or with at least one SME) or between an undertaking and a research organisation;		
—	subject to wide dissemination of results		
<b>Experimental development</b>			
—	subject to effective collaboration between undertakings (for large enterprises cross-border or with at least one		

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—	SME) or between an undertaking and a research organisation; or subject to wide dissemination of results			
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5.2. Aid for feasibility studies

- A) Please specify the eligible costs and, for individual aid, indicate their amount:
- B) Please specify the applicable maximum aid intensities, including any increases for SMEs ('SME bonuses'):

5.3. Aid for the construction and upgrade of research infrastructures

- A) Please specify the eligible costs and, for individual aid, indicate their amount:
- B) Please specify the applicable maximum aid intensity:
- C) If the research infrastructures pursue both economic and non-economic activities, please tick the box below to confirm that the financing costs and revenues of each type of activity are accounted for separately on the basis of consistently applied and objectively justifiable cost accounting principles:

For individual aid, please provide relevant information and evidence:

- D) If the research infrastructures receive public funding for both economic and non-economic activities, please tick the box below to confirm that a monitoring and claw-back mechanism is in place in order to ensure that the applicable maximum aid intensity is not exceeded:

Please provide relevant information and evidence:

- E) Does the price charged for the operation or use of the research infrastructures correspond to a market price?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Please specify:

- F) Is access to the research infrastructures open to several users on a transparent and non-discriminatory basis?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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In case preferential access is granted to some undertakings, please provide details and indicate the share of the investment costs borne by those undertakings:

5.4. Innovation aid for SMEs

A) Please indicate which activities are supported under the notified measure:

(a)  obtaining, validating and defending patents and other intangible assets;

(b)  secondment of highly qualified personnel;

(c)  acquiring innovation advisory and support services.

B) Please specify the eligible costs and, for individual aid, indicate their amount:

C) Please specify the applicable maximum aid intensities:

5.5. Aid for process and organisational innovation

A) Please indicate which activities are supported under the notified measure:

process innovation;

organisational innovation.

B) Please specify the eligible costs and, for individual aid, indicate their amount:

Personnel costs	
Costs of instruments and equipment (to the extent and for the period used for the project)	
Costs of buildings and land (to the extent and for the period used for the project)	
Cost of contractual research, knowledge and patents bought or licensed from outside sources in arm's length transactions	
Additional overheads and other operating costs incurred directly as a result of the research project	

C) Please specify the applicable maximum aid intensities:

D) Where aid is awarded to large enterprises, please tick the box below to confirm that they effectively collaborate with SMEs in the aided activity and the collaborating SMEs incur at least 30 % of the total eligible costs:

For individual aid, please provide relevant information and evidence:

5.6. Aid for innovation clusters

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- A) Please tick the box below to confirm that the aid is awarded exclusively to the legal entity operating the innovation cluster:

For individual aid, please provide details:

- B) Do the fees charged for using the clusters' facilities and participating in the clusters' activities correspond to the market price or reflect their costs?

yes

no

Please specify:

- C) Is access to the clusters' premises, facilities and activities open to several users on a transparent and non-discriminatory basis?

yes

no

In case preferential access is granted to some undertakings, please provide details and indicate the share of the investment costs borne by those undertakings:

- D) For individual aid, please provide information on the planned or expected specialisation of the innovation cluster, existing regional potential and presence of clusters in the Union with similar purposes:

#### 5.6.1. Investment aid

- A) Please specify the eligible costs and, for individual aid, indicate their amount:
- B) Please specify the applicable maximum aid intensities, including any increases ('bonuses') for clusters located in assisted regions fulfilling the conditions of Articles 107(3)(a) or 107(3)(c) TFEU:

#### 5.6.2. Operating aid

- A) Please indicate which activities are supported under the notified measure:

(a)  animation of the cluster;

(b)  marketing of the cluster;

(c)  management of the cluster's facilities;

(d)  organisation of training programmes, workshops and conferences.

- B) Please specify the eligible costs and, for individual aid, indicate their amount:

- C) Please specify the applicable maximum aid intensity and duration of the aid:

### 6. **Compatibility assessment of the notified aid measure**

For individual aid, please provide a comprehensive description of the aided project or activity:

#### 6.1. Contribution to a well-defined objective of common interest

- A) Please define precisely the objective pursued and explain how the notified measure intends to promote R & D&I activities in the Union:



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- B) In case of an aid scheme, is it part of a comprehensive programme or action plan to stimulate R & D&I activities or smart specialisation strategies?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

Please specify, where relevant including reference to evaluations of similar past aid measures:

*Individual aid*

- A) Will the project size be increased due to the notified measure?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

If so, please specify the type of increase and provide relevant evidence:

- (a)  increase in the total project costs (without a decrease in spending by the aid beneficiary when compared to the situation without aid);
- (b)  increase in the number of people assigned to R & D&I activities;
- (c)  other type of increase.

- B) Will the project scope be increased due to the notified measure?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

If so, please specify the type of increase and provide relevant evidence:

- (a)  increase in the number of the expected deliverables of the project;
- (b)  increase in the level of ambition of the project evidenced by a higher number of partners involved, a higher probability of a scientific or technological break-through or a higher risk of failure (notably linked to the long-term nature of the project and uncertainty about its results);
- (c)  other type of increase.

- C) Will the project speed be increased due to the notified measure?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

If so, please provide relevant evidence:

- D) Will the total amount spent be increased due to the notified measure?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

If so, please specify the type of increase and provide relevant evidence:

- (a)  increase in total R & D&I spending by the aid beneficiary, in absolute terms or as a proportion of turnover;

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (b)  changes in the committed budget for the project (without a corresponding decrease in the budget allocated to other projects);
- (c)  other type of increase.

E) Will the notified measure be subject to a publicly available *ex post* evaluation of its contribution to the common interest?

yes

no

If so, please specify:

6.2. Need for State intervention

A) Please identify the market failures hampering R & D&I activities in the present case and justifying the need for state aid and provide relevant evidence:

- (a)  positive externalities/knowledge spillovers;
- (b)  imperfect and asymmetric information;
- (c)  coordination and network failures.

B) Please explain how the notified measure can effectively mitigate the market failures associated with reaching the objective of common interest without aid

6.2.1. Individual aid

A) Please explain whether the aid addresses a general market failure regarding R & D&I activities in the Union, or a specific market failure regarding, for example, a particular sector or line of business:

B) If available, please provide any sectoral comparisons and other studies that can substantiate the analysis of the alleged market failures:

C) If available, please provide any information regarding R & D&I projects or activities undertaken within the Union which, with respect to their technological content, level of risk and size, are similar to those concerned by the notified measure and explain why the aid is needed in the case concerned:

6.3. Appropriateness of the aid measure

A) Please explain how the advantages of using a selective policy instrument such as state aid in order to increase R & D&I activities have been established, and provide any related impact assessment and supporting documents:

B) If aid is awarded in forms that provide a direct pecuniary advantage (such as direct grants, exemptions or reductions in taxes or other compulsory charges, or the supply of land, products or services at favourable prices), please provide an analysis of other options and explain why or how other forms of aid are less appropriate to address the identified market failures:

6.4. Incentive effect

A) Please tick the box below to confirm that when awarding the aid under the notified measure, it will be ensured that work on the relevant R & D&I activities has not started

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

before the aid application by the beneficiary to the national authorities<sup>(77)</sup> and, for individual aid, specify the relevant dates:

- B) Please tick the box below to confirm that the aid applications include at least the applicant's name and size of the undertaking, a description of the project, including its location and start and end dates, the amount of public support needed to carry it out, and a list of eligible costs:

...

...

- C) If the aid is awarded in the form of a fiscal measure, please provide details and, for non-incremental measures, any evaluation studies establishing its incentive effect:

#### 6.4.1. Individual aid

- A) Please provide a description, by means of counterfactual analysis, of the behaviour of the beneficiary in the absence of aid and specify the intended change:

- B) Please specify the elements that are relevant for the notified measure and provide supporting evidence, such as board documents, risk assessments, financial reports, internal business plans, expert opinions and other studies related to the project under assessment:

(a)  level of profitability;

(b)  amount of investment and the timeframe of cash flows;

(c)  level of risk involved.

- C) If available, please provide industry-specific data demonstrating that the beneficiary's counterfactual scenario, its required level of profitability and its expected cash-flows are reasonable:

#### 6.5. Proportionality of the aid

- A) If the aid is awarded in the form of a repayable advance expressed as gross grant equivalent, please provide details on the methodology applied in order to calculate such gross grant equivalent, including underlying verifiable data or, for individual aid, specify on the basis of which approved aid scheme the aid is awarded:

If the aid is awarded in the form of a repayable advance expressed as a percentage of the eligible costs and exceeds, by up to 10 percentage points, the maximum aid intensities laid down in the R & D&I Framework, please confirm that:

(a)  in the case of a successful outcome, the notified measure provides that the advance is to be repaid with an interest rate not less than the discount rate resulting from the application of the Communication from the Commission on the revision of the method for setting the reference and discount rates<sup>(78)</sup>;

(b)  in the case of a success exceeding the outcome defined as successful, the Member State concerned requests payments beyond repayment of the advance amount including interest according to the applicable discount rate;

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (c)  in the case of failure or partial success, the repayment is proportional to the degree of success achieved.

Please provide details on the repayment of the advance and clearly define what is considered as a successful outcome of the aided activities, on the basis of a reasonable and prudent hypothesis:

- B) If the aid is awarded in the form of a fiscal measure, please specify how the aid intensities are calculated and provide any relevant details:

- on the basis of individual projects;
- at the level of the undertaking, as the ratio between the overall tax relief and the sum of all eligible R & D&I costs incurred in a period not exceeding three consecutive fiscal years.

#### 6.5.1. Individual aid

- A) Please provide a comprehensive business plan for the aided project (with and without aid), including all relevant expected costs and benefits:

If the aid beneficiary faces a clear choice between carrying out either the aided project or an alternative one without aid, please provide also a comprehensive business plan for the counterfactual project:

- B) In the absence of an alternative project, please explain why the aid is limited to the minimum necessary for the aided project to be sufficiently profitable, for example by making it possible to achieve an internal rate of return ('IRR') corresponding to the sector or firm specific benchmark or hurdle rate:

- C) If the aid beneficiary faces a clear choice between carrying out either the aided project or an alternative one without aid, please explain why the aid is limited to the minimum necessary to cover the net extra costs of the aided project compared to the counterfactual project, if relevant by taking account of the probabilities of different business scenarios occurring:

Please provide any supporting documents, such as internal company documents, showing that the counterfactual project is a clearly defined and sufficiently predictable alternative project that has been considered by the beneficiary in its internal decision making:

- D) Please explain how the aid amount has been established and provide any supporting documents:

- E) If there were multiple potential candidates for carrying out the aided activity, is the aid awarded on the basis of transparent, objective and non-discriminatory criteria?

yes

no

Please provide details:

- F) If the aid is meant to address actual or potential direct or indirect distortions of international trade, please provide any available evidence indicating that, directly or indirectly, competitors located outside the Union have received (normally in the last three years) or are going to receive aid of an equivalent intensity for similar projects:

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If available, please provide also sufficient information to assess the need to take account of the competitive advantage enjoyed by a third country competitor:

#### 6.6. Avoidance of undue negative effects on competition and trade

Please indicate whether:

- a) the award of aid is subject to the obligation for the beneficiary to have its central seat, or be predominantly established in the relevant Member State:

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- b) the award of aid is subject to the obligation for the beneficiary to use national products or services:

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- c) the aid measure restricts the possibility for the beneficiary to exploit the R & D&I results in other Member States:

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- d) the aid measure imposes any other obligation on the beneficiary:

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

If the answer to any of the questions in this section is yes, please provide details:

##### 6.6.1. Aid scheme

For aid schemes, please indicate how it will be ensured that any negative effects will be limited to the minimum (taking account, for example, of the size of the projects concerned, the individual and cumulative aid amounts, the number of expected beneficiaries and the characteristics of the targeted sectors) and provide any impact assessment or *ex-post* evaluations carried out for similar predecessor schemes:

##### 6.6.2. Individual aid

- A) If applicable, please describe the likely impact of the aid on competition in the innovation process:
- B) Please identify the product markets on which the aid is likely to have an impact and provide the current market share of the beneficiary in each of the markets concerned, as well as any changes in those market shares that would result from the aided activities:
- C) For each of the product markets concerned, please identify the main competitors of the aid beneficiary and provide their market shares:  
If available, please provide the associated Herfindahl-Hirschman Index ('HHI'):
- D) For each of the product markets concerned, please provide information on the customers or consumers affected by the aided activities:
- E) Please describe the structure and dynamics of the relevant markets with regard to the following aspects:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (a) recent developments and future growth prospects:  
 (b) amount spent by the main players on projects of a similar kind:  
 (c) levels of entry and exit barriers:  
 (d) existence of countervailing buyer power:  
 (e) incentives to compete for future markets:  
 (f) product differentiation and intensity of competition:  
 (g) other features likely to affect competitors, customers or consumers:
- F) Has the aid beneficiary any influence in the selection process, for example by having the right to recommend undertakings or influencing the research path?

yes

no

If so, please provide details:

- G) Is the aid awarded in markets featuring overcapacity or in declining industries?

yes

no

If so, please provide details:

- H) Has the beneficiary considered any alternative locations for the aided activities?

yes

no

Please provide details:

## 7. Other information

Please provide any other information that would be of relevance to assess the notified aid measure under the R & D&I Framework:

### PART III.3.A

#### Supplementary information sheet on aid for rescuing non-financial undertakings in difficulty: individual aid

*This supplementary information sheet must be filled in for the notification of individual rescue aid covered by the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty<sup>(79)</sup> ('Guidelines').*

#### 1. Eligibility

##### 1.1. Undertaking in difficulty

- A) Is the undertaking a limited liability company<sup>(80)</sup>, where more than half of its subscribed share capital has disappeared as a result of accumulated losses<sup>(81)</sup>?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- B) Is the undertaking a company where at least some members have unlimited liability for the debt of the company<sup>(82)</sup>, and where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- C) Is the undertaking subject to collective insolvency proceedings or does it fulfil the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- D) In the case of an undertaking that is not an SME:
- has the undertaking's book debt to equity ratio been greater than 7,5 for the past two years
  - and
  - has the undertaking's EBITDA interest coverage ratio been below 1,0 for the past two years?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- E) If you have answered yes to any of the questions in sections A to D, please substantiate the answer, including references in the answer to the supporting evidence or documents provided in annex (latest profit and loss account statements with balance sheets, or court decision opening collective insolvency proceedings on the company or evidence that the criteria for being placed under insolvency proceedings at the request of creditors under national company law are met, etc.).

1.2. An undertaking facing acute liquidity needs:

If you consider that the beneficiary is eligible for rescue aid even though it does not qualify as an undertaking in difficulty, please explain why you consider that it faces acute liquidity needs due to exceptional and unforeseen circumstances and include reference to the supporting evidence or documents (e.g. cash flow projections).

1.3. Newly created undertaking/larger business group:

- A) When was the undertaking created?
- B) Since when has the undertaking been operating?
- C) Does the company belong to a larger business group?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- D) If the answer to point C is 'yes', please submit full details about the group (organisation chart, showing the links between the group's members with details on capital and voting rights) and demonstrate that the company's difficulties are intrinsic and are not the result of an arbitrary allocation of costs within the group, and that the difficulties are too serious to be dealt with by the group itself.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

#### 1.4. Sectoral scope:

Is the undertaking active in:

A)	the coal sector <sup>a</sup> :	<input type="checkbox"/> yes	<input type="checkbox"/> no
B)	the steel sector <sup>b</sup> :	<input type="checkbox"/> yes	<input type="checkbox"/> no
C)	sectors covered by specific rules for financial institutions <sup>c</sup> :	<input type="checkbox"/> yes	<input type="checkbox"/> no

**a** As defined in Decision 2010/787/EU.

**b** As defined in Annex IV to the Communication from the Commission: Guidelines on regional state aid for 2014-2020 (OJ C 209, 23.7.2013, p. 1).

**c** Communication from the Commission on the application, from 1 August 2013, of the State aid rules to support measures in favour of banks in the context of the financial crisis ('Banking Communication') (OJ C 216, 30.7.2013, p. 1).

## 2. Compatibility with the internal market

### 2.1. Contribution to an objective of common interest:

A) Is the beneficiary located in a region or regions (at NUTS level 2) where the unemployment rate is one of the following:

- higher than the Union average, persistent and accompanied by difficulty in creating new employment in the region or regions concerned
- higher than the national average, persistent and accompanied by difficulty in creating new employment in the region(s) concerned?

yes no

B) Is there a risk of disruption to an important service which is hard to replicate and where would it be difficult for any competitor simply to step in (for example, a national infrastructure provider)?

yes no

C) Does the undertaking have any important systemic role in a particular region or sector? Would its exit have any potential negative consequences (for example as a supplier of an important input)?

yes no

D) Is there a risk of interruption to the continuity of provision of an SGEI?

yes no

E) Would the failure or adverse incentives of credit markets push an otherwise viable undertaking into bankruptcy?



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

F) Would the exit from the market of the undertaking concerned lead to an irremediable loss of important technical knowledge or expertise?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

G) Would the failure of the beneficiary involve any similar situation of severe hardship not listed above?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

H) If you have answered yes to any of the questions in points A to G, please fully substantiate the answer(s), including reference to the further supporting evidence or documents provided in annex.

## 2.2. Appropriateness/Form of aid

A) Is the aid in the form of loan guarantees or loans?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

B) If you have answered yes, please describe the terms of the loan or the guarantee and attach the relevant documents (e.g. draft loan agreement, draft guarantee).

C) Is the interest rate of the loan (or, where relevant, the total financial cost of the guaranteed loan, including the interest rate of the loan and the guarantee premium) set at a rate not lower than the reference rate set out by the Commission in its Reference Rate Communication<sup>(83)</sup> for weak undertakings offering normal levels of collateralisation?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

D) Please explain the use to which the rescue aid will be put: will the rescue aid be used to finance structural measures, such as acquisition of significant businesses or assets other than those required during the rescue period for the survival of the beneficiary?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

E) If so, please explain.

F) Will the loan be reimbursed or will the loan guarantee come to an end within a period of not more than six months after disbursement of the first instalment to the beneficiary?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

G) Do you undertake, not later than six months after the rescue aid measure has been authorised to communicate to the Commission, one of the following:

- proof that the loan has been reimbursed in full and/or that the guarantee has been terminated;
- a restructuring plan;

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- a liquidation plan setting out in a substantiated way the steps leading to the liquidation of the beneficiary within a reasonable time frame without further aid?

yes

no

### 2.3. Proportionality of the aid/aid limited to the minimum

Is the amount of the rescue aid determined in accordance with the formula set out in Annex I to the Guidelines?

yes

no

If so, please provide the calculation of the amount of the rescue aid in accordance with the formula.

If the amount of the rescue aid exceeds the result of calculations on the basis of the formula set out in Annex I to the Guidelines, please provide a duly justified liquidity plan setting out the beneficiary's liquidity needs for the coming six months.

### 2.4. Negative effects — 'One time, last time' principle

Has the undertaking (or the group to which it belongs) already received in the past any rescue aid, restructuring aid or temporary restructuring support<sup>(84)</sup> and/or any non-notified aid?

yes

no

If so, please provide full details (date, amount, reference to previous Commission decision if applicable, etc.)<sup>(85)</sup>.

## 3. Other information

Please indicate here any other information you consider relevant for the assessment of the measure(s) concerned under the Guidelines:

...

...

## PART III.3.B

### Supplementary information sheet on aid for restructuring non-financial undertakings in difficulty: individual aid

*This supplementary information sheet must be filled in for the notification of individual restructuring aid covered by the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty<sup>(86)</sup> ('Guidelines').*

#### 1. Eligibility

##### 1.1. Undertaking in difficulty

- A) Is the undertaking a limited liability company<sup>(87)</sup>, where more than half of its subscribed share capital has disappeared as a result of accumulated losses<sup>(88)</sup>?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- B) Is the undertaking a company where at least some members have unlimited liability for the debt of the company<sup>(89)</sup>, and where more than half of its capital listed in the company accounts has disappeared as a result of accumulated losses?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- C) Is the undertaking subject to collective insolvency proceedings or does it fulfil the criteria under domestic law for being placed in collective insolvency proceedings at the request of its creditors?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- D) In the case of an undertaking that is not an SME:
- has the undertaking's book debt to equity ratio been greater than 7,5 for the past two years
  - and
  - has the undertaking's EBITDA interest coverage ratio been below 1,0 for the past two years?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- E) If you have answered yes to any of the questions in points A to D, please substantiate the answer, including references in the answer to the supporting evidence or documents provided in annex (latest profit and loss account statements with balance sheets, or court decision opening collective insolvency proceedings on the company or evidence that the criteria for being placed under insolvency proceedings at the request of creditors under national company law are met, etc.).

1.2. Newly created undertaking or larger business group

- A) When was the undertaking created?
- B) Since when has the undertaking been operating?
- C) Does the company belong to a larger business group?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- D) If yes, please submit full details about the group (organisation chart, showing the links between the group's members with details on capital and voting rights) and evidence that the company's difficulties are intrinsic and are not the result of an arbitrary allocation of costs within the group, and that the difficulties are too serious to be dealt with by the group itself.

1.3. Sectoral scope

Is the undertaking active in:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

A)	the coal sector <sup>a</sup> :	<input type="checkbox"/> yes	<input type="checkbox"/> no
B)	the steel sector <sup>b</sup> :	<input type="checkbox"/> yes	<input type="checkbox"/> no
C)	sectors covered by specific rules for financial institutions <sup>c</sup> :	<input type="checkbox"/> yes	<input type="checkbox"/> no

**a** As defined in Decision 2010/787/EU.

**b** As defined in Annex IV to the Communication from the Commission: Guidelines on regional state aid for 2014-2020 (OJ C 209, 23.7.2013, p. 1).

**c** Communication from the Commission on the application, from 1 August 2013, of the State aid rules to support measures in favour of banks in the context of the financial crisis ('Banking Communication') (OJ C 216, 30.7.2013, p. 1).

#### 1.4. SGEI provider:

##### A) Is the undertaking providing services of general economic interest?

yes no

##### B) If the answer to point A is yes, please describe the service(s) of general economic interest and provide a copy of the entrustment act(s).

##### C) If the answer to point A is yes, please indicate the amount of the public service compensation the undertaking is receiving, describe the methodology of calculation of compensation and provide the relevant legal basis establishing the methodology of calculation of the public service compensation.

## 2. Compatibility with the internal market

### 2.1. Contribution to an objective of common interest:

#### A) Is the beneficiary located in a region or regions (at NUTS level 2) where the unemployment rate is one of the following:

- higher than the Union average, persistent and accompanied by difficulty in creating new employment in the region or regions concerned
- higher than the national average, persistent and accompanied by difficulty in creating new employment in the region(s) concerned.

yes no

#### B) Is there a risk of disruption to an important service which is hard to replicate and it would be difficult for any competitor simply to step in (for example, a national infrastructure provider)?

yes no

#### C) Does the undertaking have any important systemic role in a particular region or sector? Would its exit have any potential negative consequences (for example as a supplier of an important input)?

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- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
- D) Is there a risk of interruption to the continuity of provision of an SGEI?
- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
- E) Would the failure or adverse incentives of credit markets push an otherwise viable undertaking into bankruptcy?
- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
- F) Would the exit from the market of the undertaking concerned lead to an irremediable loss of important technical knowledge or expertise?
- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
- G) Would the failure of the beneficiary involve any similar situation of severe hardship not listed above?
- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
- H) If you have answered yes to any of the questions in points A to G, please fully substantiate the answer(s), including a reference to the further supporting evidence or documents provided in annex.

## 2.2. Restructuring plan and return to long-term viability

Please provide the restructuring plan<sup>(90)</sup> aiming at restoring the long-term viability<sup>(91)</sup> of the beneficiary within a reasonable timescale together with a market survey and a sensitivity analysis identifying the driving parameters of the beneficiary's performance and the main risk factors going forward (please follow as much as possible the indicative restructuring plan set out in Annex II to the Guidelines).

### 3. Need for State intervention/incentive effect

3.1. Please provide a comparison between the measures set out in the restructuring plan and a credible alternative scenario not involving State aid<sup>(92)</sup> demonstrating that in such an alternative scenario the relevant objective or objectives that you have identified in section 2.1 would not be attained, or would be attained to a lesser degree.

3.2. Please demonstrate that in the absence of the aid, the beneficiary would have been restructured, sold or wound up in a way that would not have achieved the objective of common interest identified in section 2.1.

### 4. Appropriateness

4.1. Please provide a short description of the State aid instruments chosen, including the form, amount and remuneration<sup>(93)</sup>:

4.2. Please explain whether the problems of the beneficiary are caused by liquidity and/or solvency issues, or by both:

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4.3. Please demonstrate that the State aid instruments chosen are appropriate to address the problems identified in point 4.2 (that is to say liquidity or solvency issues).

5. **Proportionality of the aid/aid limited to the minimum**

5.1. Own contribution

A) Does the own contribution of the beneficiary amount to at least 50 % of the restructuring costs<sup>(94)</sup>?

yes

no

B) Please describe and quantify each category of restructuring costs to be incurred, provide for their total amount and indicate which percentage of the restructuring costs will be covered by the own contribution:

C) Please describe and quantify the own contribution to the restructuring costs to be provided from the own resources of the beneficiary, its shareholders or creditors, or the business group to which it belongs, or from new investors:

D) Please explain why you consider this own contribution to be real and aid-free:

E) Please demonstrate that the own contribution is comparable to the aid granted in terms of effects on the solvency or liquidity position of the beneficiary<sup>(95)</sup> and, if not, explain why, with reference, if appropriate, to supporting documents (e.g. balance sheet, cash flow statements):

...

...

5.2. Burden-sharing

*To be completed if the State aid is granted in a form that enhances the beneficiary's equity position<sup>(96)</sup>*

A) Have the beneficiary's losses been fully accounted for, attributed to and absorbed by existing shareholders and/or subordinated creditors?

yes

no

B) If the answer to point A is yes, please provide evidence, on the basis of an up-to-date analysis of the beneficiary's balance sheet situation.

C) Will cash outflows from the beneficiary to holders of equity and/or subordinated debt be prevented during the restructuring period?

yes

no

D) If the answer to point C is no, please explain the reason(s).

E) Will the State receive a reasonable share of the future gains in value of the beneficiary, in view of the amount of State equity injected in comparison with the remaining equity of the company after losses have been accounted for?

yes

no

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

F) If the answer to point E is yes, please substantiate the answer and provide evidence accordingly.

G) If the beneficiary's losses are not absorbed in full (see point A above) and/or cash outflows from the beneficiary to holders of equity and/or subordinated debt are not prevented during the restructuring period (see point C above), please explain the reasons, in particular why full implementation of those conditions would lead to disproportionate results:

H) Are senior debt holders contributing to restoring the beneficiary's equity position?

yes

no

I) If the answer to point H is yes, please explain in which way senior debt holders will contribute.

## 6. Negative effects

### 6.1. 'One time, last time' principle

Has the undertaking (or the group to which it belongs) already received any rescue aid, restructuring aid or temporary restructuring support<sup>(97)</sup> and/or any non-notified aid?

yes

no

If yes, please provide full details (date, amount, reference to previous Commission decision if applicable, etc.)<sup>(98)</sup>:

### 6.2. Measures to limit distortions of competition:

#### *Structural measures — divestments and reduction of business activities*

A) Please describe the divestments of assets, reduction of capacity or market presence committed to be undertaken. Please show that divestments, write-offs and closure of loss-making activities included in the commitments are not necessary to restore long-term viability of the beneficiary. Please indicate in addition the relevant markets in which those divestments will take place and their timing<sup>(99)</sup>. Please indicate as well whether the beneficiary will facilitate divestitures, for example through ring-fencing of activities and by agreeing not to solicit clients of the divested business.

B) If structural measures exceptionally take the form of divestment of assets alone and do not involve the creation of a viable entity able to compete in the market, please demonstrate that no other form of structural measures would be feasible or that other structural measures would seriously jeopardise the economic viability of the undertaking:

#### *Behavioural measures*

C) Does the beneficiary agree to refrain from acquiring shares in any company during the restructuring period, except where indispensable to ensure its long-term viability and subject, in that case, to notification to and approval by the Commission?

yes

no

D) Does the beneficiary agree to refrain from publicising State support as a competitive advantage when marketing its products and services?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/> yes	<input type="checkbox"/> no
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E) Are there any other behavioural measures foreseen?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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*Market opening measures*

F) Will any measures be adopted by the national authorities or by the beneficiary with the aim of promoting more open, sound and competitive markets, for instance by favouring entry and exit<sup>(100)</sup>?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

G) If the answer to point F is yes, please describe which measures and in which market, indicating how the measures are directly or indirectly linked to the beneficiary's activities:

*Calibration of measures to limit distortions of competition*

H) Is any of the aid aimed at covering the social costs of restructuring<sup>(101)</sup>?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

I) If the answer to point H is yes, please specify:

**7. Other information**

7.1. Please indicate here any other information you consider relevant for the assessment of the measure(s) concerned under the Guidelines (e.g. as regards measures to increase employability of redundant workers or assistance with finding new employment):

*PART III.3.C*

**Supplementary information sheet on rescue aid, restructuring aid and/or temporary restructuring support: aid schemes**

*This supplementary information sheet must be filled with regard to rescue aid, restructuring aid and temporary restructuring support schemes covered by the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty<sup>(102)</sup> ('Guidelines').*

**1. Scope of the scheme**

1.1. Does the scheme concern provision of:

(a)	rescue aid:	<input type="checkbox"/> yes	<input type="checkbox"/> no
(b)	restructuring aid:	<input type="checkbox"/> yes	<input type="checkbox"/> no
(c)	temporary restructuring support:	<input type="checkbox"/> yes	<input type="checkbox"/> no



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

## 2. Eligibility

- 2.1. Is the scheme limited to SMEs<sup>(103)</sup> in difficulty or smaller State-owned undertakings in difficulty<sup>(104)</sup> (unless clearly indicated otherwise hereafter together referred as 'SMEs')?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 2.2. Is the scheme limited to SMEs that fulfil one of the following eligibility criteria:

- (a) In relation to SMEs that are limited liability companies<sup>(105)</sup>: more than half of the subscribed share capital has disappeared as a result of accumulated losses<sup>(106)</sup>?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- (b) In relation to SMEs which are companies where at least some members have unlimited liability for the debt of the company<sup>(107)</sup>: more than half of the capital shown in the company accounts has disappeared as a result of accumulated losses?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- (c) SMEs that are subject to collective insolvency proceedings or fulfil the criteria under their domestic law for being placed in collective insolvency proceedings at the request of their creditors?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- (d) In relation to smaller State-owned undertakings: the undertaking's book debt to equity ratio has been greater than 7,5 and its EBITDA interest coverage ratio has been below 1,0 for the past two years?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 2.3. Does the scheme foresee that rescue aid or temporary restructuring support, or both, can be granted to SMEs that do not qualify as undertakings in difficulty but are merely facing acute liquidity needs due to exceptional and unforeseen circumstances?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 2.4. If the answer to point 2.3 is yes, please explain how it will be assessed whether an SME faces acute liquidity needs and which kinds of circumstances are qualified as exceptional and unforeseen.

- 2.5. Does the scheme apply to newly-created SMEs?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 2.6. Does the scheme apply to SMEs active in:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

(a)	the coal sector <sup>a</sup> :	<input type="checkbox"/> yes	<input type="checkbox"/> no
(b)	the steel sector <sup>b</sup> :	<input type="checkbox"/> yes	<input type="checkbox"/> no
(c)	sectors covered by specific rules for financial institutions <sup>c</sup> :	<input type="checkbox"/> yes	<input type="checkbox"/> no

**a** As defined in Decision 2010/787/EU.

**b** As defined in Annex IV to the Communication from the Commission: Guidelines on regional state aid for 2014-2020 (OJ C 209, 23.7.2013, p. 1).

**c** Communication from the Commission on the application, from 1 August 2013, of the State aid rules to support measures in favour of banks in the context of the financial crisis ('Banking Communication') (OJ C 216, 30.7.2013, p. 1).

### 3. Maximum amount of aid

3.1. Is the maximum total amount of aid to be granted to any one SME under the scheme limited to a maximum of EUR 10 million, including any aid obtained from other sources or under other schemes?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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3.2. Please indicate the maximum amount of aid to be granted to an SME under the scheme:

### 4. Compatibility with the internal market

*In the case of rescue, restructuring aid and temporary restructuring support*

4.1. Contribution to an objective of common interest:

a) Does the scheme apply only in cases where the failure of the beneficiary would be likely to involve social hardship or a market failure, in particular:

— the exit of an innovative SME or an SME with high growth potential would have potential negative consequences:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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— the exit of an SME with extensive links to other local or regional SMEs would have potential negative consequences:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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— the failure or adverse incentives of credit markets would push an otherwise viable SME into bankruptcy:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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— similar situations of hardship duly substantiated by the beneficiary:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- b) If the answer to any of the questions in point (a) is yes, please fully substantiate the answer(s) and explain the criteria on the basis of which the national authorities are going to assess the contribution to the objectives of common interest.

*In the case of restructuring aid*

#### 4.2. Restructuring plan and return to long-term viability

In relation to the grant of restructuring aid, does the scheme require the provision of a restructuring plan<sup>(108)</sup> aiming at restoring the long-term viability<sup>(109)</sup> of the beneficiary within a reasonable timescale (please see an indicative restructuring plan in Annex II to the Guidelines)?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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### 5. Need for State intervention and incentive effect

- 5.1. In relation to the grant of restructuring aid, does the scheme require that the national authorities compare the measures set out in the restructuring plan with a credible alternative scenario not involving State aid<sup>(110)</sup> demonstrating that in such an alternative scenario the relevant objective or objectives of common interest, as described in section 4.1 above, would not be attained, or would be attained to a lesser degree? In particular, does the scheme require a demonstration that in the absence of the aid, the beneficiary would have been restructured, sold or wound up in a way that would not have achieved the objective or objectives of common interest, as described in section 4.1 above?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 5.2. If the answer to point 5.1 is yes, please explain according to which criteria the national authorities will assess it.

### 6. Appropriateness

*In the case of rescue aid*

- 6.1. Is the aid granted under the scheme restricted to loan guarantees or loans?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 6.2. Does the scheme require that the financial cost of the loan (or, in the case of loan guarantees, the total financial cost of the guaranteed loan, including the interest rate of the loan and the guarantee premium) is set at a rate not lower than the reference rate set out by the Commission in its Reference Rate Communication<sup>(111)</sup> for weak undertakings offering normal levels of collateralisation?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- 6.3. Does the scheme provide that rescue aid is granted for no longer than six months, during which an analysis must be made of the beneficiary's position?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 6.4. Does the scheme provide that, within six months after granting the rescue aid, the loan will be reimbursed or the guarantee terminated, unless before that time either: (a) the national authorities have approved a restructuring plan, or liquidation plan, or (b) the beneficiary has submitted a simplified restructuring plan<sup>(112)</sup> (in case of temporary restructuring support)?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 6.5. Does the scheme provide that the rescue aid must not be used to finance structural measures, such as acquisition of significant businesses or assets, other than those required during the rescue period for the survival of the beneficiary?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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*In the case of restructuring aid*

- 6.6. Please explain on basis of which criteria the national authorities will assess to what extent the problems of the beneficiary relate to liquidity or solvency or both, and how they will select the State aid instruments which will address the problems identified in the most appropriate way:

*In the case of temporary restructuring support*

- 6.7. Is the temporary restructuring support to be granted under the scheme restricted to loan guarantees or loans?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 6.8. Does the scheme require that the financial cost of the loan (or, in the case of loan guarantees, the total financial cost of the guaranteed loan, including the interest rate of the loan and the guarantee premium) be set at a rate not lower than the reference rate set out by the Commission in its Reference Rate Communication for weak undertakings offering normal levels of collateralisation?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 6.9. Does the scheme require that the remuneration for the temporary restructuring support be increased by at least 50 basis points 12 months after the disbursement of the first instalment to the beneficiary (less any immediately preceding period of rescue aid)?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 6.10. Does the scheme provide that temporary restructuring support be granted for no longer than 18 months, less any immediately preceding period of rescue aid?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 6.11. Does the scheme provide that not later than six months after disbursement of the first instalment of the temporary restructuring support to the beneficiary, less any immediately preceding period of rescue aid, the national authorities will approve a simplified restructuring plan?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 6.12. Does the scheme provide that within 18 months from the date of granting of the temporary restructuring support, less any immediately preceding period of rescue aid, the loan will be reimbursed or the guarantee terminated, unless before that time a restructuring plan or liquidation plan of the beneficiary has been approved by the national authorities?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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## 7. Proportionality of the aid or aid limited to the minimum

*In the case of rescue aid and temporary restructuring support*

### 7.1. Amount of aid

- (a) Does the scheme provide that the amount of aid will not exceed the result of the calculation on the basis of the formula set out in Annex I to the Guidelines?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- (b) If the answer to point (a) is no, does the scheme require the preparation of a liquidity plan setting out the beneficiary's liquidity needs for the next six months (18 months in the case of temporary restructuring support)?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- (c) If the answer to point (b) is yes, please explain on which basis and according to which information the national authorities will examine whether the liquidity plan setting out the beneficiary's liquidity needs for the next six months (18 months in the case of temporary restructuring support) is duly justified:

*In the case of restructuring aid*

### 7.2. Own contribution

- (a) Does the scheme require provision of a real and aid-free contribution to the restructuring costs from the own resources of the beneficiary, its shareholders, creditors, the business group to which it belongs or from new investors amounting to at least 40 % of the restructuring costs in the case of medium-sized enterprises or 25 % of the restructuring costs in the case of small enterprises?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- (b) If the answer to point (a) is yes, please explain which elements the national authorities will take into account to assess whether the own contribution is real and aid-free:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (c) Does the scheme require that the own contribution should be comparable to the aid granted in terms of effects on the solvency or liquidity position of the beneficiary<sup>(113)</sup>?

yes

no

- (d) If the answer to point (c) is yes, please explain how the national authorities will assess it:

### 7.3. Burden-sharing

*To be completed if the scheme provides that the State aid can be granted in a form enhancing the beneficiary's equity position<sup>(114)</sup>:*

- (a) Does the scheme provide that State intervention may only take place after losses have been fully accounted for and attributed to the existing shareholders and/or subordinated debt holders?

yes

no

- (b) Will cash outflows from the beneficiary to holders of equity and subordinated debt be prevented during the restructuring period to the extent legally possible?

yes

no

- (c) If the answer to point (b) is no, please explain on the basis of which criteria the national authorities will assess whether such cash outflows would not disproportionately affect those that have injected fresh equity.

- (d) Will the national authorities allow any exceptions from the conditions described in points (a) and (b) above?

no

yes. If so, please explain.

- (e) Does the scheme provide that the State will receive a reasonable share of the future gains in value of the beneficiary, in view of the amount of State equity injected in comparison with the remaining equity of the company after losses have been accounted for?

yes

no

## 8. Negative effects

### 8.1. 'One time, last time' principle:

Does the scheme exclude<sup>(115)</sup> the provision of aid to any SME which has received rescue aid, restructuring aid or temporary restructuring support in the past<sup>(116)</sup> and/or any non-notified aid?

yes

no

*In the case of restructuring aid*

### 8.2. Measures to limit distortions of competition<sup>(117)</sup>:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

*Structural measures — divestments and reduction of business activities*

- (a) Does the scheme require from beneficiaries divestments of assets, reduction of capacity or market presence<sup>(118)</sup> together with indication of the relevant markets on which those divestments will take place<sup>(119)</sup> and their timing<sup>(120)</sup>?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- (b) Does the scheme state that structural measures should normally take the form of divestments on a going-concern basis of viable stand-alone businesses that, if operated by a suitable purchaser, can compete effectively in the long term?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- (c) If the answer to point (b) is no, does the scheme provide that, where there is a lack of such entities, the beneficiary might carve out and subsequently divest an existing and appropriately funded activity, creating a new and viable entity that should be able to compete in the market?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- (d) If the scheme allows for structural measures in the form of divestment of assets alone, without involving the creation of a viable entity able to compete in the market, does it require a demonstration by the beneficiary that no other form of structural measures would be feasible or that other structural measures would seriously jeopardise the economic viability of the undertaking?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

*Behavioural measures*

- (e) Does the scheme require that the beneficiary refrain from acquiring shares in any company during the restructuring period, except where indispensable to ensure the long-term viability?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- (f) Does the scheme require that the beneficiary refrain from publicising State support as a competitive advantage when marketing their products and services?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- (g) Does the scheme provide for the beneficiary to refrain from engaging in commercial behaviour aimed at a rapid expansion of its market share relating to specific products or geographic markets by offering terms (for example as regards prices and other commercial conditions) which cannot be matched by competitors that are not in receipt of State aid?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- (h) If the answer to point (g) is yes, under what circumstances? Please explain.

- (i) Does the scheme foresee any other behavioural measures?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- no
- yes. If so, please describe.

*Market opening measures*

- (j) Does the scheme allow for any measures to be adopted by the national authorities or by the beneficiary that are aimed at promoting more open, sound and competitive markets, for instance by favouring entry and exit<sup>(121)</sup>?

yes

no

- (k) If the answer to point (j) is yes, please describe:

**9. General**

- 9.1. Does the scheme apply to SMEs in an assisted area?

yes

no

- 9.2. Do specific provisions apply to SMEs in assisted areas under the scheme?

yes

no

- 9.3. If the answer to point 9.2 is yes, please explain which specific provisions apply and why they are justified.

- 9.4. Do the national authorities intend to accept a contribution which constitutes less than 40 % of the restructuring costs in the case of medium-sized enterprises or less than 25 % of the restructuring costs in the case of small enterprises?

yes

no

- 9.5. If the answer to point 9.4 is yes, please explain how the national authorities will apply the requirements concerning the measures to limit distortions of competition in order to limit the negative systematic impacts for the region:

**10. Other information**

Please provide any other information that would be of relevance to assess the notified aid measure under the Guidelines (e.g. as regards measures to increase employability of redundant workers or assistance with finding new employment):

*PART III.4*

**Supplementary Information Sheet on aid for films and other audiovisual works**

*This supplementary information sheet must be used for notifications of aid covered by the Commission Communication on State aid for films and other audiovisual works<sup>(122)</sup>*

- 1. Characteristics of the notified aid measure(s)**



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 1.1. Please describe as accurately as possible the purpose of the aid, where appropriate, for each measure:
- 1.2. Please describe the scope of each measure, in terms of:
  - 1.2.1. the type of activities covered (e.g. development, production, distribution):
  - 1.2.2. the type of works covered (e.g. cinematographic works, television series, transmedia projects):
- 1.3. If the aid scheme includes a support measure for transmedia projects, do the aided activities directly relate to the film production component of the work?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 1.4. Please indicate what provisions exist to guarantee the cultural objective of the aid:

## 2. **Conditions for eligibility**

- 2.1. Please indicate the conditions for eligibility of activities or works under the planned aid measure:
- 2.2. Please indicate the conditions for eligibility of beneficiaries under the planned aid measure:
  - Does the scheme differentiate on grounds of nationality or place of residence?
  - Are beneficiaries obliged to fulfil any conditions other than that of being represented by a permanent agency at the moment of the payment of the aid?
    - If the aid has a tax component, must the beneficiary fulfil any obligations or conditions other than that of having taxable revenue in the territory of the Member State?
    - Other conditions:

## 3. **Territorial spending obligations**

- 3.1. Please indicate whether the measure includes provisions requiring the producer to spend the production budget, or parts of it, in the territory of the Member State or in one of its subdivisions:
  - 3.1.1. In order to be eligible for aid?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 3.1.2. As a condition attached to the granting of the aid?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 3.2. Do the conditions of territorial spending apply to certain specific items of the production budget?
- 3.3. If it is necessary to comply with a minimum degree of territorial spending in order to be eligible for the aid, please describe the nature of the requirements:

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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- 3.3.1. Of implicit nature (e.g. a minimum number of days shooting the production in the territory):
- 3.3.2. Of explicit nature (e.g. a minimum amount or percentage of expenditure):
- 3.4. In case there are territorial conditions attached to the granting of the aid, please explain:
  - 3.4.1. Is the aid calculated as a percentage of territorial expenditure?
  - 3.4.2. Is the required territorial spending calculated with regard to the overall budget of the film?
  - 3.4.3. Is the required territorial spending calculated with regard to the amount of aid granted?

#### 4. **Eligible costs**

Please specify the costs which may be taken into account to determine the amount of aid.

#### 5. **Aid intensity**

- 5.1. Please indicate whether the scheme allows for aid intensities exceeding 50 % of the production budget? If so, please clarify the types of works concerned and the aid intensity limits set.

...

...

- 5.2. If the concept of ‘difficult audiovisual works’ is used, please indicate the categories of works covered by this concept (that is to say, please indicate the definition used).
- 5.3. If scriptwriting or development is aided under the scheme: are the costs of scriptwriting and development included in the production budget and taken into account for calculating the aid intensity of the audiovisual work?
- 5.4. If distribution and promotion activities are supported under the scheme: what are the aid intensities allowed under the scheme?

#### 6. **Film heritage**

If applicable, please provide information on the measures taken with regard to film heritage.

#### 7. **Compatibility**

- 7.1. Please provide a reasoned justification in support of compatibility of the aid in the light of the principles set out in the Commission Communication on State aid for films and other audiovisual works.
- 7.2. If the scheme concerns aid to cinemas, please provide a reasoned justification in support of the compatibility of the aid as aid to promote culture within the meaning of Article 107(3)(d) TFEU, in particular the necessity, adequacy and proportionality of the aid.

#### 8. **Other Information**

Please indicate here any other information you consider relevant to the assessment of the measure(s) concerned under the Communication on State aid for films and other audiovisual works.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

### PART III.5

#### Supplementary Information Sheet on State aid to broadband

*This supplementary information sheet should be used for notifications of aid covered by the EU Guidelines for the application of State aid rules in relation to rapid deployment of broadband networks<sup>(123)</sup> ('Broadband Guidelines').*

#### 1. Characteristics of the notified aid measure

- 1.1. Please describe the objective of the aid measure:
- 1.2. Please explain how the aid measure fits with the national broadband strategy and the Union objectives (including for the EU 2020 strategy and the Digital Agenda<sup>(124)</sup>).
- 1.3. Please present the rationale for public intervention and explain the anticipated benefits of the aid measure (e.g. economic and social benefits, increased broadband coverage and internet penetration rates, etc.).
- 1.4. What category of network does the aid measure aim to support?
  - backbone networks (or trunk networks);
  - backhaul networks (or regional, or middle-mile networks);
  - access networks (or last mile networks).
- 1.5. What elements of the network does the aid measure aim to support?
  - Passive infrastructure elements;
  - Active infrastructure equipment.
- 1.6. What type of broadband networks does the aid measure aim to support?
  - basic broadband networks (providing at least 2Mbps download speed);
  - next generation access networks ('NGA')<sup>(125)</sup>;
  - ultrafast broadband networks<sup>(126)</sup>.
- 1.7. What types of areas are targeted by the aid measure? Classify targeted areas with respect to the different segment and type of network supported and substantiate the classification on the basis of verifiable data.

<input type="checkbox"/> Basic White	<input type="checkbox"/> Basic Grey	<input type="checkbox"/> Basic Black
<input type="checkbox"/> NGA White	<input type="checkbox"/> NGA Grey	<input type="checkbox"/> NGA Black
<input type="checkbox"/> Ultrafast White	<input type="checkbox"/> Ultrafast Grey	<input type="checkbox"/> Ultrafast Black

- 1.8. Please provide any other relevant information useful to clarify the general context of the aid measure:
- 1.9. What type of investment and business model will be adopted<sup>(127)</sup>?

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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## 2. Process and granting of the aid measure

### *Mapping, coverage analysis*

- 2.1. What is the scope of the aid measure in terms of territorial coverage?
- 2.2. Please provide information, including the date, and submit the results of the detailed mapping and coverage analysis undertaken to clearly identify the target areas:

### *Public consultation*

- 2.3. Please describe the process and the results of the open transparent public consultation giving the opportunity to all interested stakeholders to comment on the planned aid measure. Please submit the relevant internet links on which the information about the measure has been published:

### *Competitive selection procedure*

- 2.4. In case of deployment and/or operation of the subsidised network by a third-party operator, please confirm that a competitive selection procedure will be conducted in line with the EU Public Procurement Directives<sup>(128)</sup>. Please provide all relevant information in that respect:
- 2.5. Please provide information on how the most economically advantageous offer is to be selected (including the award criteria and the relative weighting which is given to each of the criteria chosen) taking into account qualitative criteria (for instance, coverage, sustainability of the technological approach or the impact of the solution on competition) and price:
- 2.6. Are there any minimum service requirements that the subsidised network has to comply with (such as minimum bandwidth, sustained services, minimum geographical coverage, etc.)?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 2.7. If yes, please describe:

### *Technological neutrality*

- 2.8. Is the aid measure technologically neutral?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 2.9. If the answer to point 2.8 is yes, please describe how that principle is ensured:

### *Use of existing infrastructure*

- 2.10. Please submit a map depicting the existing infrastructures in place in the country or region concerned, including also any new infrastructure(s) planned by commercial operators in the near future, that is to say within a three year period:
- 2.11. Please explain how it is ensured that the operators wishing to participate in the selection procedure provide all relevant information on any existing infrastructure they own or control in the target area:

### *Wholesale access*

- 2.12. Please explain what type of 'wholesale access' obligations will be imposed on the subsidised network (including access to passive and active infrastructure, the right to

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use ducts and poles, dark fibre and street cabinets), and how long the access obligations will be maintained:

*Wholesale access pricing*

2.13. Please explain how access prices will be benchmarked:

*Claw-back and monitoring mechanism*

2.14. Will a claw-back mechanism apply to the aid measure?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

2.15. If the answer to point 2.14 is yes, please describe this mechanism, its characteristics and duration:

2.16. Please explain how the monitoring of the aid measure will be organised:

— which public authority will undertake the monitoring?

— what aspects of the measure will be subject to monitoring?

— which performance criteria will be analysed?

— what will be the timing of the monitoring?

*National regulatory authority ('NRA')*

2.17. Please describe the role of the NRA in particular regarding: identification of target areas, wholesale access pricing including benchmarking, dispute resolution, etc.:

2.18. Please report the position of the NRA on the proposed aid intervention and, where available, the opinion of the national competition authority:

### 3. **Compatibility criteria**

Please explain how the notified aid measure complies with the conditions specified in Section 2.5 of the Broadband Guidelines, in particular with regard to:

*Objective of common interest*

(a) Is the aid measure aimed to address well-defined objectives of common interest?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

(b) If the answer to (a) is yes, please give a description of the objectives of common interest pursued by the aid measure:

*Market failure*

(c) Does the aid measure address a market failure or important inequalities hampering the availability of broadband services?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

(d) If the answer to (c) is yes, please describe this market failure and provide a general overview of the broadband market in the country or region concerned and of the areas targeted by the aid measure.

That overview should contain information on the current level of broadband coverage, internet penetration rate (number of connected households, enterprises), breakdown of services availability by technology, major trends on the (national or regional) broadband market, rural/urban divide in terms of broadband coverage, comparison of

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retail prices with those charged for the same services offered in more competitive but otherwise comparable areas or regions of the country, available technological solutions for broadband development and provision of connectivity services, competitive situation in the electronic communication markets (structure and dynamics of the markets), overview of the national regulatory framework and of existing regulatory obligations for electronic communication operators:

*Appropriate instrument*

- (e) Please demonstrate the appropriateness of the aid measure:
- (f) Have any other alternative (less distortive) instruments already been implemented to enable the supply of broadband services and to overcome the lack of broadband connectivity, including *ex ante* regulation or demand stimulation?

yes

no

- (g) If the answer to (f) is yes, please describe those initiatives and explain why they were deemed insufficient to achieve the desired broadband development objectives:

- (h) Have the existing network operators undertaken any private investment in the target areas over the last three years?

yes

no

- (i) If the answer to (h) is yes, please describe those investments and explain why existing broadband infrastructure is not sufficient to satisfy the needs of citizens and business users and why State aid is necessary:

*Incentive effect*

- (j) Please describe the positive effects that the aid measure is expected to generate:

*Step Change*

- (k) Will the aid measure ensure a 'step change' in terms of broadband availability?

yes

no

- (l) If the answer to (k) is yes, please demonstrate this by means of comparison to the existing and planned network deployment (that is to say before and after the planned intervention). In particular, please describe in detail whether and to what extent significant new investment in the broadband network will be undertaken and what new capabilities will be brought to the market in terms of broadband service availability and quality:

- (m) Please explain the expected changes in the behaviour of the beneficiary(s) of the aid measure:

- (n) Please demonstrate that similar broadband network investment would not have been undertaken within the same time frame and/or under the same terms and conditions in the absence of State aid:

*Proportionality*

- (o) Please explain how it is ensured that the aid measure is limited to the minimum necessary:

*Distortion of competition and effect on trade*

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- (p) Please explain what potential negative effects on competition and trade the aid measure may have (for example: potential to cause crowding out of private investments or reinforcement of a dominant position) and what elements in the design of the measure<sup>(129)</sup> could minimize those risks:

#### 4. **Other information**

Please indicate here any other information you consider relevant to the assessment of the measure concerned under the Broadband Guidelines or any other information that is relevant from the point of view of Union competition and internal market rules<sup>(130)</sup>.

### PART III.6

#### **Supplementary information sheet for State aid for environmental protection and energy**

*This supplementary information sheet must be used for the notification of any aid covered by the Guidelines on State aid for environmental protection and energy 2014–2020 (hereinafter ‘the EEAG’)<sup>(131)</sup>.*

*All documents provided by Member States as annexes to the notification form must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

*If there are several beneficiaries involved in an individual aid measure, the relevant information must be provided for each of them.*

*This supplementary information form is to be filled in in addition to the ‘Part I. General information’ form.*

#### **Scope**

##### *General Block Exemption Regulation*

Before completing this notification form you should consider whether this measure could be implemented under Commission Regulation (EU) No 651/2014 (the General Block Exemption Regulation (‘the GBER’)<sup>(132)</sup>, and in particular section 7 of chapter III thereof (Aid for environmental protection).

Could the aid be implemented under the GBER?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If the aid could be implemented under the GBER, please explain why the measure is notified.  
*De minimis Regulation*

Before completing this notification form you should consider whether this measure could be implemented under the *de minimis* Regulation<sup>(133)</sup>:

Could the aid be implemented under the *de minimis* Regulation?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If the aid could be implemented under the *de minimis* Regulation, please explain why the measure is notified.

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

*This form should only be completed for notification of State aid which is intended to be implemented under the EEAG. Please fill in the relevant parts of the notification form corresponding to the character of the notified measure.*

## Section A:

### General information on environmental and energy aid measures

1. Please specify the type of aid below and then complete the appropriate part of section B of this supplementary information sheet ('General compatibility assessment'). If the scheme provides more than one type of aid in the list below you should complete section B for each box ticked.

If the measure is aid in the form of reductions in, or exemptions from, environmental taxes, or from funding the support for energy from renewable energy sources<sup>(134)</sup>, please fill in Section C of the form ('Compatibility assessment for aid in the form of reductions in or exemptions from environmental taxes and in the form of reductions in funding support for energy from renewable sources').

- (a)  Aid for undertakings which go beyond Union standards or which increase the level of environmental protection in the absence of Union standards;
- (b)  Aid for the acquisition of new transport vehicles which go beyond Union standards or which increase the level of environmental protection in the absence of Union standards;
- (c)  Aid for early adaptation to future Union standards;
- (d)  Aid for renewable energy sources;
  - Please confirm that the measure only supports energy from renewable energy sources as defined in point 19(5) and 19(11) of the EEAG.
  - For biofuels, please confirm that the measure only supports sustainable biofuels as defined in point 19(9) of the EEAG.
- (e)  Aid for energy efficiency measures;
  - Please confirm that the measure only supports efficiency measures as defined in point 19(2) of the EEAG.
- (f)  Aid for energy efficient district heating or cooling measures;
  - Please confirm that the measure only supports energy efficient district heating or cooling measures as defined in point 19(14) of the EEAG.
- (g)  Aid for high efficient cogeneration;
  - Please confirm that the measure only supports high efficient cogeneration as defined in point 19(13) of the EEAG.
- (h)  Aid for waste management;
- (i)  Aid for environmental studies;
- (j)  Aid for the remediation of contaminated sites;
- (k)  Aid for the relocation of undertakings;
- (l)  Aid involved in tradable permits schemes;



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- (m)  Aid for energy infrastructure;
  - (n)  Aid for CO<sub>2</sub> capture, transport and storage (CCS);
  - (o)  Aid for generation adequacy measures;
  - (p)  Aid in the form of reductions in or exemptions from environmental taxes;
  - (q)  Aid in the form of reductions in funding support for energy from renewable sources.
2. Please provide a detailed description of the main characteristics of the notified measure (objective, likely effects of the aid, aid instrument, aid intensity, beneficiaries, budget, conditions, etc.).
3. Can the aid be combined with other aid?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If the answer is yes, please explain and fill in the section on cumulation in the proportionality section of section B.

4. In case the notified measure concerns a scheme, please tick the box in this point to confirm that any aid awarded under the notified scheme will be notified individually if it exceeds the thresholds laid down in point 20 of the EEAG:
- yes
5. In case the notified individual aid is based on an approved scheme, please provide details concerning that scheme (case number, title of the scheme, date of Commission approval):
6. If applicable, please indicate the exchange rate which has been used for the purposes of the notification:
7. Please indicate whether such conditions are attached to the measure, including its financing method when it forms an integral part of it, that can entail a non-severable violation of Union law (point 29 of the EEAG).

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If the answer is yes, please explain how compliance with Union law is ensured.

## Section B:

### General compatibility assessment

#### 1. Contribution to an objective of common interest

*To answer the questions in this section, please refer to section 3.2.1 of the EEAG and where further specified to sections 3.2 – 3.6 and 3.8 – 3.10 of the EEAG.  
State aid schemes*

1. In the light of the objectives of common interest addressed by the EEAG, please indicate the environmental or energy objectives pursued by the notified measure<sup>(135)</sup>.

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Please provide a detailed description of each distinct type of aid to be granted under the notified measure:

2. Has the notified measure already been applied in the past?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If yes, please indicate its results in terms of environmental protection or energy system improvements, the relevant case number and date of Commission approval and, if possible, attach national evaluation reports on the measure:

3. If the measure is new, please indicate the expected results and the period over which they will be achieved, as well as how those results will contribute to the achievement of the objective pursued:
4. Please explain how you ensure that the generation adequacy investment will not contradict the objective of phasing out environmentally harmful subsidies including for fossil fuels, in line with point 220 of EEAG. How are for example demand-side management and interconnection capacity taken into account? Is there for example a preference for low carbon capacity providers in case of equivalent technical performance?
5. In the case of generation adequacy, please explain and clearly define the generation adequacy problem that is expected to arise and the consistency with the generation adequacy analysis regularly carried out by ENTSO-E<sup>(136)</sup>. Please provide in the answer details in view of the considerations set out in point 221 of the EEAG.
6. In the case of waste management, please confirm that the following conditions are met:
- (a)  the waste hierarchy principle is respected (see point 118 of the EEAG)
- (b)  the investment is aimed at reducing pollution generated by undertakings ('polluters') and does not extend to pollution generated by the beneficiary of the aid (see point 158(a) of the EEAG)
- (c)  the aid does not indirectly relieve the polluters from a burden that should be borne by them under Union law, or from a burden that should be considered as a normal company cost for the polluters (see point 158(b) of the EEAG)
- (d)  the investment goes beyond the 'state of the art' (see point 158(c) of the EEAG)
- (e)  the treated materials would otherwise be disposed of, or be treated in a less environmentally friendly manner (see point 158(d) of the EEAG)
- (f)  the investment does not merely increase demand for the materials to be recycled without increasing collection of those materials (see point 158 of the EEAG)

Furthermore, please provide details and evidence of compliance with the conditions mentioned in this point:

7. In the case of tradable permits, please describe in detail the tradable permit scheme, including, inter alia, the objectives, the granting methodology, the authorities or entities involved, the role of the State, the beneficiaries and the procedural aspects:

Please explain how:

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- (a)  the tradable permit scheme is set up in such a way as to achieve environmental objectives beyond those intended to be achieved on the basis of Union standards that are mandatory for the undertakings concerned:
- (b)  the allocation is carried out in a transparent way and based on objective criteria and on data sources of the highest quality available:
- (c)  the total amount of tradable permits or allowances granted to each undertaking for a price below their market value is not higher than its expected needs as estimated for the situation in the absence of the trading scheme:
- (d)  the allocation methodology does not favour certain undertakings or certain sectors;  
In case the allocation methodology favours certain undertakings or certain sectors, please explain how that is justified by the environmental logic of the scheme itself or is necessary for consistency with other environmental policies:
- (e)  new entrants must not in principle receive permits or allowances on more favourable conditions than existing undertakings operating on the same markets:
- (f)  granting higher allocations to existing installations compared to new entrants should not result in creating undue barriers to entry:

Please provide details and evidence demonstrating compliance with the conditions mentioned in this point:

*Individually notifiable aid — additional information*

8. If the aid is to be made available to individual undertakings please provide as much as possible quantifiable information to demonstrate the contribution to the relevant common objective for the notified measure.

## 2. **Need for State Aid**

*To answer the questions in this section, please refer to section 3.2.2 of the EEAG and where further specified to sections 3.2 – 3.6 and 3.8 – 3.10 of the EEAG.*

*State aid schemes*

1. Please identify the market failure which is hampering the level of environmental protection or a well-functioning, secure, affordable and sustainable energy market (see point 35 of the EEAG):
2. If the market failure is already being addressed by other policies or measures, please provide evidence that the notified measure is only targeted at the residual market failure (see point 36 of the EEAG):
3. Please provide detailed information on the nature and the reasons why the notified measure is necessary:
4. In the case of investment in energy infrastructure projects, please explain (see points 206 – 208 of the EEAG):
  - (a) To what extent does the measure benefit projects of common interest as defined in Regulation (EU) No 347/2013, smart grids or infrastructure in assisted regions?
  - (b) To what extent does the market failure lead to a sub-optimal provision of the necessary infrastructure?

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- (c) To what extent is the infrastructure accessible to third parties and subject to tariff regulations?
5. In the case of generation adequacy please provide the following information set out in points 222 to 224 of the EEAG.
- (a) Assessments of the impact of variable generation, including that originating from neighbouring systems.
  - (b) Assessment of the impact of the demand-side participation, including a description of measures to encourage demand-side management.
  - (c) Assessment of the actual or potential existence of interconnectors including a description of projects under construction and planned projects.
  - (d) Assessment of any other element which might cause or exacerbate the generation adequacy problem, such as regulatory or market failures, including for example caps on wholesale prices.

...

...

*Individually notifiable aid — additional information*

6. If the aid is to be made available to individual undertakings please provide clear evidence that the individual undertakings concerned are actually confronted with the market failures or the residual market failures identified above (see points 38 and 39 of the EEAG):
7. To the extent relevant, please provide specific information on:
- (a) whether the market failure is already sufficiently addressed by other policy measures, in particular the existence of environmental or other Union standards, the Union ETS or environmental taxes:
  - (b) whether State intervention is needed, taking into account the cost of implementation of national standards for the aid beneficiary in the absence of aid compared to the costs, or absence thereof, of implementation of those standards for the main competitors of the aid beneficiary:
  - (c) in the case of coordination failures, the number of undertakings required to collaborate, diverging interests between collaborating parties and practical problems to coordinate collaboration, such as linguistic issues, sensitivity of information and non-harmonised standards:

**3. Appropriateness of the aid**

*To answer the questions in this section, please refer to section 3.2.3 of the EEAG and where further specified to sections 3.2 – 3.6 and 3.8 – 3.10 of the EEAG.*

1. Please explain why State aid is the appropriate instrument rather than other policy instruments (non-State aid instruments) or the full implementation of the ‘polluter pays principle’<sup>(137)</sup> (see points 41 – 44 of the EEAG).
2. Please explain why the State aid instrument selected is deemed to be the most appropriate State aid instrument to address the policy objective concerned and why it is likely to generate the least distortions of trade and competition in comparison with other State aid instruments (see point 45 – 48 of the EEAG).

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

3. In the case of generation adequacy please confirm and explain that the aid is remuneration purely for availability in accordance with point 225 of the EEAG. Please also describe how the measure provides adequate incentives to both existing and future generators and to operators using substitutable technologies, such as demand-side response or storage solutions (such as allowing for different lead times to allow different technologies) in accordance with point 226 of the EEAG. Please explain to what extent interconnection capacity could remedy any possible problem of generation adequacy (as stated in point 226 of the EEAG).

4. **Incentive effect**

*To answer the questions in this section, please refer to section 3.2.4 of the EEAG and where further specified to sections 3.2 – 3.6 and 3.8 – 3.10 of the EEAG.*

*State aid schemes*

1. Is the aid to be awarded on the basis of a competitive bidding process?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please provide details of the competitive process and attach a copy of the tender notice or its draft.

2. When awarding the aid under the notified measure, is it ensured that work on the project has not started before the submission of the aid application by the beneficiary to the national authorities? Is it ensured that the aid will in no case be paid, and has not been already paid, where work on the aided project had already started prior to the submission of the aid application by the beneficiary to the national authorities<sup>(138)</sup>?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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3. Do the aid applications include at least the applicant's name and in the case of an undertaking, its size, a description of the project, including its location and start and end dates, the amount of public support needed to carry it out, and a list of eligible costs?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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4. Please describe, providing examples, the counterfactual credibility checks that will be carried out to ensure that aid results in the desired incentive effects

5. If the purpose of the aid granted is to help with adapting to future Union standards or going beyond Union standards, please provide details of what the aid will consist of, which standards will be met and when or which standards will be exceeded (see points 53 to 55 of the EEAG).

6. If the aid is granted for transport vehicles for road, railway, inland waterway and maritime transport, please provide details relating to the applicability of the Union standards (including geographical scope where relevant) and in particular the retroactive application thereof (see point 54(a) or (b) of the EEAG).

Was a Union standard adopted?

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<input type="checkbox"/> yes	<input type="checkbox"/> no
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7. If the answer to question 6 is yes, please confirm whether it has entered into force. If it is not in force yet, by what date will it enter into force?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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8. If the answer to question 6 is yes, will the investment be implemented and finalised at least one year before the date the Union standard concerned enters into force?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Please explain by what date the will investment be finalised:

9. If the aid concerns energy audits of large enterprises, can you confirm that the aid does not pay for an energy audit that the beneficiary is required to undertake under Directive 2012/27/EU on Energy Efficiency<sup>(139)</sup>?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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*Individually notifiable aid — additional information*

10. If the aid is to be made available to individual undertakings please provide clear evidence that the aid has an incentive effect on the investment decision, that it changes the behaviour of the beneficiary leading either to an increase in the level of environmental protection or leading to a better functioning of the Union energy market (see section 3.2.4.2 of the EEAG):
11. Please clarify what advantages the supported project will bring to the beneficiary, in particular production advantages for example an impact on capacity and product quality (see point 59 of the EEAG):
12. Please provide, explain and justify the counterfactual scenario for the individual undertaking involved (see point 60 of the EEAG):
13. Please provide profitability for the project concerned and typical normal rates of return accepted by the undertaking for other investments of a similar kind. Please provide evidence in support of the information provided (see points 61 – 65 of the EEAG):
14. In case of a Union standard which is applicable or which will be applicable, please provide evidence, including quantitative information, that that standard does not remove the incentive effect of the aid (see points 66 – 68 of the EEAG):

**5. Proportionality**

*To answer the questions in this section, please refer to section 3.2.5 of the EEAG and sections 3.2 – 3.6 and 3.8 – 3.10 of the EEAG.*

*If the measure concerns investment aid only, please fill in the first part of this section. If the aid is operational aid, please fill in the second part of this section. If the measure consists of both investment and operating aid both sections should be completed.*

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*Status:* Point in time view as at 31/01/2020.

*Changes to legislation:* There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)

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## 5.1. State aid schemes

### 5.1.1. Investment aid schemes

*The aid amount per beneficiary should be limited to the minimum required to achieve the level of environmental protection or energy objective aimed for. As a general principle aid will be deemed limited to the minimum necessary if the aid corresponds to the total net extra cost necessary to meet the objective compared to the counterfactual scenario (see section 3.2.5 of the EEAG, point (70)).*

*For aid to energy efficient district heating and cooling projects, this section is only applicable to the production plant. For the infrastructure part the funding gap approach for energy infrastructure should be used (see section 5.1.2 operating aid schemes) (point 76 of the EEAG).*

5.1.1.1. Eligible costs<sup>(140)</sup>: please provide the details of the eligible costs as appropriate.

- (1) Please confirm that the eligible costs are limited to the extra investment costs necessary to achieve the objective of common interest and do not exceed an aid intensity of 100 %:
  - yes
- (2) Please confirm the following by ticking the appropriate box and provide explanations about:
  - the precise environmental protection related cost constitutes the eligible costs, if the cost of investing in environmental protection can be easily identified;
  - or
  - the extra investment costs are established by comparing the aided investment with the counterfactual situation in the absence of aid, that is to say the reference investment<sup>(141)</sup>
- (3) The counterfactual scenario can be difficult to establish in integrated projects such as integrated energy-efficiency measures or biogas projects. Where a counterfactual scenario cannot be established the Commission may consider the total costs of the project as an alternative which may imply lower aid intensities to reflect the calculation of the eligible costs (see point 75 of the EEAG).

If you propose to use that approach please explain in detail the reason for doing so and provide the details of the calculation, in particular showing how the maximum aid intensities are appropriately adjusted:

- (4) Please provide a detailed calculation methodology, by reference to the counterfactual situation, which will be applied to all individual aid grants based on the notified scheme, and provide the relevant evidence:
- (5) What form do the eligible costs take?
  - (a)  investments in tangible assets
  - (b)  investments in intangible assets

If the investment relates to tangible assets please complete point 6; if it relates to intangible assets please complete point 7. If the investment relates to both tangible and intangible assets both points 6 and 7 should be completed.

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (6) In case of investments in tangible assets please indicate the form(s) of investments concerned:
- (a)  investments in land which are strictly necessary in order to meet environmental objectives;
  - (b)  investments in buildings intended to reduce or eliminate pollution and nuisances;
  - (c)  investments in plant and equipment intended to reduce or eliminate pollution and nuisances;
  - (d)  investments to adapt production methods with a view to protecting the environment.
- (7) In case of investments in intangible assets (technology transfer through the acquisition of operating licenses or of patented and non-patented know how) please confirm that any such intangible asset satisfies the following conditions:
- (a)  it is regarded as a depreciable asset;
  - (b)  it is purchased on market terms, from an undertaking over which the acquirer has no direct or indirect control;
  - (c)  it is included in the assets of the undertaking, and remains in the establishment of the recipient of the aid and is used there for at least five years<sup>(142)</sup>.

Furthermore, please confirm that if the intangible asset is sold during the first five years:

- the yield from the sale will be deducted from the eligible costs;
- and
- all or part of the amount of aid will, where appropriate, be reimbursed.

If the investment relates to Union standards, please fill in point 8.

- (8) In case of measures aiming at obtaining a level of environmental protection higher than Union standards, please confirm the relevant statements<sup>(143)</sup> by ticking the relevant box:
- (a)  if the undertaking is adapting to national standards adopted in the absence of Union standards, the eligible costs consist of the additional investment costs necessary to achieve the level of environmental protection required by the national standards;
  - (b)  if the undertaking is adapting to or goes beyond national standards which are more stringent than the relevant Union standards or goes beyond Union standards, the eligible costs consist of the additional investment costs necessary to achieve a level of environmental protection higher than the level required by the Union standards<sup>(144)</sup>;
  - (c)  if no standards exist, the eligible costs consist of the investment costs necessary to achieve a higher level of environmental protection than that which the undertaking or undertakings in question would achieve in the absence of any environmental aid.

#### 5.1.1.2. Aid intensity and bonuses

*The aid intensities which are allowed for the different measures can be found in Annex I to the EEAG.*



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

(9) What is the basic aid intensity applicable to the notified measure (without any bonus, see point 10 below)?

(10) Bonuses:

*Bonus for assisted regions*

(a) Is a bonus envisaged due to the investment being located in an assisted area<sup>(145)</sup>?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please specify the amount of bonus applicable (as percentage of the eligible costs):

(b) Please confirm that if the aid or bonus for regions covered by Article 107(3)(a) TFEU is granted, only beneficiaries located in the regions referred to in Article 107(3)(a) TFEU as defined in point 19(46) of the EEAG are eligible for such aid/bonus:

yes

(c) Please confirm that if the aid or bonus for regions covered by Article 107(3)(c) TFEU is granted, only beneficiaries located in Article 107(3)(c) regions as defined in point 19(46) of the EEAG are eligible for such aid/bonus:

yes

*SME bonus*

(d) Is an SME bonus<sup>(146)</sup> applied under the notified measure?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

If so, please specify the amount of bonus applicable (as percentage of the eligible costs):

(e) Please confirm that if the aid/bonus for small enterprises is granted, the beneficiaries comply with the definition for small enterprises as defined in point 19(17) of the EEAG:

yes

(f) Please confirm that if the aid/bonus for medium enterprises is granted, the beneficiaries comply with the definition for medium enterprises as defined in point 19(17) of the EEAG:

yes

*Eco-innovation bonus*

(g) Is an eco-innovation bonus<sup>(147)</sup> applied under the notified measure?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

(h) If so, please specify the level of bonus applicable and explain how the specific requirements set out in point 78(c)(i) to (iii) of the EEAG are fulfilled:

*Bidding process*

(i) Is the aid granted in a genuinely competitive bidding process<sup>(148)</sup>?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

yes

no

If the answer is yes, please provide details of the competitive process and evidence of compliance with point 19(43) of the EEAG. Please attach a copy of the tender notice or its draft:

- (11) Please specify the total aid intensity of the projects supported under the notified scheme as a percentage, taking into account the basic aid intensity and the bonuses:

5.1.1.3. Cumulation (see Section 3.2.5.2 of the EEAG)

- (12) Is the aid granted under the notified measure combined with other aid?

yes

no

- (13) If the answer to point 12 is yes, please describe the cumulation rules applicable to the notified aid measure (see points 81 and 82 of the EEAG):

- (14) Please specify whether the process to ensure compliance with cumulation rules will be verified under the notified aid measure:

5.1.2. Operating aid schemes

5.1.2.1. Operating aid for energy from renewable sources

1. Please specify the type(s) of renewable energy sources supported under the notified measure and provide details.

Please note that the aid for investment or operating aid for the production of biofuels can be allowed only with regard to sustainable biofuels. No investment aid for food based biofuels can be granted, and operating aid can only be granted until 2020 unless the plant is already depreciated. Please confirm that those conditions are being met (see point 113 of the EEAG):

2. If hydro power is supported, please confirm compliance with Directive 2000/60/EC<sup>(149)</sup>.

yes

no

3. If waste is supported, please confirm that the waste hierarchy is not circumvented.

yes

no

*Biofuels*

4. Please explain whether aid is granted to food-based biofuels and, if it is granted, under what conditions such aid is granted (see point 113 of the EEAG).

5. If the measure promotes biofuels, please confirm that all the following conditions regarding food-based biofuels are met:

- (a) The operating aid for food-based biofuels is granted only until 2020:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- (b) The operating aid for food-based biofuels is granted exclusively to plants that started operations before 31 December 2013:

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

and

- (c) The operating aid for food-based biofuels is limited to plants which are not fully depreciated:

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

6. Please specify whether there is a supply or blending obligation for biofuels or whether it is envisaged:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please explain and provide evidence to prove that the aided biofuels are subject to the supply or blending obligation. Please explain whether the aided biofuels are more expensive than biofuels that could come on the market with the obligation only (and without aid). For guidance, see point 114 of the EEAG.

*Cooperation agreements in the framework of the Renewable Energy Directive<sup>(150)</sup>*

7. Please specify whether a cooperation agreement is in place:

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

If yes, please explain and provide details of the cooperation agreement (see point 122 of the EEAG):

#### 5.1.2.1.1. Operating aid for electricity from renewable sources (until plant depreciation)

8. Please confirm that the aid will be granted only until the plant has been fully depreciated according to normal accounting rules and provide explanations accordingly:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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9. Please confirm that investment aid previously received will be deducted from the operating aid and provide explanations accordingly:

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

*In order to incentivise market integration it is important that beneficiaries sell their electricity in the market and are subject to market obligations (see points 124 and 125 of the EEAG).*

10. Please confirm that aid is granted in addition to the market price charged by generators selling directly in the market (see point 124(a) of the EEAG):

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please explain in detail how that condition is implemented in practice:

11. Please confirm that beneficiaries are subject to standard balancing responsibilities:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please explain in detail the balancing responsibilities applicable for generators of renewable energy and the responsibilities applicable for other generators (see point 124(b) of the EEAG):

If the answer is no, do you consider that there is no liquid intra-day market in your country?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If the answer is no, please explain in detail and justify why balancing responsibilities are not applicable for generators of renewable energy:

12. Please confirm that there are measures in force to ensure that generators have no incentive to generate electricity at negative prices (see point 124(c) of the EEAG):

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Please explain in detail how this is ensured in practice:

13. Does the scheme provide aid for installations, except wind energy, with an installed electricity capacity of less than 500 kW?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please explain whether it applies to all beneficiaries or only to a subgroup of beneficiaries. Please detail whether the conditions of point 124 of the EEAG apply to such installations:

14. Does the scheme provide aid for demonstration projects as defined in the EEAG? (see point 127 of the EEAG)

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

If so, please detail and provide evidence that such projects meet all the conditions set out in the definition of the EEAG (point 19(45) of the EEAG).

If so, please explain whether it applies to all beneficiaries or to a subgroup of beneficiaries only. Please detail whether the conditions of point 124 of the EEAG apply to demonstration projects.

15. Does the scheme provide aid for wind energy installations with an installed electricity capacity of less than 3 MW or 3 generation units? (see point 125 of the EEAG)

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please detail the installations that are covered by this provision:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If so, please explain whether this applies to all beneficiaries or only a subgroup of beneficiaries. Please detail whether the conditions of point 124 of the EEAG apply to such installations:

*In a transitional phase covering the years 2015 and 2016, aid for at least 5 % of the planned new electricity capacity from renewable energy sources should be granted in a competitive bidding process on the basis of clear, transparent and non-discriminatory criteria (See points 124 and 125 of the EEAG).*

16. Please confirm that aid for at least 5 % of the planned new electricity capacity from renewable energy sources should be granted in a competitive bidding process:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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17. Please explain in detail how the condition laid down in this point is implemented in practice, including the calculation of the minimum 5 % for both 2015 and 2016:

18. From 1 January 2017 operating aid is in principle granted in a competitive bidding process on the basis of clear, transparent and non-discriminatory criteria, unless exceptions apply (see point 126 EEAG). Please confirm that the aid is granted in a competitive bidding process:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please explain in detail the bidding process:

If the answer is no, please explain whether one of the following reasons is applicable:

- (a)  very limited number of eligible projects;
- (b)  higher support levels would arise in case of a bidding process;
- (c)  low realisation rates would result (projects that would be constructed);
- 19. Please detail, substantiate and explain the reasons for not applying a competitive bidding process. Please provide quantitative and qualitative evidence that one of the reasons invoked would actually occur:

*If the answer to this point is no, please fill in section 5.1.2.1.2: operating aid for energy from renewable sources other than electricity (until plant depreciation).*

20. Please indicate whether the competitive bidding process is open to all generators producing electricity from renewable sources:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please explain the openness of the bidding process:

If the answer is no, please explain whether one of the following reasons is applicable:

- (a)  longer term potential of new innovative technology;
- (b)  need to achieve diversification;
- (c)  network constraints and grid stability;
- (d)  system (integration) costs;

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (e)  biomass: need to avoid distortions on the raw material market;
21. Please detail, substantiate and explain in detail the reasons for making an exception to the competitive bidding process open to all generators. Please provide quantitative and qualitative evidence that effectively there would be a situation involving one of the reasons listed in point 20:
22. Please detail, substantiate and explain in detail why the reasons for applying an exception cannot be addressed in the tender design (see point 124 of the EEAG):
23. Does the scheme provide aid for installations, except wind energy, with an installed electricity capacity of less than 1 MW?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please explain whether it applies to all beneficiaries or to a subgroup of beneficiaries only. Please detail whether such installations will be granted aid in a competitive bidding process:

24. Does the scheme provide aid for demonstration projects as defined in the EEAG?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please explain whether it applies to all beneficiaries or to a subgroup of beneficiaries only. Please detail whether such installations will be granted aid in a competitive bidding process:

25. Does the scheme provide aid for wind energy installations with an installed electricity capacity of less than 6 MW or 6 generation units?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please provide details of the installations that are covered by this provision:

If so, please explain whether it applies to all beneficiaries or to a subgroup of beneficiaries only. Please detail whether such installations will be granted aid in a competitive bidding process:

5.1.2.1.2. Operating aid for energy from renewable sources other than electricity (until plant depreciation)

26. Please provide the following information to show that the operating aid granted does not exceed the difference between the levelised costs of producing energy (LCOE) from the technology in question and the market price of the form of energy concerned:
- detailed analysis of the cost of producing energy of the technology concerned in the form of LCOE per units of each of the renewable sources<sup>(151)</sup>;
  - detailed analysis of the market price of the form of energy concerned;
27. Please provide evidence that the aid will be granted only until the plant has been fully depreciated according to normal accounting rules and provide a detailed analysis of the depreciation of each type of the investments for environmental protection (see point 131(d) of the EEAG):
28. For aid schemes, please specify how the compliance with the condition in point 131(d) of the EEAG will be ensured:

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

29. When determining the amount of operating aid, please demonstrate how any investment aid granted to the undertaking in question in respect of a new plant is deducted from production costs:

30. Does the aid also cover a normal return on capital?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If so, please provide details and information or calculations showing the rate of normal return and give reasons why the chosen rate is appropriate:

31. Are the production costs updated regularly and at least once a year?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Please provide details and explanations:

5.1.2.1.3. Operating aid for existing biomass plants after plant depreciation.

*Operating aid for biomass after plant depreciation may be compatible with the internal market if a Member State demonstrates that the operating costs borne by the beneficiary after plant depreciation are still higher than the market price of the energy concerned (point 133 of the EEAG).*

32. Please confirm and explain that the aid is granted only on the basis of the energy produced from renewable sources:

33. Please provide the following information:

— detailed analysis of the operating cost of producing energy from biomass after plant depreciation:

— detailed analysis of the market price of the form of energy concerned:

— detailed analysis of the design of the measure showing that it is meant to compensate only the difference between the operating costs after plant depreciation and the market price of the form of energy concerned:

34. Is there a monitoring mechanism to verify whether the operating costs borne are still higher than the market price of energy concerned?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Is that monitoring mechanism updated at least on an annual basis?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Please describe in detail the monitoring mechanism:

*Operating aid for biomass after plant depreciation may be compatible with the internal market if a Member State demonstrates that, irrespective of the market price of the energy concerned, the use of fossil fuels as an input is more economically advantageous than the use of biomass (point 134 of the EEAG).*

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

35. Please confirm and explain that the aid is granted only on the basis of the energy produced from renewable sources:
36. Please provide the following information:
- detailed analysis of the operating costs of producing energy from biomass after plant depreciation:
  - detailed analysis of the operating costs of producing energy from the fossil fuel concerned after plant depreciation:
  - detailed analysis of the design of the measure showing that it is meant to compensate only the difference between the operating costs after plant depreciation between the use of biomass and the fossil fuel concerned:
37. Please provide evidence that without the aid there would be a switch from the use of biomass to the use of fossil fuels within the same plant:
38. Is there a monitoring mechanism in place to verify whether the operating costs borne for using biomass are still higher than the operating costs borne from using the fossil fuel concerned?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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39. Is that monitoring mechanism updated at least on an annual basis?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Please describe in detail the monitoring mechanism:

5.1.2.1.4. Operating aid granted by way of certificates.

40. Please provide a detailed description of the green certificate or tender system (including, inter alia, the information on the level of discretionary powers, the role of the administrator, the price determination mechanism, the financing mechanism, the penalty mechanism and re-distribution mechanism).
41. What is the duration of the notified measure<sup>(152)</sup>?
42. Please provide data or calculations showing that the aid is essential to ensure the viability of the renewable energy sources.
43. Please provide data or calculations showing that the aid does not in the aggregate result in overcompensation for renewable energy.
44. Please provide information or calculations showing that the aid does not dissuade renewable energy producers from becoming more competitive.
45. Please provide information required under section 5.1.2.1.1 operating aid for electricity from renewable sources (until plant depreciation).
46. If for technical reasons the conditions of points 124 and 125 of the EEAG cannot be applied, please provide information or calculations accordingly.

5.1.2.2. Operating aid granted for high efficient Combined heat and Power (CHP) plants.



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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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47. Please fill in the information required in section 5.1.2.1 to the extent that the relevant subsection is applicable:
- For support to electricity from CHP plants until plant depreciation: section 5.1.2.1.1.
  - For support to heat from CHP plants until plant depreciation: section 5.1.2.1.2.
  - For support to heat or electricity from CHP plants after plant depreciation: section 5.1.2.1.3.
  - For support by way of certificates: section 5.1.2.1.4.
48. Please confirm that the operating aid for high efficiency cogeneration is granted exclusively to:
- undertakings distributing electric power and heat to the public, where the costs of producing such electric power or heat exceed its market price<sup>(153)</sup>;
  - for the industrial use of the combined production of electric power and heat where it can be shown that the production cost of one unit of energy using that technique exceeds the market price of one unit of conventional energy<sup>(154)</sup>.

Please provide details and evidence that the relevant condition(s) is/are complied with:

5.1.2.3. Operating aid granted for energy efficiency measures.

49. Please provide information or calculations demonstrating that the aid is limited to compensating for net extra production costs resulting from the investment taking account of benefits resulting from energy efficiency<sup>(155)</sup>.
50. What is the duration of the operating aid measure<sup>(156)</sup>?

5.1.2.4. Operating aid granted for energy infrastructure and CCS.

51. Please provide information and calculations demonstrating that the aid is limited to compensating for net extra production costs resulting from the investment taking account of costs and benefits of the project.

Please provide a detailed cash flow overview over the lifetime of the project.

Please provide an explanation of the discount rates and rates of return used.

Please provide details about the counterfactual scenario or justify the absence thereof.

52. In the case of CCS, please confirm and provide details demonstrating that the aid does not benefit the CO<sub>2</sub> emitting installation:
53. In the case of energy infrastructure, the eligible costs are therefore the funding gap. Please demonstrate that the aid does not exceed the funding gap by providing detailed calculation and justification for the data used, for example rate of return (see point 211 of the EEAG):
54. What is the duration of the operating aid measure?
- 5.1.2.5. Operating aid granted for generation adequacy.
55. Describe the built in measures to prevent windfall profits that are in place:
56. Describe the mechanism by which the price paid returns to zero when the capacity supplied is expected to be adequate to meet the level of capacity demanded (see point 231 of the EEAG):

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

57. Is the scheme based on a competitive bidding process? Please provide details (see point 229 of the EEAG):
58. Please describe the expected rate of return of the beneficiaries under the scheme:
- 5.1.2.6. Operating aid in tradable permits. See point 235 of the EEAG
59. Please confirm that the scheme complies with all of the following criteria:
- (a)  the choice of beneficiaries is based on objective and transparent criteria and the aid is granted in principle in the same way for all competitors in the same sector or relevant market if they are in a similar factual situation;
- (b)  full auctioning leads to a substantial increase in production costs for each sector or category of individual beneficiaries;
- (c)  the cost increase from the tradable permit scheme can not be passed on to customers without leading to important sales reductions;
- (d)  the best performing technique in the EEA was used as a benchmark for the level of the allowance granted.

Please provide details demonstrating how the criteria in this point are applied:

- 5.2. Individually notifiable aid — additional information
60. For individual aid measures, please provide a detailed calculation of the eligible costs of the notified investment project, by reference to the counterfactual situation, and provide relevant evidence:
61. Please provide detailed descriptions for each of the measures subject to individual notification. The information should not be general, for example sector specific, but as applicable for the individual beneficiary:

## 6. Avoidance of negative effects

*To answer the questions in this section, please refer to section 3.2.6 of the EEAG and where further specified to sections 3.2 – 3.6 and 3.8 – 3.10 of the EEAG.*

- 6.1. State aid schemes
1. Please explain how the distortions of competition and trade caused by the notified aid scheme will be limited to the minimum (see section 3.2.6 of the EEAG).
2. Is the measure preventing efficient environmental outcomes by more efficient and innovative producers?

yes

no

If the answer is no please explain why.

3. Will the aid have distortive effects by strengthening or maintaining the market power of the beneficiary?
4. Was the aid designed in such a way as to allow appropriate parties access to the measure? Please explain what measures have been taken to ensure that access.

*For generation adequacy*

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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5. Please explain how the measure complies with point 233 of the EEAG
6. Please explain how the measure allows any capacity which can effectively contribute to addressing the generation adequacy problem to participate in the measure. (See point 232 of the EEAG)
- 6.2. Individually notifiable aid — additional information
7. If the aid is to be made available to individual undertakings please provide clear evidence about the negative effects at the level of the undertaking. (See section 3.2.4.2 of the EEAG):
7. **Transparency**

*To answer the questions in this section, please refer to section 3.2.7 of the EEAG and where further specified to sections 3.2 – 3.6 and 3.8 – 3.10 of the EEAG.*

1. Please provide references to the relevant provisions in the legal basis stipulating that the granting authority should publish on a central website, or on a single website retrieving information from several websites (for example, regional websites), at least the following information about the notified State aid schemes: the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions, or a link to it, the identity of the granting authority or authorities, the identity of the individual beneficiaries, the form and amount of aid granted to each beneficiary, the date of granting, the undertaking (SME/large company), the region in which the beneficiary is located and the principal economic sector in which the beneficiary has its activities (see section 3.2.7 of the EEAG):
2. Please provide the link to the single website:

### **Section C:**

#### **Compatibility assessment for aid in the form of reductions in or exemptions from environmental taxes and in the form of reductions in funding support for the energy from renewable sources**

*To answer the questions in this section, please refer to section 3.2.7 of the EEAG in particular.*

*Please complete section C1 for measures concerning reductions from environmental taxes and section C2, possibly combined with section C3, for measures concerning reductions in the funding of support for renewable energy sources.*

*Please complete the section on Transparency in section B, point 7.*

### **Section C1:**

#### **Aid in the form of reductions in or exemptions from environmental taxes<sup>(157)</sup>**

1. Please explain how the tax reductions or exemptions contribute indirectly to an improvement of the level of the environmental protection and explain why the tax reductions and exemptions do not undermine the general objective pursued:
2. For reductions in or exemptions from harmonised taxes at Union level, please confirm that:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (a)  the aid is granted for a maximum period of 10 years;  
and
- (b)  the aid beneficiaries are selected on objective, transparent and non-discriminatory criteria;  
and
- (c)  the aid is granted in principle in the same way for all competitors in the same sector if they are in a similar factual situation;  
and
- (d)  the beneficiaries pay at least the Union minimum tax level set by the relevant applicable directive<sup>(158)</sup>.

Please provide for each category of beneficiaries evidence regarding the payable minimum tax level (rate actually paid preferably in EUR and in the same units as the applicable Union legislation):

- (e)  the reductions or exemptions are compatible with the relevant applicable Union legislation and comply with the limits and conditions set out therein:

Please refer to the relevant provision(s) and provide the relevant evidence:

3. If the conditions in point 2 are confirmed and duly substantiated, there is no need to complete this section, unless those conditions are not fulfilled for the total measure.
4. For reductions in or exemptions from environmental taxes which have not been harmonized or for those which have been harmonized but where beneficiaries pay a sum lower than the Union minimum tax level, please confirm that the aid is granted for a maximum period of 10 years:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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Furthermore, please provide the following:

- a detailed description of the exempted sector(s):
- a list of the 20 largest beneficiaries covered by the exemptions or reductions as well as a detailed description of their situation, in particular their turnover, their market shares and the size of the tax base:

5. Please confirm that:

- (a)  the choice of beneficiaries is based on objective and transparent criteria and the aid is granted in principle in the same way to all competitors in the same sector or relevant market which are in a similar factual situation  
and
- (b)  the environmental tax without reduction would lead to a substantial increase in production costs for each sector or category of individual beneficiaries;  
and
- (c)  without the aid the substantial increase in production costs would, if passed to the customers, lead to a substantial reduction in sales<sup>(159)</sup>.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

6. Please provide qualitative and quantitative evidence related to the conditions in point 2:

7. Please explain in what form the tax reduction or exemption is given (point 174 of the EEAG):

8. Please specify which one of the following conditions is met:

(a) Are aid beneficiaries paying at least 20 % of the national tax?

yes

no

If the answer is no, please demonstrate how a lower rate can be justified in view of a limited distortion of competition:

(b) Are the reductions or exemptions conditional on the conclusion of agreements between the Member State and the recipient undertakings or associations of undertakings?

yes

no

If so, please provide details and evidence illustrating that the undertakings or associations of undertakings commit themselves to achieve environmental protection objectives which have the same effect of the application of (i) 20 % of the national tax or (ii) the Union minimum tax level:

Please also confirm that:

(a)  the substance of the agreements has been negotiated by the Member State and specifies the targets and fixes a time schedule for reaching those targets;

(b)  the Member State ensures independent and timely monitoring of the commitments concluded in those agreements;

(c)  those agreements will be revised periodically in the light of technological and other developments and will stipulate effective penalty arrangements which will apply if the commitments are not met.

Specify per sector the targets and time schedule and describe the monitoring and review mechanisms (for example by whom and at what intervals) as well as the penalty mechanism:

9. Where a carbon tax levied on energy products used for electricity production is introduced and compensation for the electricity used is envisaged (point 179 of the EEAG), please provide the following information:

(a) The direct link to the ETS allowance price:

(b) The maximum aid intensities over time and how it complies with the intensities set out in the Union ETS State aid Guidelines<sup>(160)</sup>:

(c) A list of the beneficiaries and whether they are eligible under the Union ETS State aid Guidelines:

(d) Please give details about the way the lump sum payment is made:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

## Section C2:

### Aid in the form of reductions in funding support for energy from renewable sources

1. Please explain what the additional costs<sup>(161)</sup> resulting from the financing of renewable energy are and how they are reflected in the electricity prices that are established. Please detail:
2. Please confirm that only reductions from the costs of funding renewable energy support are covered by the measure and that no other costs are included. Please detail. The additional costs cannot exceed the funding of support to energy from renewable sources.

#### *Eligibility*

3. Please provide an overview of the beneficiaries of the measure and identify to what extent the beneficiaries are active in the sectors referred to in Annex 3 to the EEAG.
4. To the extent that the beneficiaries of the measure are not active in sectors that are part of Annex 3 to the EEAG, please identify to what extent the beneficiaries are active in sectors referred to in Annex 5 to the EEAG.
5. For the beneficiaries referred to in this section, please demonstrate for the undertakings the level of electro intensity (point 186 of the EEAG). Where available please use standard electricity consumption benchmarks.
6. To the extent that the beneficiaries of the measure are not active in sectors referred to in Annex 3 or Annex 5 to the EEAG:
  - Please demonstrate for the undertakings the level of electro intensity. Where available please use standard electricity consumption benchmarks.
  - Please demonstrate for the undertakings the level of trade intensity at Union level.
7. Please confirm providing relevant evidence that the choice of beneficiaries is based on objective, transparent and non-discriminatory criteria and the aid is granted in principle in the same way to all competitors in the same sector or relevant market which are in a similar factual situation.

#### *Proportionality*

8. Please confirm that the beneficiaries pay in full at least 15 % of the additional costs.
9. Please confirm whether the maximum contributions for electro intensive undertakings are capped.
  - at 4 % Gross value Added (GVA)
  - at 0,5 % GVA (for undertakings with an electro intensity of at least 20 %)

If so,

- (a) Please demonstrate how the maximum levels and GVA are calculated (see Annex 4 to the EEAG):
- (b) Please explain whether any adjustments are made to the calculation in order to cover all labour costs (point 191 of the EEAG):
- (c) Please explain how the cap applies to all eligible undertakings:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

### Section C3:

#### **Transitional rules for reductions in funding support for energy from renewable sources**

*This section only applies if an adjustment plan was submitted to the Commission before 1 July 2015.*

1. Please explain in detail whether reductions in or exemptions from funding support for renewable energy were granted before 1 July 2014.

If so, please show whether new beneficiaries have entered the scheme after 1 July 2014.

2. Please provide an overview of the beneficiaries who benefitted from the measure before 1 July 2014.
3. Please divide those beneficiaries in two groups: one eligible for the aid under the EEAG (group 1) and another not eligible for aid under the EEAG (group 2).
4. Please provide an adjustment plan that would progressively bring the aid levels in line with the application of the eligibility and proportionality criteria set out in section C.2.
  - (a) Please demonstrate how the plan foresees a minimum own contribution of 15 % by 2019 for group 1 referred to in point 3.
  - (b) Please demonstrate how the plan foresees a minimum own contribution of 20 % by 2019 for group 2 referred to in point 3.

### PART III.7

#### **Supplementary Information Sheet on risk finance aid**

*Please complete this supplementary information sheet, in addition to the 'General information' form, for the notification of any aid scheme covered by the Guidelines on State aid to promote risk finance investments ('RFG')<sup>(162)</sup>.*

*Please consult paragraph 52 RFG for definitions.*

1. **Scope**
  - 1.1. Reasons for notifying the scheme:
    - (a)  The scheme does not comply with the General Block Exemption Regulation ('GBER')<sup>(163)</sup>. Please identify the provisions in the legal basis of the scheme that go beyond the GBER and indicate which GBER provisions they go beyond:
    - (b)  The scheme does not comply with the *de minimis* Regulation<sup>(164)</sup>. Please indicate the reasons why:
    - (c)  The scheme does not comply with the market economy operator test at one or more levels (at the level of the investors, the financial intermediary and its manager, and the undertakings in which the investment is made) (See section 2.1 RFG; for loans, reference is made to the Communication on the Reference Rate<sup>(165)</sup>, and for guarantees to the Guarantee Notice<sup>(166)</sup>). Please specify the reasons why:
    - (d)  The scheme does not contain aid and it is notified for legal certainty reasons.
  - 1.2. Scope of the notified scheme: Please tick as appropriate to confirm:

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- (a)  The notified scheme is deployed through financial intermediaries or alternative trading platforms, except for fiscal incentives for direct investments in eligible undertakings (paragraph 20 RFG).

Please provide the reference to the relevant provision of the legal basis:

- (b)  The notified scheme excludes large companies, except for small or innovative mid-caps (paragraph 21 RFG).

Please provide the reference to the relevant provision of the legal basis:

- (c)  The notified scheme excludes risk finance aid to companies listed on the official list of a stock exchange or a regulated market (paragraph 22 RFG).

Please provide the reference to the relevant provision of the legal basis:

- (d)  The risk finance scheme involves private investors (paragraph 23 RFG).

Please provide the reference to the relevant provision of the legal basis:

- (e)  The risk finance scheme provides that as regards asymmetric risk-reward sharing between the State and private investors there is a substantial risk incurred by private investors or the State receives a reward on its investment (paragraph 24 RFG).

Please provide the reference to the relevant provision of the legal basis:

- (f)  The risk finance scheme cannot be used to support buyouts (paragraph 25 RFG).

Please provide the reference to the relevant provision of the legal basis:

- (g)  The risk finance scheme provides that no risk finance aid will be granted to undertakings in difficulty, as defined in the RFG (Please note that under the RFG, SMEs within seven years from their first commercial sale that qualify for risk finance investments following due diligence by the selected financial intermediary will not be considered as undertakings in difficulty, unless they are subject to insolvency proceedings or fulfil the criteria under their domestic law for being placed in collective insolvency proceedings at the request of their creditors).

Please provide the reference to the relevant provision of the legal basis:

- (h)  The risk finance scheme excludes aid to undertakings that have received illegal aid that has not yet been fully recovered (paragraph 26 RFG).

- (i)  The risk finance scheme does not concern aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, the establishment and operation of a distribution network or to other current costs linked to the export activity, as well as aid contingent upon the use of domestic over imported goods (paragraph 27 RFG).

- (j)  The risk finance scheme does not make aid subject to the obligation to use nationally produced goods or national services, and does not violate the freedom of establishment, where the aid is subject to the obligation for financial intermediaries, their managers or final beneficiaries to have or move their headquarters in the territory of the Member State concerned.

## 2. **Description of the scheme**

### 2.1. Budget of the scheme:



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- What is the total risk finance investment amount (including both the public and private part) per target undertaking over the whole investment cycle for each undertaking benefiting from the scheme (that is to say not per annum)? Please specify:
- What is the size of the annual budget of the scheme?
- What is the overall size of budget of the measure for its entire duration? Please specify:
- What is the size of the investment fund(s) set up under the scheme?
- Is the scheme to be co-financed by Union funds (European Social Fund, European Regional Development Fund, other)? Please specify:

2.2. Duration of the scheme:

- (a) What is the duration of the scheme? (Please specify the dates of its entry into force and its end date)
- (b) What is the envisaged duration of the investment period?
- (c) What is the envisaged duration of the holding period?

2.3. Target undertakings which are the final beneficiaries of the scheme:

The *ex-ante* assessment<sup>(167)</sup> demonstrates the need for the following undertakings to be targeted by the scheme as final beneficiaries (paragraphs 63 – 79 RFG) (please provide details):

- (a)  Small midcaps (an undertaking (i) whose number of employees does not exceed 499, and (ii) whose annual turnover does not exceed EUR 100 million or whose annual balance sheet does not exceed EUR 86 million). With reference to the *ex-ante* assessment, please provide a summary of its economic evidence and appropriate justification:
- (b)  Innovative mid-caps (mid-caps whose number of employees does not exceed 1 500 and whose R & D and innovation costs, as defined by the GBER, represent (a) at least 15 % of its total operating costs in at least one of the three years preceding the first investment under the risk finance measure, or (b) at least 10 % per year of its total operating costs in the three years preceding the first investment under the risk finance measure). With reference to the *ex-ante* assessment, please provide a summary of its the economic evidence and appropriate justification:
- (c)  Undertakings receiving the initial risk finance investment more than seven years after their first commercial sale: With reference to the *ex-ante* assessment, please provide a summary of its economic evidence and appropriate justification:
- (d)  Undertakings requiring an overall risk finance investment (including public and private) of an amount exceeding the EUR 15 million cap fixed in the GBER: With reference to the *ex-ante* assessment, please provide a summary of its economic evidence and appropriate justification:
- (e)  Alternative trading platforms not fulfilling the conditions of Article 23 of the GBER: With reference to the *ex-ante* assessment, please provide a summary of its economic evidence and appropriate justification:
- (f)  Other:  
With reference to the *ex-ante* assessment, please provide a summary of its economic evidence and appropriate justification:

2.4. Financial instruments: the *ex-ante* assessment demonstrates a need for the following design parameters not complying with the GBER (paragraph 80 to 86 RFG):

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- (a)  Independent private investors' participation below the ratios required in Article 21(10) of the GBER (paragraphs 80 to 81 RFG).

With reference to the *ex-ante* assessment, please provide a summary of its economic evidence and appropriate justification for having ratios below the ratios required in the GBER:

- (b)  Financial instruments with design parameters above the ceilings provided for in the GBER, that is to say where the public investor takes more risk than allowed under the GBER (paragraphs 82 – 83 RFG).

With reference to the *ex-ante* assessment, please provide a summary of its economic evidence and appropriate justification for having design parameters above the ceilings provided for in the GBER:

- (c)  Financial instruments other than guarantees where investors, financial intermediaries and their managers are selected by giving preference to downside protection over asymmetric profit-sharing.

With reference to the *ex-ante* assessment, please provide a summary of its economic evidence and appropriate justification:

- (d)  Other:

With reference to the *ex-ante* assessment, please provide a summary of its economic evidence and appropriate justification:

- 2.5. Fiscal instruments: the *ex-ante* assessment demonstrates that the following design parameters which do not comply with the GBER are required:

- (a)  Fiscal incentives to corporate investors (including financial intermediaries or their managers acting as co-investors).

Please provide a summary of its economic evidence and appropriate justification:

- (b)  Fiscal incentives to corporate investors for investment in SMEs via an alternative trading platform.

Please provide a summary of its economic evidence and appropriate justification:

- (c)  Other:

Please provide a summary of its economic evidence and appropriate justification:

- 2.6. Private investors participating in the measure with equity, loans or guarantees:

- (a) Please provide the characteristics of the private investors participating in the measure (e.g. corporate investors, natural persons, etc.):

- (b) Do the private investors provide equity, loans or guarantees at the level of the financial intermediary (e.g. fund of funds) or at the level of the final beneficiaries? Please specify:

- (c) Do the financial intermediaries implementing the scheme co-invest (and are hence to be considered as private investors)?

Yes. If so, please specify:

No

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## 2.7. Financial intermediaries implementing the scheme:

(See broad definition in paragraph 52 RFG; it also includes funds with and without legal personality)

(a) Please specify the nature of the financial intermediaries implementing the scheme:

(b) Does the implementation of the measure involve an ‘entrusted entity’ (as defined in paragraph 52(v) RFG)?

- Yes. If so, please give details:
- No

(c) Does the entrusted entity co-invest with the Member State out of its own resources?

- Yes. If so, please provide the reference to the legal basis authorising the entrusted entity to make such co-investment:
- No. If so, please explain the method for the calculation of its compensation for implementing the measure, to ensure it is not overcompensated:

(d) Is the entrusted entity selected through an open, transparent, non-discriminatory and objective selection procedure or is it directly appointed? Please specify:

(e) Does the entrusted entity manage the fund(s) through which the funding is provided under the risk finance scheme?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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(f) Characteristics of the management company in charge of implementing the measure at the level of the financial intermediary:

(g) In the case of several levels of financial intermediaries involved in the scheme (including funds of funds), please provide all relevant information for each level of financial intermediary:

2.8. Is any party involved in the scheme other than the public authority granting the aid, the target undertakings, the financial intermediaries implementing the scheme mentioned above, and the private investors involved therein?

- Yes. If so, please specify:
- No

2.9. Detailed description of the instrument(s):

Note: In order to understand better, please attach a drawing to visualise the structure of the scheme and its instrument(s), indicating all parties involved, the size of their involvement, as well as, if appropriate, an annex summarising the overall design of the notified scheme.

Please outline the design parameters that you have retained for the purposes of soliciting potential financial intermediaries to manifest their interest in participating in the risk finance scheme, by replying to the detailed questions in this section.

2.9.1. Financial instruments

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Risk finance aid measures in the form of financial instruments have to be deployed through financial intermediaries (paragraph 20 RFG). Hence, those measures are composed of, at least, a State intervention for financial intermediaries, and risk finance investments by financial intermediaries into final beneficiary undertakings.

#### 2.9.1.1. Intervention at the level of financial intermediaries

##### A) State intervention at the level of financial intermediaries

The State provides the following to financial intermediaries (Please tick and complete as applicable):

EQUITY (INCLUDING QUASI-EQUITY) INJECTION BY THE STATE AT THE LEVEL OF THE FINANCIAL INTERMEDIARIES

1. Please provide the following information:

— Terms of the equity injection (please include also a comparison with the market terms for such equity injection):

— Type of financial intermediary:

— Type of funding structure of the financial intermediary (e.g. investment fund with a percentage of private and public participation; fund of funds multi-stage structure with specialised sub-funds, public fund co-investing with private investors on a deal-by-deal basis) Please explain in detail:

2. In case of quasi-equity, please describe in detail the nature of the envisaged instrument:

3. If there is private participation (e.g. private investors provide equity to the financial intermediary alongside the State):

— Please indicate the participation ratios of the public and private investors:

— Please indicate the type of preferential treatment envisaged for the benefit of participating private investors, as described in the call for expression of interest (please give details):

Upside incentives:

Downside protection:

— If non-*pari passu* loss-sharing features go beyond the limits set out in the GBER, please provide economic evidence and justification, with reference to the *ex-ante* assessment (paragraph 110 RFG):

— If relevant, please indicate whether the first loss piece borne by the public investor is capped (RFG paragraph 110):

Yes; Please specify how that cap has been fixed:

No; Please explain:

4. What is the strategy of the public investor?

Please explain how the chosen instrument supports the public policy objectives pursued by the public investor:

5. Please describe how the instrument is designed to ensure alignment of interests between the financial intermediary's investment strategy and the public policy objectives:

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6. Please provide a detailed explanation of the duration of the instrument or of the exit strategy underpinning the investment in equity, and how the exit is strategically planned by the public investor:

7. Other relevant information:

FUNDED DEBT INSTRUMENTS: LOAN INSTRUMENTS (HEREAFTER 'LOANS') AT THE LEVEL OF FINANCIAL INTERMEDIARIES

1. Please provide the following information:

— Type of loans (e.g. subordinated, portfolio risk-sharing) please provide details:

— Terms of the loans under the measure (please include also a comparison with the market terms for such loans):

— Maximum size of the loan:

— Maximum duration of the loan:

— Collateral or other requirements:

— Other relevant information:

2. Please provide reference to the relevant provisions of the legal basis that prohibit the use of the aid to refinance existing loans (paragraph 115 RFG):

3. If private participation takes place at this level (e.g. private investors provide loans to the financial intermediary alongside the State):

— Please indicate the participation ratios of the public and private investors/lenders:

In particular, in case of portfolio risk-sharing loans, what is the co-investment rate by the selected financial intermediary? Please note that it should not be lower than 30 % of the value of the underlying loan portfolio (paragraph 114 RFG) %

— Please describe the risk and reward sharing between the public and private investors or lenders:

In particular, if the public investor assumes the first loss, at what level is it capped? Please note that it is recommendable that such cap does not exceed 35 % (RFG paragraph 113): Capped at%

Where the public investor/lender assumes a first loss position exceeding the cap set out in the GBER (25 %), it needs to be justified by reference to a severe market failure identified in the *ex-ante* assessment (RFG paragraph 113). Please provide a summary of such justification:

— If there are other risk-mitigation mechanisms for the benefit of the private investors/lenders, please explain:

4. What is the pass-on mechanism (as required by paragraph 104 RFG) ensuring that the financial intermediary passes on the advantage it receives from the State to the final beneficiary undertakings? What requirements does the financial intermediary have to apply (e.g. in terms of interest rate, collateral, risk class) to the final beneficiaries (please provide very precise details)? Please also provide details as to what extent the portfolio to be built under the measure goes beyond the financial intermediary's standard credit risk policy.

5. What is the strategy of the public investor?

Please explain how the chosen instrument supports the public policy objectives pursued by the public investor:

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6. Please describe how the instrument is designed to ensure alignment of interests between the financial intermediary's investment strategy and the public policy objectives:

7. Please explain in detail the duration of the instrument or of the exit strategy underpinning the investment in debt instruments, and how the exit is strategically planned by the public investor:

8. Other relevant information:

UNFUNDED DEBT INSTRUMENTS: GUARANTEES BY THE STATE AT THE LEVEL OF FINANCIAL INTERMEDIARIES ON UNDERLYING TRANSACTIONS WITH FINAL BENEFICIARIES

1. Please provide reference to the relevant provision of the legal basis that requires that eligible transactions covered by the guarantee must be newly originated eligible risk finance loan transactions, including lease instruments, as well as quasi-equity investment instruments, to the exclusion of equity instruments (paragraph 116 RFG):

2. Do the guarantees to financial intermediaries cover a portfolio of underlying transactions and not a single underlying transaction?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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3. Type of guarantee:

Capped: guarantee cap is %

(Please note that this cap applies to portfolios held by financial intermediaries and it is recommended that the cap rate does not exceed 35 % (paragraph 118 RFG); Please provide reasons for that rate:

Moreover, tick to specify whether:

a)  The cap rate only covers expected losses; or

b)  The cap rate covers also unexpected losses; In this case, please show how the pricing of the guarantee reflects this additional risk coverage:

Uncapped; in that case, please justify the need and how the pricing of the guarantee reflects this additional risk coverage by the guarantee:

Counterguarantee (guarantee to guarantee institutions)

Other: please specify:

4. Guarantee rate (percentage of loss coverage by the public investor of every underlying transaction (See definition in paragraph 52(xvi) RFG and please note that the guarantee rate must not exceed 90 % (paragraph 117 RFG)): %;

Please give the reason for this level of coverage:

5. Underlying transactions covered by the guarantee:

— Nature of the underlying transactions:

— Total nominal size of the underlying transactions (in EUR):

— Maximum nominal amount of the underlying transaction per final beneficiary:

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- Duration of the underlying transactions:
- Other relevant characteristics of the underlying transactions (risk rating, other):...
- 6. Please describe the other features of the guarantee (please include also a comparison with the market terms for such guarantee):
- Maximum duration of the guarantee: (Please note that this should normally not exceed 10 years (paragraph 119 RFG))
- Please provide reference to the relevant provision in the legal basis that stipulates that the guarantee must be reduced if the financial intermediary does not include a minimum amount of investment in the portfolio during a specific period, and that commitment fees are required for unused amounts:
- Is a guarantee fee envisaged?

yes

no

Please specify which party will have to pay the guarantee fee:

Please describe in detail the pricing:

Other:

- 7. What is the pass-on mechanism (as required by paragraph 104 RFG) ensuring that the financial intermediary passes on the advantage it receives from the State to the final beneficiary undertakings? What requirements does the financial intermediary have to apply (e.g. in terms of interest rate, collateral, risk class) to the final beneficiaries? Please provide very precise details. Please also detail to what extent the portfolio to be built under the measure goes beyond the financial intermediary's standard credit risk policy.
- 8. What is the strategy of the public investor?

Please explain how the chosen instrument supports the public policy objectives pursued by the public investor:

- 9. Please describe how the instrument is designed to ensure alignment of interests between the financial intermediary's investment strategy and the public policy objectives:
- 10. Please provide a detailed explanation of the duration of the instrument or of the exit strategy underpinning the investment in debt instruments, and how the exit is strategically planned by the public investor:
- 11. Other relevant information:

OTHER FINANCIAL INSTRUMENTS

Please describe the financial instrument to be implemented with the measure and provide a detailed description of all elements contained in section 2.9.1.1 above in so far as they are applicable to the chosen financial instrument:

#### **B) Intervention by financial intermediaries in further levels of financial intermediaries**

There may be situations (including fund of funds structures), whereby, for instance, the State provides equity, loans or guarantees to a financial intermediary, which, in turn, provides equity, loans or guarantees to a further financial intermediary, which eventually provides risk finance

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investments to final beneficiaries. In such cases where there is a second, or further levels of financial intermediaries involved in the scheme, please provide all relevant information required in section 2.9.1.1.A on Equity/Loans/Guarantees/Other financial instruments, as applicable, for each additional level of financial intermediary:

#### 2.9.1.2. Risk finance investment by financial intermediaries in final beneficiaries

The risk finance investment in the final beneficiaries takes the following form (Please tick and complete as applicable):

- EQUITY (INCL. QUASI-EQUITY) INVESTMENT BY THE FINANCIAL INTERMEDIARIES IN FINAL BENEFICIARIES
  - (a) In case of quasi-equity, please describe in detail the nature of the envisaged instrument:
  - (b) Please provide the terms of the equity investment in detail (please include also a comparison with the market terms for that equity investment):
  - (c) Please describe all features of the investments to be made by the financial intermediary in detail, including the requirements that the investment strategy of the eligible financial intermediaries should comply with:
  - (d) Please provide a detailed explanation of the duration of the instrument or of the exit strategy underpinning the investment in equity:
  - (e) If private participation takes place (e.g. private investors also provide equity to the final beneficiaries):
    - Please indicate the private participation ratio:
    - Please indicate the type of preferential treatment envisaged for the benefit of participating private investors, as described in the call for manifestation of interest (please give details):
      - Upside incentives:
      - Downside protection:
    - If non-pari passu loss-sharing features go beyond the limits set out in the GBER, please provide economic evidence and justification, with reference to the *ex-ante* assessment (paragraph 110 RFG):
    - If relevant, please indicate whether the first loss piece borne by the public investor is capped (paragraph 110 RFG):
      - Yes; Please specify how the cap has been fixed:
      - No; Please explain:
- FUNDED DEBT INSTRUMENTS: LOANS BY FINANCIAL INTERMEDIARIES TO FINAL BENEFICIARIES
  - Type of loans: please provide details:
  - Terms of the loans under the measure (please include also a comparison with the market terms for such loans):
  - Maximum size of the loan per beneficiary:
  - Maximum duration of the loans:
  - Please provide a detailed explanation of the duration of the instrument or of the exit strategy underpinning the investment in debt instruments:
  - Risk rating of the final beneficiaries:



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- Collateral or other requirements:
- Other relevant information:
- If private participation takes place at this level (e.g. private investors also provide loans to the final beneficiaries):

Please indicate the private participation ratio:

Please describe the risk and reward sharing between the public and the private investors:

In particular, if the public investor assumes the first loss, at what level is it capped? Capped at %. (Please note that it is recommendable that such cap does not exceed 35 % (paragraph 113 RFG))

Where the public investor or lender assumes a first loss position exceeding the cap set out in the GBER (25 %), please justify this by reference to a severe market failure identified in the *ex-ante* assessment (paragraph 113 RFG) and please provide a summary for such justification:

If there are other risk-mitigation mechanisms for the benefit of the private investors/lenders, please explain:

- UNFUNDED DEBT INSTRUMENTS: GUARANTEES BY FINANCIAL INTERMEDIARIES TO FINAL BENEFICIARIES:
  1. Please provide the nature and terms of the guarantees in detail (please include also a comparison with the market terms for such guarantees):
  2. Please provide reference to the relevant provision of the legal basis that requires that eligible transactions covered by the guarantee must be newly originated eligible risk finance loan transactions, including lease instruments, as well as quasi-equity investment instruments, to the exclusion of equity instruments (paragraph 116 RFG):
  3. Please provide the nature and terms of the underlying transactions:
- OTHER FINANCIAL INSTRUMENTS

Please describe the financial instrument which the measure seeks to implement and provide a detailed description of all elements contained in section 2.9.1.2 above in so far as they are applicable to the chosen financial instrument:

2.9.2. Fiscal instruments:

*Please complete this entire section for each tax incentive:*

- Tax incentive granted for:
  - (a)  Direct investments into undertakings
  - (b)  Indirect investments into undertakings (that is to say via financial intermediaries)
  - (c)  Indirect investments into undertakings made through an alternative trading platform
- Tax incentive granted to:
  - (a)  corporate investors
  - (b)  investors who are natural persons, for investments falling outside the scope of the GBER:
- Form of tax incentive:
  - (a)  income tax relief applicable on the taxable base

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- (b)  income tax break applicable on the tax liability payable
- (c)  capital gains tax relief
- (d)  dividend tax relief
- (e)  other:
- Please describe in detail the conditions that the investment must fulfil in order to be able to benefit from the fiscal incentive:
- Please describe in detail the calculation of the tax incentive (including maximum percentage of the invested amount that the investor can claim for the purposes of the tax relief, maximum tax break amount which can be deducted from the investor's tax liabilities, etc.):
- With reference to the *ex-ante* assessment, please provide economic evidence and justification for the category of eligible undertakings (paragraph 121 RFG):
- Please provide evidence that the selection of the eligible undertakings is based on a well-structured set of investment requirements, made public through appropriate publicity, and setting out the characteristics of the eligible undertakings which are subject to a demonstrated market failure (paragraph 123 RFG):
- Maximum duration of the tax incentive foreseen:(Please note that fiscal schemes should have a maximum duration of 10 years (paragraph 124 RFG)).
- Please explain the specific characteristics of the national fiscal system that are relevant for a full understanding of the tax incentive:
- Please describe any related/similar/relevant fiscal incentives that already exist in the Member State as well as the interplay between them and the notified tax incentive:
- Is the tax incentive open to all investors fulfilling the required criteria, without discrimination as to their place of establishment (paragraph 126 RFG)?
- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
- Please provide proof of the adequate publicity regarding the scope and the technical parameters (incl. ceilings and caps, maximum investment amount) of the tax incentive (paragraph 126 RFG):
- Does the total investment for each beneficiary undertaking exceed the maximum amount fixed by the risk finance provision in the GBER (paragraph 149 RFG)?
- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
- Are eligible shares full-risk ordinary shares which are newly-issued by an eligible undertaking as defined in the *ex-ante* assessment, and must they be held for at least three years (paragraph 150 RFG)?
- Yes
- No. If so, please provide details:
- Is the relief available to investors who are not independent from the company invested in (paragraph 150 RFG)?
- No
- Yes. If so, please provide details:
- In the case of income tax relief, what is the maximum percentage of the amount invested in eligible undertakings to which the relief can amount (paragraph 151 RFG)?

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Please note that capping the tax relief at 30 % of the invested amount is considered reasonable: %

Can the relief exceed the maximum income tax liability of the investor, as established prior to the fiscal measure?

- No
- Yes. If so, please provide details:

If the measure provides for multiple forms of tax incentive, please fill in the set of questions in section 2.9.2 above for each form of aid.

### 2.9.3. Measures supporting alternative trading platforms:

— Existing platform:

- Yes
- No, to be newly established

— Is or will the platform be a sub-platform or subsidiary of an existing stock exchange?

- Yes. If so, please identify:
- No

— Are there already existing alternative trading platforms in the Member State (paragraph 129 RFG)?

- Yes. If so, please identify:
- No

— Is the platform set up by and operating across several Member States (paragraph 128 RFG)?

- Yes. If so, please specify
- ...
- No

— Type of undertakings traded on the platform:

*Please provide, together with this notification:*

- Evidence that the majority of the financial instruments admitted to trading on the alternative trading platforms are or will be issued by SMEs.
- A copy of the business plan of the platform operator demonstrating that the platform can become self-sustainable in less than 10 years (paragraph 127 RFG).
- Plausible counterfactual scenarios comparing the situations with which the tradable undertakings would be confronted in the absence of the platform in terms of access to the necessary finance (paragraph 127 RFG).
- For existing platforms, a copy of the business strategy of the platform that shows that, due to a persistent shortage of listings, and therefore a shortage of liquidity, the platform needs to be supported in the short-term, despite its long-term viability (paragraph 129 RFG).

*Form of the measure:*

- Fiscal incentives to corporate investors in respect of their risk finance investments made through an alternative trading platform in eligible undertakings: Please complete section 2.9.2 on Fiscal instruments above.

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- Support to platform operators:
- Platform operator is: a small enterprise or larger than a small enterprise
  - Maximum amount of the measure: EUR.
- Is the maximum amount more than the start-up aid allowed under the GBER?
- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
- Investment costs incurred for the establishment of the platform: EUR
  - Does the aid to the operator exceed 50 % of those investment costs (paragraph 153 RFG)?
- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
|------------------------------|-----------------------------|
- Aid is allowed up to how many years of start-up of the platform?
  - For platforms that are or will be a sub-platform or subsidiary of an existing stock exchange, please provide evidence for the lack of finance that such a sub-platform would face:
  - Other relevant information:

### 3. Further information for the compatibility assessment of the aid scheme

#### 3.1. Contribution to a common objective and need for State intervention (3.2 & 3.3 RFG)

A risk finance aid scheme can only be justified if it is targeted at addressing a specific market failure, in the form of the existence of a funding gap affecting specific undertakings in a specific development stage, geographic area and, if applicable, economic sector.

Please submit the in-depth *ex-ante* assessment that proves the specific market failure, together with this notification.

##### 3.1.1. Information on the *ex-ante* assessment (paragraphs 65-66 RFG):

Date of the *ex-ante* assessment:

The assessment has been carried out by:

- an independent entity
- an entity linked to the following public authority:

Data on which the assessment is based:

Please tick to confirm that the *ex-ante* assessment is based on data covering 5 years preceding the notification:

The risk finance scheme is financed partially from the European Structural and Investment Funds and the assessment was prepared in accordance with Article 37(2) of Regulation (EU) No 1303/2013 (the Common Provisions Regulation)<sup>(168)</sup>:

##### 3.1.2. Identification in the *ex-ante* assessment of the specific policy objectives and performance indicators for the risk finance scheme (paragraphs 58–59 RFG):

Please list the identified specific policy objectives and make reference to the relevant section in the *ex-ante* assessment:

Please list the defined performance indicators (see examples in paragraph 58 RFG) and make reference to the relevant section in the *ex-ante* assessment:

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- 3.1.3. Economic evidence and justification in the *ex-ante* assessment for the need for State intervention (section 3.3 RFG): see sections 2.3, 2.4, and 2.5 of this form.
- 3.2. Appropriateness and incentive effect of the risk finance scheme (sections 3.4 & 3.5 RFG)
- 3.2.1. General:
- A) By reference to the *ex-ante* assessment, please explain why the existing and envisaged national and Union policy actions targeting the same identified market failures cannot adequately address the identified market failures (paragraphs 90–91 RFG):
- B) Please explain why the proposed State aid instrument has the most appropriate design to ensure an efficient funding structure (paragraphs 92–93 RFG):
- 3.2.2. Appropriateness conditions for financial instruments (section 3.4.2 RFG):
1. Minimum private investment ratios (paragraphs 95–97 RFG):
- What is the minimum aggregate (that is to say total, including all levels) independent private participation rate in the risk finance investment in the final beneficiary?:% of the risk finance (public and private) provided to the final beneficiary.
  - In case of independent private investors' participation below the ratios required in GBER, please summarize the economic evidence and provide detailed justification for this ratio (as per paragraph 95 RFG), with reference to the *ex-ante* assessment:
  - Does the *ex-ante* assessment demonstrate that the scheme leverages additional private funding that would not have been provided otherwise, or in different forms or amounts or on different terms? Please explain:
  - Is private participation in the risk finance scheme of a non-independent nature acceptable (paragraph 96 RFG)?
    - Yes. If so, please provide economic evidence and justification:
    - No
  - In the case of undertakings receiving the initial risk finance investment more than seven years after their first commercial sale, what adequate restrictions does the scheme contain? Does the private participation ratio amount to minimum 60 %?
    - Yes
    - No (paragraph 97 RFG)
2. Balance of risks and rewards between public and private investors (paragraphs 98 to 100 RFG):
- Please explain why the allocation of risks and rewards between public and private investors as described above in the sections on the relevant financial instruments can be considered as balanced (paragraph 98 RFG):
3. Nature of incentives to be determined via selection of financial intermediaries, as well as fund managers or investors (paragraphs 101-102 RFG)
- Please confirm by ticking as appropriate:

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- A) Selection of financial intermediaries implementing the scheme:
- (a)  The financial intermediaries are selected via an open and non-discriminatory process, through which the exact nature of incentives is determined.
- If not, please state the reason (explaining the selection of investors):
  - Please describe the competitive process and describe how the process of selection complies with the requirements:
  - Please provide the reference to the relevant provision of the legal basis containing the requirements in the RFG that the selection process must be open and non-discriminatory:
  - Please list the selection criteria for financial intermediaries, as listed in the call for interest:
  - Please provide, together with this notification, the evaluation grid used for the screening of the financial intermediaries during the selection process.
- Please describe the due diligence process on the selected financial intermediaries:
- Please describe how compliance with the conditions of commercial management and profit-oriented decision-making set out in the GBER (Article 21(14) and (15)) is ensured (paragraph 160 RFG):
  - Please provide evidence, and reference to the legal basis:
- (b)  As part of this selection process, financial intermediaries must demonstrate how their proposed investment strategy contributes to the achievement of the policy objectives and targets (based on the performance indicators identified in the *ex-ante* assessment).
- For each of the selected financial intermediaries, please submit, together with this notification, the documents from the financial intermediary detailing its investment strategy, including pricing policy, and how it contributes to each of the policy objectives and targets.
  - Please provide a detailed description of the mechanism foreseen in the risk finance scheme, by which the Member State will ensure that the investment strategy of the intermediaries remains at all times aligned with the agreed policy targets (e.g. via monitoring, reporting, participation in the representation bodies), and that material changes to the investment strategy require the prior consent of the Member State.
  - Please also provide the reference to the relevant provision of the legal basis:
- (c)  Each of the selected financial intermediaries has been selected in a competitive process taking into account its pricing policy on the instruments deployed in the risk finance scheme (including cost of funding, credit risk premiums, administrative and all other

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fees). Please provide evidence to that effect for each of the selected financial intermediaries.

(d)  The manager of the financial intermediary or the management company ('the manager') is chosen through an open, transparent, non-discriminatory and objective selection procedure or the manager's remuneration fully reflects market levels.

— If not, please state the reason (including an explanation on the selection of investors):

Please describe the competitive process and describe how the selection process complies with the requirements of this point:

— Please provide the reference to the relevant provision of the legal basis containing those requirements:

(e)  The managers of the fund of funds are required to legally commit as part of their investment mandate to determine via a competitive process the preferential conditions which could apply at the level of the sub-funds (paragraph 101 RFG).

B) Selection of private investors

The private investors are selected via an open and non-discriminatory process through which the exact nature of incentives is determined (paragraph 101 RFG). Please describe the modalities for identification and selection of private investors:

4. Co-investing financial intermediary or fund manager taking at least 10 % of first loss piece (paragraph 103 RFG)

— Where the financial intermediary or fund manager co-invest alongside the Member State, any potential conflict of interest should be avoided and they must take at least 10 % of the first loss piece (paragraph 103 RFG). Please confirm that this is the case (if applicable):

5. Pass-on mechanism in the case of debt instruments (loans or guarantees) (paragraph 104 RFG):

(a)  The risk finance scheme provides for a pass-on mechanism (as described in section 2.9.1.1.A.) ensuring that the financial intermediary passes on the advantage it receives from the State to the final beneficiary undertakings. Please indicate the relevant provisions in the legal basis:

(b)  The pass-on mechanism includes monitoring arrangements and a claw-back mechanism. Please describe and indicate the relevant provisions in the legal basis:

3.2.3. Appropriateness conditions for fiscal instruments (section 3.4.3 RFG):

For the purposes of these requirements, the information you have provided under section 2.9.2 will be considered.

Please indicate any further information you consider relevant with regard to the appropriateness conditions:

3.2.4. Appropriateness conditions for measures supporting alternative trading platforms (section 3.4.4 RFG):

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For the purposes of these requirements, the information you have provided under section 2.9.3 will be considered.

Please indicate any further information you consider relevant with regard to the appropriateness conditions:

3.3. Proportionality of the aid (section 3.6 RFG)

3.3.1. Proportionality in relation to the identified market failure:

- Please describe and quantify the sources of financing available to the targeted undertakings, as analysed in the *ex-ante* assessment (cf. paragraph 65 RFG):
- With reference to the *ex-ante* assessment, please provide a summary description of the nature and size of the funding gap faced by each category of targeted undertaking as demonstrated by the *ex-ante* assessment (that is to say the level of demand for finance from the targeted undertakings that is not met by the sources of financing described in point 3.3.1; please specify how the funding gap is calculated):
- Please describe how the total amount of syndicated funding (public and private) provided under the risk finance measure is limited to the size of the funding gap (paragraph 134 RFG):
- Please explain, by reference to the *ex-ante* assessment, how the preferential treatment of private investors is limited to the minimum necessary to achieve the minimum ratios of private capital participation required by the scheme (paragraph 134 RFG):
- Duration of the funding gap faced by each category of targeted undertaking as estimated by the *ex-ante* assessment:

Please provide a summary of the economic evidence:...

- The *ex-ante* assessment provides evidence of the above market failure referred to in point 3.3.1 in the following sector(s):and in the following geographic area:

Please provide a summary of the economic evidence:...

3.3.2. Proportionality conditions for financial instruments (section 3.6.1 RFG):

1. In relation to the financial intermediaries/fund managers:

Is the exact value of incentives determined in the selection process of the financial intermediaries or fund managers (paragraph 136 RFG)?

Yes

No

Please provide the following information on the remuneration of the financial intermediaries or fund managers (paragraph 143 RFG):

- Does it include an annual management fee in accordance with the RFG (paragraph 143 RFG)?

Yes

No; please provide details:

- Does it include performance-based incentives, including financial performance incentives and policy-related incentives, in accordance with the RFG (paragraph 144 RFG)?



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Yes

No; please provide details:

- Please specify what penalties are provided for in case the policy targets are not met:
- Please specify the performance-based remuneration and provide a comparison with market practice (paragraph 145 RFG):
- Please specify the total management fees and provide a comparison with market practice (paragraph 146 RFG):
- Is the overall fee structure evaluated as part of the scoring of the selection process and the maximum remuneration established as a result of that selection (paragraph 147 RFG)?

Yes

No; please explain why not:

If the financial intermediary and its manager are public entities and were not selected through an open, transparent, non-discriminatory and objective selection procedure, please tick to confirm and provide evidence of the following (paragraph 41 RFG):

- (a)  Their management fee is capped, their overall remuneration reflects normal market conditions and is linked to performance:
- (b)  The public financial intermediaries are managed commercially and their managers take investment decisions in a profit-oriented manner at arm's length from the State. Please explain in particular the mechanisms established to exclude any possible interference by the State in the day-to-day management of the public fund:
- (c)  The private investors are selected through an open, transparent, non-discriminatory and objective selection process, on a deal-by-deal basis.

In the case of direct appointment of an entrusted entity, what is its annual management fee, excluding performance-based incentives?: % of the capital to be contributed to the entity. Please note that it should not exceed 3 % (paragraph 148 RFG).

2. In relation to the private investors:

In the case of co-investment by a public fund with private investors participating on a deal by deal basis, are the private investors selected through a separate competitive process in respect of each transaction, so as to establish the fair rate of return (paragraph 137 RFG)?

- Yes. If so, please provide supporting evidence.
- No

Where private investors are not selected through such a process, is the fair rate of return established by an independent expert on the basis of an analysis of market benchmarks and market risk using the discounted cash flow valuation methodology, and detailing the calculation of a minimum level of fair rate of return and an appropriate margin to reflect the risks (paragraph 138 RFG), and are all conditions of paragraph 139 RFG fulfilled?

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- No
- Yes. If so, please provide the report in which the evaluation is contained, identify the expert, describe the existing rules for its appointment, and provide the relevant evidence:

Please tick to confirm that the same independent expert cannot be used twice within the same 3-year period

Please explain how the risk adjusted returns for the private investors are limited to the fair rate of return (paragraph 140 RFG):

Please explain, on the basis of the *ex-ante* assessment, the economic justification for the specific financial parameters underpinning the measure:

3.3.3. Proportionality conditions for fiscal instruments (section 3.6.2 RFG):

For the purposes of these requirements, the information provided under section 2.9.2 will be considered.

Please indicate any further information you consider relevant with regard to the proportionality conditions:

3.3.4. Proportionality conditions for alternative trading platforms (section 3.6.3 RFG):

For the purposes of these requirements, the information provided under section 2.9.3 will be considered.

Please indicate any further information you consider relevant with regard to the proportionality conditions:

3.4. Avoidance of undue negative effects on competition and trade (section 3.7 RFG)

— Please provide, as part of the *ex-ante* assessment, information on the potential negative effects of the risk finance scheme. It should include the potential negative effects at all three levels, that is to say in the market for the provision of risk finance (e.g. the risk of crowding out of private investors), at the level of financial intermediaries and their managers, and at the level of final beneficiaries (including in the markets in which the beneficiaries are active).

— Does the risk finance scheme ensure that the only undertakings targeted with risk finance State aid are those that are potentially viable?

yes

no

If the answer to the above is yes, please describe how this is ensured and indicate the relevant provisions in the legal basis:

— Is the risk finance scheme geographically or regionally limited?

yes

no

If so, please specify:

— Is the risk finance scheme limited in the legal basis (*de iure*) to specific sectors?

yes

no

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If so, please specify:

— Is the risk finance scheme in practice targeted at certain sectors?

yes

no

If so, please specify:

— How are the negative effects minimised as much as possible?

#### 4. **Cumulation of the aid (section 3.9 RFG)**

Risk finance aid may be cumulated with other State aid measures without identifiable eligible costs, or with *de minimis* aid, up to the highest relevant total financing ceiling fixed in the specific circumstances of each case by a block exemption regulation or a decision adopted by the Commission (paragraph 168 RFG).

— Please tick to confirm compliance with this rule:

— Please provide reference to the legal basis:

— Please explain in what way is conformity with the cumulation rules achieved:

#### 5. **Other information**

Please indicate here any other information you consider relevant to the assessment of the measure(s) concerned under the RFG:

### PART III.8

#### **Supplementary Information Sheet for the notification of an evaluation plan**

*Member States must use this sheet for the notification of an evaluation plan pursuant to Article 1(2)(a) of Regulation (EU) No 651/2014<sup>(169)</sup> and in the case of a notified aid scheme subject to an evaluation as provided in the relevant Commission guidelines.*

*Please refer to the Commission Staff Working Document 'Common methodology for State aid evaluation'<sup>(170)</sup> for guidance on the drafting of an evaluation plan.*

#### 1. **Identification of the aid scheme to be evaluated**

(1) Title of the aid scheme:

(2) Does the evaluation plan concern:

(a)  a scheme subject to evaluation pursuant to Article 1(2)(a) of Regulation (EU) No 651/2014?

(b)  a scheme notified to the Commission pursuant to Article 108(3) TFEU?

(3) Reference of the scheme (to be completed by the Commission):

(4) Please list any existing *ex-ante* evaluations or impact assessments for the aid scheme and *ex-post* evaluations or studies conducted in the past on predecessors of the aid scheme or on similar schemes. For each of those studies, please provide the following information: (a) a brief description of the study's objectives, methodologies used, results and conclusions, and (b) specific challenges that the evaluations and studies might have faced from a methodological point of view, for example data availability

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that are relevant for the assessment of the current evaluation plan. If appropriate, please identify relevant areas or topics not covered by previous evaluation plans that should be the subject of the current evaluation. Please provide the summaries of such evaluations and studies in annex and, when available, the internet links to the documents concerned:

## 2. Objectives of the aid scheme to be evaluated<sup>(171)</sup>

- 2.1. Please provide a description of the aid scheme specifying the needs and problems the scheme intends to address and the intended categories of beneficiaries, for example size, sectors, location, indicative number:
- 2.2. Please indicate the objectives of the scheme and the expected impact, both at the level of the intended beneficiaries and as far as the objective of common interest is concerned:
- 2.3. Please indicate possible negative effects, on the aid beneficiaries or on the wider economy, that might be directly or indirectly associated with the aid scheme<sup>(172)</sup>:
- 2.4. Please indicate (a) the annual budget planned under the scheme, (b) the intended duration of the scheme<sup>(173)</sup>, (c) the aid instrument or instruments and (d) the eligible costs:
- 2.5. Please provide a summary of the eligibility criteria and the methods for selecting the aid beneficiaries. In particular, please describe the following: (a) the methods used for selecting beneficiaries (e.g. such as scoring), (b) the indicative budget available for each group of beneficiaries, (c) the likelihood of the budget being exhausted for certain groups of beneficiaries, (d) the scoring rules, if they are used in the scheme, (e) the aid intensity thresholds and (f) the criteria the authority granting the aid will take into account when assessing applications:
- 2.6. Please mention specific constraints or risks that might affect the implementation of the scheme, its expected impacts and the achievement of its objectives:

## 3. Evaluation questions

- 3.1. Please indicate the specific questions that the evaluation should address by providing quantitative evidence of the impact of aid. Please distinguish between (a) questions related to the direct impact of the aid on the beneficiaries, (b) questions related to the indirect impacts and (c) questions related to the proportionality and appropriateness of the aid. Please explain how the evaluation questions relate to the objectives of the scheme:

## 4. Result indicators

- 4.1. Please use the following table to describe which indicators will be built to measure outcomes of the scheme, as well as the relevant control variables, including the sources of data, and how each result indicator corresponds to the evaluation questions. In particular, please mention (a) the relevant evaluation question, (b) the indicator, (c) the source of data, (d) the frequency of collection of data (for example, annual, monthly, etc.), (e) the level at which the data is collected (for example, firm level, establishment level, regional level, etc.), (f) the population covered in the data source (for example, aid beneficiaries, non-beneficiaries, all firms, etc.):

Evaluation question	Indicator	Source	Frequency	Level	Population
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Please explain why the chosen indicators are the most relevant for measuring the expected impact of the scheme:

**5. Envisaged methods to conduct the evaluation**

- 5.1. In light of the evaluation questions, please describe the envisaged methods to be used in the evaluation to identify the causal impact of the aid on the beneficiaries and to assess other indirect impacts. In particular, please explain the reasons for choosing those methods and for rejecting other methods (for example, reasons related to the design of the scheme)<sup>(174)</sup>:
- 5.2. Please describe precisely the identification strategy for the evaluation of the causal impact of the aid and the assumptions on which the strategy relies. Please describe in detail the composition and the significance of the control group:
- 5.3. Please explain how the envisaged methods address potential selection bias. Can it be claimed with sufficient certainty that observed differences in the outcomes for the aid beneficiaries are due to the aid?
- 5.4. If relevant, please explain how the envisaged methods intend to address specific challenges related to complex schemes, for example schemes that are implemented in a differentiated manner at regional level and schemes that use several aid instruments:

**6. Data collection**

- 6.1. Please provide information on the mechanisms and sources for collecting and processing data about the aid beneficiaries and about the envisaged counterfactual.<sup>(175)</sup> Please provide a description of all the relevant information that relates to the selection phase: data collected on aid applicants, data submitted by applicants and selection outcomes. Please also explain any potential issue as regards data availability:
- 6.2. Please provide information on the frequency of the data collection relevant for the evaluation. Are observations available on a sufficiently disaggregated level, that is to say at the level of individual undertakings?
- 6.3. Please indicate whether the access to the necessary data for conducting the evaluation might be hindered by laws and regulations governing confidentiality of data and how those issues would be addressed. Please mention other possible challenges related to data collection and how they would be overcome:
- 6.4. Please indicate whether surveys of aid beneficiaries or of other undertakings are foreseen and whether complementary sources of information are intended to be used:

**7. Proposed timeline of the evaluation**

- 7.1. Please indicate the proposed timeline of the evaluation, including milestones for data collection, interim reports and involvement of stakeholders. If relevant, please provide an annex detailing the proposed timeline:
- 7.2. Please indicate the date by which the final evaluation report will be submitted to the Commission:
- 7.3. Please mention factors that might affect the envisaged timeline:

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## 8. **The body conducting the evaluation**

- 8.1. Please provide specific information on the body conducting the evaluation or, if not yet selected, on the timeline, procedure and criteria for its selection:
- 8.2. Please provide information on the independence of the body conducting the evaluation and on how possible conflict of interest will be excluded during the selection process:
- 8.3. Please indicate the relevant experience and skills of the body conducting the evaluation or how those skills will be ensured during the selection process:
- 8.4. Please indicate which arrangements the granting authority will make to manage and monitor the conduct of the evaluation:
- 8.5. Please provide information, even if only of an indicative nature, on the necessary human and financial resources that will be made available for carrying out the evaluation:

## 9. **Publicity of the evaluation**

- 9.1. Please provide information on the way the evaluation will be made public, that is to say, through the publication of the evaluation plan and the final evaluation report on a website:
- 9.2. Please indicate how the involvement of stakeholders will be ensured. Please indicate whether the organisation of public consultations or events related to the evaluation is envisaged:
- 9.3. Please specify how the evaluation results are intended to be used by the granting authority and other bodies, for example for the design of successors of the scheme or for similar schemes:
- 9.4. Please indicate whether and under which conditions data collected for the purpose or used for the evaluation will be made accessible for further studies and analysis:
- 9.5. Please indicate whether the evaluation plan contains confidential information that should not be disclosed by the Commission:

## 10. **Other information**

- 10.1. Please indicate here any other information you consider relevant for the assessment of the evaluation plan:
- 10.2. Please list all documents attached to the notification and provide paper copies or direct internet links to the documents concerned:]

[<sup>F6</sup>PART III.12

### **GENERAL INFORMATION SHEET FOR THE EU GUIDELINES FOR STATE AID IN THE AGRICULTURE AND FORESTRY SECTORS AND IN RURAL AREAS**

*Please note that this general information sheet for the notification of State aid applies to all sectors covered by the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014–2020<sup>(176)</sup> ('the Guidelines'). In addition for all measures covered by the Guidelines the relevant Supplementary Information Sheet must be completed.*

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

## 0. COMMON ASSESSMENT PRINCIPLES

### 1. Does the State aid measure satisfy the following common assessment principles?

- the measure contributes to a well-defined objective of common interest;
- the need for State intervention: a State aid measure must be targeted towards a situation where aid can bring about a material improvement that the market cannot deliver itself, by remedying a well-defined market failure;
- the appropriateness of the aid measure: the proposed aid measure must be an appropriate policy instrument to address the objective of common interest;
- the incentive effect: the aid must change the behaviour of the undertaking(s) concerned in such a way that it engages in an additional activity which it would not carry out without the aid or it would carry out in a restricted or different manner;
- the proportionality of the aid (aid limited to the minimum necessary): the aid amount must be limited to the minimum needed to induce the activity in the sector concerned;
- the avoidance of major undue negative effects on competition and trade between Member States: the negative effects of aid must be sufficiently limited, so that the overall balance of the measure is positive;
- transparency of aid: Member States, the Commission, economic operators, and the public must have easy access to all relevant acts and to pertinent information about the aid granted thereunder.

### 2. Does the State aid measure entail one of the following non-severable violations of European Union law?

- the obligation for the beneficiary to have its headquarters in the relevant Member State or to be predominantly established in that Member State<sup>(177)</sup>;
- the obligation for the beneficiary to use nationally produced goods or national services;
- a restriction on the possibility for the beneficiaries to exploit the research, development and innovation results in other Member States;
- other non-severable violation of European Union law.

If one of these points is answered positively, please note that in accordance with point (41) of the Guidelines such aid cannot be declared compatible with the internal market.

## 1. CONTRIBUTION TO A COMMON OBJECTIVE

### 1.1. Will the aid ensure viable food production and promote the efficient and sustainable use of resources in order to achieve intelligent and sustainable growth?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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### 1.2. Is the aid related closely to the Common Agricultural Policy (CAP), and consistent with the rural development objectives referred to in point (10) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (44) of the Guidelines, such aid cannot be declared compatible with the internal market.

- 1.3. For agricultural products, is the aid compatible with the rules on the common organisation of the markets in agricultural products?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (44) of the Guidelines, such aid cannot be declared compatible with the internal market.

*Rural development objectives*

- 1.4. As regards rural development like measures, can the Member State demonstrate how the aid fits into and is consistent with the relevant rural development programmes?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, this notification must be accompanied by such documentation.

*Additional conditions for individually notified investment aid on the basis of a scheme*

- 1.5. When awarding aid to individually notified investment projects on the basis of a scheme, can the granting authority confirm that the selected project will contribute towards the objectives of the scheme and thus towards the objectives of aid in the agricultural and forestry sectors and in rural areas? For that purpose, the Member State may rely on the information provided by the applicant for aid where the positive effects of the investment must be described.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Environmental objectives*

- 1.6. Does the State aid notification contain an assessment on whether or not the aided activity is expected to have any environmental impact?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 1.7. Will the aid have an environmental impact?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, the Member State must provide with the notification information demonstrating that the aid will not result in an infringement of applicable Union environmental protection legislation.

- 1.8. Where State aid is notified, which forms part of the rural development programme, is the environmental requirement for the State aid measure identical with the environmental requirement of the rural development measure?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If the answer is no, please note that in accordance with point (52) of the Guidelines the aid cannot be declared compatible with the internal market.

## 2. APPROPRIATENESS OF AID

2.1. Is the aid notified provided for at the same time in the relevant rural development programme?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, could the Member State demonstrate the advantages of such a national aid instrument compared to the rural development programme measure at stake?

2.2. As regards investment aid, which is not covered by Regulation (EU) No 1305/2013 of the European Parliament and of the Council<sup>(178)</sup> as part of the rural development programme or as additional financing for such a rural development measure, is the aid granted in forms that provide a direct pecuniary advantage (for example direct grants, exemptions or reductions in taxes, social security or other compulsory charges, etc.)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, the Member State must demonstrate why other potentially less distortive forms of aid, such as repayable advances or forms of aid that are based on debt or equity instruments (for example, low-interest loans or interest rebates, State guarantees or an alternative provision of capital on favourable terms) are less appropriate.

2.3. Does the aid fall within the framework of aid to the forestry sector with ecological, protective and recreational objectives referred to in Section 2.8 of Chapter 2 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, the Member State must demonstrate that the ecological, protective and recreational objectives aimed at cannot be achieved with the rural development like forestry measures referred to in sections 2.1 to 2.7 of Chapter 2 of Part II of the Guidelines.

2.4. Does the measure cover one of the following categories of aid?

- aid towards the costs of market research activities, product conception and design and for the preparation of applications for the recognition of quality schemes
- aid for knowledge transfer and information actions
- aid for advisory services
- aid for farm replacement services
- aid for promotion measures
- aid to compensate for the costs of the prevention and eradication of animal diseases and plant pest
- aid to the livestock sector

Please note that the aid must be granted to the final aid beneficiaries indirectly, in kind, by means of subsidised services. In these cases the aid must be paid to the provider of the service or activity in question.

## 3. INCENTIVE EFFECT

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 3.1. Will the beneficiary submit an application for the aid to the Member State before wherever work on the project or activity has started, which include at least the applicant's name and the size of the undertaking, a description of the project or activity, including its location and start and end dates, the amount of aid needed to carry it out and the eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (70) of the Guidelines the aid cannot be declared compatible with the internal market, unless the aid is included in one of the categories listed in question 3.6 of this General Information Sheet.

- 3.2. Will the aid be granted to large enterprises?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, will the beneficiaries explain in the application, what would happen without aid (namely, the counterfactual scenario) and submit documentary evidence in support of the counterfactual scenario described in the application?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 3.3. Does the aid concern investment aid for meeting standards granted to large enterprises in accordance with point (148)(c) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, will the undertaking concerned be required to prove that without the aid, it would face the risk of closure?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 3.4. In the case of aid granted to large enterprises, will the granting authority carry out a credibility check of the counterfactual scenario and confirm that the aid has the required incentive effect?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (73) of the Guidelines a counterfactual scenario is credible if it is genuine and relates to the decision-making factors prevalent at the time of the decision by the beneficiary regarding the project or activity concerned.

- 3.5. Is the aid in the form of tax advantages, is it granted to SMEs and are the following conditions complied with:

- (a) the aid scheme establishes a right to aid in accordance with objective criteria and without further exercise of discretion by the Member State; and

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (b) the aid scheme has been adopted and in force before work on the aided project or activity has started<sup>(179)</sup>?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (73) of the Guidelines do not apply.

- 3.6. Does the aid fall under one of the following aid categories of the Guidelines:

- (a) aid schemes for agricultural and forestry land consolidation in accordance with Sections 1.3.4. and 2.9.2. of Part II of the Guidelines and aid schemes for the forestry sector with ecological, protective and recreational objectives in accordance with Section 2.8 of Part II of the Guidelines and where:

- (i) the aid scheme establishes a right to aid in accordance with objective criteria and without further exercise of discretion by the Member State;
- (ii) the aid scheme has been adopted and in force before eligible costs in accordance with Sections 1.3.4 and 2.9.2 and Section 2.8. of Part II of the Guidelines are incurred by the beneficiary; and
- (iii) the aid scheme only covers SMEs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

- (b) aid for disadvantages related to Natura 2000 areas and to the Directive 2000/60/EC of the European Parliament and of the Council (the Water framework directive)<sup>(180)</sup> granted to SMEs in accordance with Section 1.1.6 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

- (c) aid to areas facing natural or other specific constraints in accordance with Section 1.1.7 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

- (d) aid to make good the damage caused by natural disasters or exceptional occurrences in accordance with Section 1.2.1.1 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

- (e) aid to compensate for the damage caused by adverse climatic events which can be assimilated to natural disaster in accordance with Section 1.2.1.2 of Part II of the Guidelines?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

- (f) aid to compensate for the costs of the prevention, control and eradication of animal diseases and plant pests and for losses caused by those animal diseases and plant pests in accordance with Section 1.2.1.3 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

- (g) aid to cover the costs of the removal and destruction of fallen stock in accordance with Section 1.2.1.4 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

- (h) aid to compensate for the damage caused by protected animals in accordance with Section 1.2.1.5 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

- (i) aid to make good the damage in forests caused by animals regulated by law in accordance with Section 2.8.5 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

- (j) investment aid for meeting standards in accordance with point (148)(a) and (b) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

- (k) investment aid for meeting standards granted to SMEs in accordance with point (148)(c) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

- (l) aid for investments in favour of conservation of cultural and natural heritage on the agricultural holding in accordance with Section 1.1.1.2 of Part II of the Guidelines,

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

with the exception of individual aid which exceeds EUR 500 000 per undertaking per investment project?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

(m) aid for promotion measures in accordance with point (464)(b), (c) and (d) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

(n) aid for research and development in the agricultural and forestry sectors in accordance with Sections 1.3.6 and 2.9.1. of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

(o) aid for the maintenance, restoration and upgrading of the cultural and natural heritage of villages, rural landscapes and high nature value sites in accordance with point (644) (e) of the Guidelines, with the exception of investment aid associated with the cultural and natural heritage of villages, rural landscapes and high nature value sites, which exceeds the notification thresholds set out in point (37)(c) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

(p) aid for the drawing up and updating of plans for the development of municipalities and villages in rural areas and their basic services and of protection and management plans relating to Natura 2000 sites and other areas of high nature value, in accordance with point (644)(a) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

(q) aid for the restoration of damage to forests from fires, natural disasters, adverse climatic events, plant pests, animal diseases, catastrophic events and climate change related events in accordance with Section 2.1.3 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.

(r) aid for the costs of treatment and preventing the spreading of pests and tree diseases and aid to make good the damage caused by the pests and tree diseases in accordance with Section 2.8.1 of Part II of the Guidelines?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that points (70) to (74) of the Guidelines do not apply.  
*Individually notifiable investment aid*

- 3.7. For individually notified investment aid, does the Member State provide in the notification clear evidence that the aid effectively has an impact on the investment choice?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please specify how the aid has such an impact:

If the answer is yes, please note that in accordance with point (76) of the Guidelines, to allow a comprehensive assessment, the Member State must provide not only information concerning the aided project but also a comprehensive description of the counterfactual scenario, in which no aid is granted to the beneficiary by any public authority.

If the answer is no, please note that in accordance with point (76) of the Guidelines the aid cannot be declared compatible with the internal market.

Please note that where no specific counterfactual scenario is known, the incentive effect can be assumed when there is a funding gap, that is to say when the investment costs exceed the net present value (NPV) of the expected operating profits of the investment on the basis of an *ex ante* business plan.

#### 4. **PROPORTIONALITY AND CUMULATION OF THE AID**

- 4.1. Will the aid amount exceed the eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (82) of the Guidelines, such aid cannot be considered as proportionate and therefore cannot be granted.

- 4.2. Does the aid fall under Sections 1.1.3 and 1.2.2 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that point (82) of the Guidelines does not apply.

- 4.3. Will the maximum aid intensity and aid amount be calculated by the granting authority when granting the aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that this is a condition laid down in point (85) of the Guidelines.

- 4.4. Will the eligible costs be supported by documentary evidence which is clear, specific and contemporary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

Please note that for the purposes of calculating the aid intensity and the eligible costs, all figures used must be taken before any deduction of tax or other charge. Please also note that value added tax (VAT) is not eligible for aid, except where it is not-recoverable under national VAT legislation.

4.5. Is the aid granted in a form other than a grant?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, is the aid amount the gross grant equivalent of the aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.6. Is the aid payable in several instalments?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, will the aid be discounted to its value at the moment of granting the aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that the eligible costs must be discounted to their value at the moment of granting the aid. Furthermore, the interest rate to be used for discounting purposes is the discount rate applicable on the date of granting the aid.

4.7. Is the aid granted by means of tax advantages?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, does the discounting of aid tranches take place on the basis of the discount rates applicable at the various times the tax advantage takes effect?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.8. Does the aid regard investment aid in rural areas?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the maximum aid intensity for large investment projects must be scaled down to the adjusted aid amount as defined in point (35).31 of the Guidelines. In addition, large investment projects cannot benefit from the increased aid intensities for SMEs.

4.9. For commitments under Sections 1.1.5.1, 1.1.8, 2.3 and 3.4 of Part II of the Guidelines, if they are expressed in units other than those set out in Annex II to Regulation (EU) No 1305/2013, Member States may calculate payments on the basis of those other units. In such cases, does the Member State ensure that the maximum amounts per year are complied with?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.10. For the measures or types of operations referred to in Sections 1.1.5, 1.1.6, 1.1.7, 1.1.8, 2.2, 2.3, 3.4 and 3.5 of Part II of the Guidelines, Member States may fix the aid amount on the basis of standard assumptions of additional costs and income foregone. In these cases, the Member State must ensure that the calculations and the corresponding aid:

- contain only elements that are verifiable
- are based on figures established by appropriate expertise
- indicate clearly the source of the figures used
- are differentiated to take account of regional or local site conditions and actual land use, where applicable and
- do not contain elements linked to investment costs.

*Additional conditions for individually notified investment aid and investment aid to large enterprises under notified schemes*

4.11. In the case of individually notified investment aid, does the aid amount correspond to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual scenario in the absence of aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that as a general rule, individually notified investment aid will be considered to be limited to the minimum.

4.12. Is the investment aid granted to large enterprises under notified schemes?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, does the Member State ensure that the aid amount is limited to the minimum on the basis of a 'net-extra cost approach'?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that the aid amount should not exceed the minimum necessary to render the project sufficiently profitable, for example, it should not lead to an increase of its internal rate of return (IRR) beyond the normal rates of return applied by the undertaking concerned in other investment projects of a similar kind or, if these rates are not available, to an increase of its IRR beyond the cost of capital of the undertaking as a whole or beyond the rates of return commonly observed in the sector concerned.

4.13. If the answer to question 4.12 is yes, does the Member State ensure that the aid amount corresponds to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual scenario in the absence of aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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The method explained in point (96) of the Guidelines must be used together with maximum aid intensities as a cap.

4.14. Does the aid concern individually notified investment aid?



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the Commission will verify whether the aid amount exceeds the minimum necessary to render the project sufficiently profitable, by using the method set out in point (96) of the Guidelines. Calculations used for the analysis of the incentive effect can also be used to assess if the aid is proportionate.

- 4.15. Please demonstrate the proportionality on the basis of documentation such as that referred to in point (77) of the Guidelines. This requirement does not apply to investment aid related to primary agricultural production.

*Cumulation of aid*

- 4.16. Will the notified aid be granted concurrently under several schemes or cumulated with ad hoc aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, does the total amount of State aid for an activity or project exceed the limits set by the aid ceilings laid down in the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 4.17. Will the notified aid have identifiable eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, will this aid be cumulated with any other State aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If yes, will those measures concern different identifiable eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (100) of the Guidelines, the aid with identifiable eligible costs cumulated with any other State aid, in relation to the same eligible costs, can be partly or fully overlapping. However, does this cumulation result in exceeding the highest aid intensity or aid amount applicable to this aid under the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 4.18. Will the aid authorised under the Guidelines be cumulated with de minimis aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If yes, is the aid in this case cumulated in respect of the same eligible costs and will such cumulation result in an aid intensity or aid amount exceeding that fixed in the Guidelines?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 4.19. Is aid in favour of the agricultural sector cumulated with payments referred to in Articles 81(2) and 82 of Regulation (EU) No 1305/2013 in respect of the same eligible costs and will such cumulation result in an aid intensity or aid amount exceeding those laid down in the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 4.20. Is the aid combining State aid with Union funds centrally managed by the institutions, agencies, joint undertakings or other bodies of the Union?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, if the Union funds are not directly or indirectly under the control of the Member State, only the State aid will be considered for determining whether notification thresholds and maximum aid intensities and ceilings are respected, provided that the total amount of public funding granted in relation to the same eligible costs does not exceed the most favourable funding rate(s) laid down in the applicable rules of Union law.

- 4.21. Does the aid concern aid for investments aimed at the restoration of agricultural production potential as referred to in point (143)(e) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that it should not be cumulated with aid for the compensation of material damage referred to in Sections 1.2.1.1, 1.2.1.2 and 1.2.1.3 of Part II of the Guidelines.

Please note that double funding of agricultural practices beneficial for the climate and the environment under Sections 1.1.5.1, 1.1.6, 1.1.8 and 3.5 of Part II of the Guidelines and equivalent practices referred to in Article 43 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council<sup>(181)</sup> should be excluded. The revision clause provided for in point (724) of the Guidelines is also to ensure avoiding double funding.

- 4.22. Does the aid concern start-up aid for producer groups and organisations in the agricultural sector as referred to in Section 1.1.4 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that it should not be cumulated with aid for setting-up of producer groups and organisations in the agricultural sector laid down in Article 27 of Regulation (EU) No 1305/2013.

- 4.23. Does the aid concern start-up aid for young farmers and start-up aid for the development of small farms as referred to in Section 1.1.2 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If the answer is yes, please note that it should not be cumulated with business start-up aid for young farmers or the development of small farms as referred to in Article 19(1)(a)(i) and (iii) of Regulation (EU) No 1305/2013 if such cumulation would result in an aid amount exceeding those laid down in the Guidelines.

## 5. EFFECTS ON COMPETITION AND TRADE

5.1. As regards investment aid schemes for the processing of agricultural products and the marketing of agricultural products, in the forestry sector and in rural areas, could the Member State demonstrate that the negative effects will be limited to the minimum taking into account, for example, the size of the projects concerned, the individual and cumulative aid amounts, the expected beneficiaries as well as the characteristics of the targeted sectors?

5.2. As regards investment aid schemes for the processing of agricultural products and the marketing of agricultural products, in the forestry sector and in rural areas, has the Member State submitted any impact assessment at its disposal as well as *ex-post* evaluations carried out for similar predecessor schemes in order to enable the Commission to assess the likely negative effects of the aid scheme?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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5.3. Concerning the negative effects of individual investment aid for the processing of agricultural products and the marketing of agricultural products and in rural areas, in order to identify and assess the potential distortions of competition and trade, has the Member State provided in the notification evidence, permitting the Commission to identify the product markets concerned (that is to say, products affected by the change in the behaviour of the aid beneficiary) and to identify the competitors and customers/consumers affected?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please specify:

## 6. TRANSPARENCY

6.1. Will the Member State ensure the publication of the following information on a comprehensive State aid website at national or regional level?

- the full text of the aid scheme and its implementing provisions or legal basis for individual aid, or a link to it;
- the identity of the granting authority/(ies);
- the identity of the individual beneficiaries, the form and amount of aid granted to each beneficiary, the date of granting, the type of undertaking (SME/large enterprise), the region in which the beneficiary is located (at NUTS level II) and the principal economic sector in which the beneficiary has its activities (at NACE group level). Such a requirement can be waived with respect of individual aid awards not exceeding the following thresholds:
  - (i) EUR 60 000 for beneficiaries in the primary agricultural production;

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (ii) EUR 500 000 for beneficiaries in the sectors of the processing of agricultural products, the marketing of agricultural products, the forestry sector or activities falling outside the scope of Article 42 of the Treaty.

6.2. Please confirm that for aid schemes in the form of tax advantages the information on individual aid amount is provided in the following ranges (in EUR million):

- 0,06 to 0,5 only for primary agricultural production  
 0,5 to 1  
 1 to 2  
 2 to 5  
 5 to 10  
 10 to 30  
 30 and more

6.3. Please confirm that such information:

- will be published after the decision to grant the aid has been taken  
 will be kept for at least 10 years  
 will be available for the general public without restrictions<sup>(182)</sup>

Please note that Member States will not be required to publish such information before 1 July 2016<sup>(183)</sup>.

6.4. In the case of an individual aid award, will the Member State publish the individual aid award on the State aid website referred to in point (128) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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6.5. If the answer is no, the individual aid award is not published because:

- it falls within the scope of Regulation (EU) No 1305/2013 and  
 it is either co-financed by the EAFRD or granted as additional national financing for such co-financed measures and  
 the individual aid award has already been published in accordance with Articles 111, 112 and 113 of Regulation (EU) No 1306/2013<sup>(184)</sup>.

In that case the Member State should make a reference to the website referred to in Article 111 of Regulation (EU) No 1306/2013 on the State aid website referred to in point (128) of the Guidelines.

## 7. OTHER QUESTIONS

7.1. Does the aid measure concern aid for export-related activities to third countries or to Member States which would be directly linked to the quantities exported, aid contingent upon the use of domestic over imported goods, or aid to establish and operate a distribution network or to cover any other expenditure linked to export activities?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that such aid will not be authorised.

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

Please note that aid towards the cost of participating in trade fairs, or of studies or consultancy services needed for the launch of a new or existing product on a new market in principle does not constitute export aid.

7.2. Does the system of financing, for example, by parafiscal levies, form an integral part of the aid measure?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, the system of financing must be notified.

## 8. TYPE OF AID

List of types of aids included in the Guidelines:

1. Aid in favour of undertakings active in the primary production, processing and marketing of agricultural products
  - 1.1. Rural development measures
    - 1.1.1. Aid for investment
      - 1.1.1.1. Aid for investment in tangible assets and intangible assets on agricultural holdings linked to primary agricultural production
      - 1.1.1.2. Aid for investments in favour of the conservation of cultural and natural heritage located on agricultural holdings
      - 1.1.1.3. Aid for investment concerning the relocation of farm buildings
      - 1.1.1.4. Aid for investments in connection with the processing of agricultural products and the marketing of agricultural products
    - 1.1.2. Start-up aid for young farmers and for the development of small farms
    - 1.1.3. Aid for the transfer of agricultural holdings
    - 1.1.4. Start-up aid for producer groups and organisations in the agricultural sector
    - 1.1.5. Aid for agri-environment-climate and animal welfare commitments
      - 1.1.5.1. Aid for agri-environment-climate commitments
      - 1.1.5.2. Aid for animal welfare commitments
    - 1.1.6. Aid for disadvantages related to Natura 2000 areas and to the Water Framework Directive
    - 1.1.7. Aid to areas facing natural or other specific constraints
    - 1.1.8. Aid for organic farming
    - 1.1.9. Aid for the participation of producers of agricultural products in quality schemes
    - 1.1.10. Aid for the provision of technical support in the agricultural sector
      - 1.1.10.1. Aid for knowledge transfer and information actions
      - 1.1.10.2. Aid for advisory services

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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- 1.1.10.3. Aid for farm replacement services
- 1.1.11. Aid for cooperation in the agricultural sector
- 1.2. Risk and crisis management
  - 1.2.1. Aids to compensate for the damage to agricultural production or the means of agricultural production and to prevent damage
    - 1.2.1.1. Aid to make good the damage caused by natural disasters or exceptional occurrences
    - 1.2.1.2. Aid to compensate for damage caused by adverse climatic event which can be assimilated to a natural disaster
    - 1.2.1.3. Aid for the costs of the prevention, control and eradication of animal diseases and plant pests and aid to make good the damage caused by animal diseases and plant pests
    - 1.2.1.4. Aid for fallen stock
    - 1.2.1.5. Aid to compensate for the damage caused by protected animals
    - 1.2.1.6. Aid for the payment of insurance premiums
    - 1.2.1.7. Aid for financial contributions to mutual funds
  - 1.2.2. Aid for Closing Production Capacity
    - 1.2.2.1. Closing of capacity for animal, plant or human health, sanitary, ethical or environmental reasons
    - 1.2.2.2. Closing of capacity for other reasons
- 1.3. Other types of aid in the agricultural sector
  - 1.3.1. Aid to the livestock sector
  - 1.3.2. Aid for promotion measures in favour of agricultural products
  - 1.3.3. Aid for the outermost regions and the smaller Aegean islands
  - 1.3.4. Aid for agricultural land consolidation
  - 1.3.5. Aid for rescuing and restructuring undertakings in difficulty
  - 1.3.6. Aid for research and development in the agricultural sector
- 2. Aid for the forestry sector which is co-financed by the European Agricultural Fund for Rural Development (EAFRD), granted as additional national financing to such co-financed measures or granted as a pure State aid
  - 2.1. Investments in forest area development and improvement of the viability of forests
    - 2.1.1. Aid for afforestation and creation of woodland
    - 2.1.2. Aid for the establishment of agro-forestry systems
    - 2.1.3. Aid for the prevention and restoration of damage to forests from forest fires, natural disasters, adverse climatic events which can be assimilated to a natural disaster, other adverse climatic events, plant pests and catastrophic events

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- 2.1.4. Aid for investments improving the resilience and environmental value of forest ecosystems
- 2.1.5. Aid for investments in forestry technologies and in processing, in mobilising and in the marketing of forest products
- 2.1.6. Aid for investments in infrastructure related to the development, modernisation or adaptation of forestry
- 2.2. Aid for disadvantages related to Natura 2000 forest areas
- 2.3. Aid for forest-environment and climate services and forest conservation
- 2.4. Aid for knowledge transfer and information actions in the forestry sector
- 2.5. Aid for advisory services in the forestry sector
- 2.6. Aid for cooperation in forestry sector
- 2.7. Start-up aid for producer groups and organisations in the forestry sector
- 2.8. Other aid to the forestry sector with ecological, protective and recreational objectives
  - 2.8.1. Aid for specific forest actions and interventions with the primary objective to contribute to maintaining or to restoring forest ecosystem and biodiversity or the traditional landscape
  - 2.8.2. Aid for maintaining and improving the soil quality and ensuring a balanced and healthy tree growth in the forestry sector
  - 2.8.3. Restoration and maintenance of natural pathways, landscape elements and features and natural habitat for animals in the forestry sector
  - 2.8.4. Aid for maintaining roads to prevent forest fires
  - 2.8.5. Aid to make good the damage in forests caused by animals regulated by law
  - 2.8.6. Aid for establishing forest management plans
- 2.9. Aid in the forestry sector aligned with the agricultural aid measures
  - 2.9.1. Aid for research and development in the forestry sector
  - 2.9.2. Aid for forestry land consolidation
- 3. Aids in rural areas which are co-financed by the EAFRD or granted as additional national financing to such co-financed measures
  - 3.1. Aid for investments concerning the processing of agricultural products into non-agricultural products, the production of cotton or investments in the creation and development of non-agricultural activities
  - 3.2. Aid for basic services and village renewal in rural areas
  - 3.3. Business start-up aid for non-agricultural activities in rural areas
  - 3.4. Aid for agri-environment-climate commitments to other land managers and undertakings in rural areas not active in the agricultural sector
  - 3.5. Aid for disadvantages related to Natura 2000 areas to other land managers

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- 3.6. Aid for knowledge transfer and information actions in rural areas
- 3.7. Aid for advisory services in rural areas
- 3.8. Aid for new participation of active farmers in quality schemes for cotton and foodstuffs
- 3.9. Aid for information and promotion activities concerning cotton and foodstuffs covered by a quality scheme
- 3.10. Aid for cooperation in rural areas
- 3.11. Aid for the setting-up of mutual funds
- 1.1.1.1. SUPPLEMENTARY INFORMATION SHEET ON AID FOR INVESTMENT IN UNDERTAKINGS ACTIVE IN PRIMARY AGRICULTURAL PRODUCTION

*This information sheet relates to State aid for investments in tangible and intangible assets on agricultural holdings linked to primary agricultural production as described in Section 1.1.1.1 Chapter 1 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

## 1. GENERAL ELIGIBILITY CRITERIA

- 1.1. Will the investments at which the aid is aimed, increase production beyond restrictions or exceed limitations on Union support at the level of individual undertakings, holdings or processing plants set by a common organisation of the market, including direct support schemes, financed by the European Agricultural Guarantee Fund (EAGF)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the aid cannot be declared compatible with the internal market.

- 1.2. Are undertakings active in the primary agricultural production the sole beneficiaries of this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

## 2. AID FOR INVESTMENT IN TANGIBLE ASSETS AND INTANGIBLE ASSETS ON AGRICULTURAL HOLDINGS LINKED TO PRIMARY AGRICULTURAL PRODUCTION

- 2.1. Does one or more beneficiaries carry out the investment in tangible assets and intangible assets on agricultural holdings linked to primary agricultural production?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 2.2. If the answer is no, does the investment concern tangible assets or intangible assets used by one or more beneficiaries?



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<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.3. Is the aid targeted at investment in tangible assets and intangible assets linked to the production of energy from renewable sources or the production of biofuels on holdings?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please do not reply to questions 2.4 to 2.17.

2.4. Is the investment made for the production of biofuels within the meaning of Directive 2009/28/EC of the European Parliament and of the Council<sup>(185)</sup>?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.5. If the answer to question 2.4 is yes, is the production capacity of the renewable energy production facilities eligible for aid no more than equivalent to the annual average transport fuel consumption of the agricultural holding?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2.6. Is the produced biofuel sold on the market?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the aid cannot be declared compatible with the internal market.

2.7. Is the investment made for the production of thermal energy and/or electricity from renewable sources on agricultural holdings?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.8. If the answer to question 2.7 is yes:

(a) is the aim of the renewable energy production facilities on the agricultural holding eligible for aid only to serve their own energy needs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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and

(b) is the production capacity of the renewable energy production facilities eligible for aid no more than equivalent to the combined average annual energy consumption of thermal energy and electricity on the agricultural holding, including the farm household?

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<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the reply to either points (a) or (b) is no, please note that the aid cannot be declared compatible with the internal market.

2.9. Regarding electricity, is the annual self-consumption limit respected?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2.10. How is the annual average consumption accumulated where more than one agricultural holding carry out the investment in the production of energy or biofuel?

2.11. Are there any minimum standards for energy efficiency for investments that consume or produce energy at the national level?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.12. If the answer to question 2.11 is yes, is there a requirement at national level that the minimum standards referred in question 2.11 are complied with?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2.13. Is the aid targeted specifically at investments in installations, the primary purpose of which is electricity production from biomass?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.14. If the answer to question 2.13 is yes, do the installations use a minimum percentage of the heat energy produced as determined by the Member State?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2.15. Are there thresholds established at the the level of the Member State, for the maximum proportions of cereals and other starch rich crops, sugar and oil crops used for bioenergy production, including biofuels, for different types of installations?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

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- 2.16. Is aid to bioenergy projects limited to bioenergy meeting the applicable sustainability criteria laid down in Union legislation including Article 17(2) to (6) of Directive 2009/28/EC?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 2.17. Does the production capacity of the installation exceed the average annual consumption of the beneficiary(ies)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that Member States must comply with the conditions laid down in the Guidelines on State aid for environmental protection and energy 2014-2020<sup>(186)</sup> unless such aid is exempt from notification obligation (e.g. through the GBER<sup>(187)</sup>).

- 2.18. Which of the following objectives does the investment pursue?

- (a) the improvement of the overall performance and sustainability of the agricultural holding, in particular through a reduction in production costs or the improvement and re-deployment of production;
- (b) the improvement of the natural environment, hygiene or animal welfare standards, provided that the investment concerned aims at going beyond the Union standard in force;
- (c) the creation and improvement of infrastructure related to the development, adaptation and modernisation of agriculture, including access to farm land, land consolidation and land improvement, the supply and saving of energy and water.

- (d) Please specify if another activity pursuing this objective is covered: the achievement of agri-environmental-climate objectives, including biodiversity conservation status of species and habitats as well as enhancing the public amenity value of a Natura 2000 area or other high natural value systems, as long as the investments are non-productive.

- (e) Please specify if another activity pursuing this objective is covered: the restoration of agricultural production potential damaged by natural disasters, exceptional occurrences or adverse climatic events which can be assimilated to a natural disaster, animal diseases and plant pests, protected animals and the prevention and risk mitigation of damage caused by those before-mentioned events and factors.

- (f) Please specify if another activity pursuing this objective is covered: the setting up of young farmers for the first time in an agricultural holding as head of the holding in respect of investments to comply with Union standards applying to agricultural production, including occupational safety.

Please note that this objective justifies investment aid for a maximum period of 24 months from the date of the setting up. Is that deadline respected?

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- |  |                          |     |                          |    |
|--|--------------------------|-----|--------------------------|----|
|  | <input type="checkbox"/> | yes | <input type="checkbox"/> | no |
|--|--------------------------|-----|--------------------------|----|
- (g) the implementation in Croatia of the Council Directive 91/676/EEC<sup>(188)</sup> (the Nitrates Directive) within a maximum period of four years from the date of accession pursuant to Article 3(2) and Article 5(1) of that Directive;
- (h) the compliance with new requirements on undertakings active in the primary agricultural production imposed by Union law.
- Please note that that objective justifies investment aid for a maximum period of 12 months from the date on which the new requirements imposed by the Union law become mandatory for the undertaking concerned. Is that deadline respected?
- |  |                          |     |                          |    |
|--|--------------------------|-----|--------------------------|----|
|  | <input type="checkbox"/> | yes | <input type="checkbox"/> | no |
|--|--------------------------|-----|--------------------------|----|
- (i) other (please specify):
- If the investment pursues other objectives, please note that only investments pursuing one or more of the objectives listed in points (a) to (h) are eligible for support for investments in agricultural holdings.
- 2.19. Do the eligible costs include?
- (a) the construction, acquisition, including leasing, or improvement of immovable property.
- Was the cost of the amount of the land purchased equal or less than 10 % of the total eligible costs of the operation concerned?
- |  |                          |     |                          |    |
|--|--------------------------|-----|--------------------------|----|
|  | <input type="checkbox"/> | yes | <input type="checkbox"/> | no |
|--|--------------------------|-----|--------------------------|----|
- If the answer is no, does the operation concern environmental conservation?
- |  |                          |     |                          |    |
|--|--------------------------|-----|--------------------------|----|
|  | <input type="checkbox"/> | yes | <input type="checkbox"/> | no |
|--|--------------------------|-----|--------------------------|----|
- If the answer is yes, in exceptional and duly justified cases, a higher percentage may be permitted.
- Please provide information concerning the exceptional and duly justified circumstances so that the Commission may assess the case in question.
- (b) the purchase or lease purchase of machinery and equipment up to the market value of the assets;
- (c) the general costs linked to the expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies; feasibility studies remain eligible costs even where based on their results, no expenditure referred to in points (a) and (b) is incurred;
- (d) the acquisition or development of computer software and the acquisition of patents, licenses, copyrights and trademarks;
- (e) the expenses for non-productive investments linked to the objectives referred to in point (143)(d) of the Guidelines;

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- (f) in the case of investment aimed at the restoration of agricultural production potential damaged by natural disasters, exceptional occurrences or adverse climatic events which can be assimilated to a natural disaster, animal diseases or plant pests and protected animals the eligible costs may include the costs incurred for restoring the production potential up to the level as it was at before the occurrence of those events;
- (g) in the case of investments aimed at the prevention of damage caused by natural disasters, exceptional occurrences, adverse climatic events which can be assimilated to a natural disaster, animal diseases and plant pests and by protected animals, the eligible costs may include the costs of specific prevention actions aimed at reducing the consequences of such probable events.
- (h) other (please specify):

2.20. Do the eligible costs include?

- (a) the purchase of production rights, payment entitlements and annual plants;
- (b) the planting of annual plants;
- (c) the purchase of animals, with the exception of investments carried out for:
  - (i) the purchase of animals for the objective of point (143)(e) of the Guidelines;
  - and
  - (ii) for the purchase of breeding animals for the improvement of the genetic quality of the herd; for this exception the conditions set out in question 2.23 of this Supplementary Information Sheet must be fulfilled;
- (d) investments to comply with Union standards in force, with the exceptions referred to in point (148) of the Guidelines;
- (e) costs, other than those referred to point (144) of the Guidelines connected with leasing contracts, such as lessor's margin, interest refinancing costs, overheads and insurance charges;
- (f) working capital.

If any of the costs referred to in points (a) to (f) is included, please note that the aid cannot be declared compatible with the internal market.

2.21. Do the eligible costs include investment carried out for the objective referred to in point (143)(e) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.22. Do the eligible costs include the purchase of breeding animals for the improvement of the genetic quality of the herd?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.23. If the answer to question 2.22 is yes, are the following conditions fulfilled?

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- (a) the aid may only be granted only for the purchase of breeding animals for the improvement of the genetic quality of the herd in beef cattle, sheep and goats;
- (b) only investments intended to improve the genetic quality of the stock through the purchase of high quality breeding animals, both male and female which are registered in herd books are eligible;
- (c) in the case of the replacement of existing breeding stock aid may be granted only for the replacement of animals which were not registered in a herd book;
- (d) only active farmers are eligible for aid;
- (e) only animals which ensure optimal reproductive potential for a certain period of time are purchased; to that end, only females purchased before delivering their first offspring are eligible;
- (f) purchased animals are to be kept in the herd for a period of at least four years.

Please note that conditions referred to in points (a) to (f) must be cumulatively fulfilled for investment aid in this particular case to be compatible with the internal market.

2.24. With regard to irrigation in new and existing irrigated areas are the following conditions fulfilled?

- (a) a river basin management plan, as required under the terms of the Water Framework Directive, has been communicated to the Commission for the entire area in which the investment is to take place, as well as in any other areas whose environment may be affected by the investment;
- (b) the measures taking effect under the river basin management plan in accordance with Article 11 of the Water Framework Directive and of relevance to the agricultural sector have been specified in the relevant programme of measures;
- (c) water metering enabling the measurement of water use at the level of the supported investment is in place or will be put in place as part of the investment;
- (d) an investment in an improvement to an existing irrigation installation or element of irrigation infrastructure is eligible only if it is assessed *ex-ante* as offering potential water savings of a minimum of between 5 % and 25 % according to the technical parameters of the existing installations or infrastructure;
- (e) if the investment affects bodies of ground-or-surface water whose status has been identified as less than good in the relevant river basin management plan for reasons related to water quantity:
  - (i) the investment must ensure an effective reduction in water use, at the level of the investment, amounting to at least 50 % of the potential water saving made possible by the investment;
  - (ii) in the case of an investment on a single agricultural holding, it must also result in a reduction to the agricultural holding's total water use amounting to at least 50 % of the potential water saving made possible at the level of the investment; the total water use of the holding must include water sold by the holding;
- (f) none of the conditions referred to in point (e) apply because the investment is made in an existing installation which affects only energy

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□(g) efficiency, or in the creation of a reservoir or in the use of recycled water which does not affect a body of ground or surface water;  
for an investment resulting in a net increase of the irrigated area affecting a given body of ground or surface water:

- (i) the status of the water body has not been identified as less than good in the relevant river basin management plan for reasons related to water quantity; and
- (ii) an environmental analysis shows that there will be no significant negative environmental impact from the investment. Such an environmental impact analysis must be either carried out or approved by the competent authority and may also refer to groups of holdings.

□(h) Please note that the two criteria referred to in (i) and (ii) must both be fulfilled for investment aid in this particular case to be declared compatible with the internal market;  
the condition referred to in point (g)(i) does not apply to investments resulting in a net increase of the irrigated area if:

- (i) the investment is combined with an investment in an existing irrigation installation or element of irrigation infrastructure assessed *ex-ante* as offering potential water savings of a minimum of between 5 % and 25 % according to the technical parameters of the existing installation or infrastructure; and
- (ii) the investment ensures an effective reduction in water use, at the level of the investment as a whole, amounting to at least 50 % of the potential water saving made possible by the investment in the existing irrigation installation or element of infrastructure;

□(i) Please note that the two conditions referred to in (i) and (ii) of this point must both be fulfilled in order for the condition referred to in point (g) (i) not to apply.

the condition referred to in point (g)(i) does not apply to investments in the establishment of a new irrigation installation supplied with water from an existing reservoir approved by the competent authorities before 31 October 2013, if the following conditions are met:

- (i) the reservoir in question is identified in the relevant river basin management plan and is subject to the control requirements provided for in Article 11(3)(e) of the Water Framework Directive;
- (ii) on 31 October 2013, there was in force either a maximum limit on total abstractions from the reservoir or a minimum required level of flow in water bodies affected by the reservoir;
- (iii) the maximum limit or minimum required level of flow referred to in (ii) of this point, complies with the conditions set out in Article 4 of the Water Framework Directive; and
- (iv) the investment in question does not result in abstractions beyond the maximum limit in force on

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31 October 2013 or result in a reduction of the level of flow in affected water bodies below the minimum required level in force on 31 October 2013.

Please note that the four conditions referred to in (i) to (iv) of this point must be cumulatively fulfilled in order for the condition referred to in point (g)(i) not to apply.

- 2.25. Were areas which are not irrigated but in which an irrigation installation was active in the recent past, to be established and justified by the Member State, considered as irrigated areas for the purpose of determining the net increase of the irrigated area?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 2.26. With regard to irrigation, from 1 January 2017, is the Member State going to ensure, in respect of the river basin district in which the investment will take place, a contribution of the different water uses to the recovery of the costs of water services by the agricultural sector consistent with Article 9(1) first indent of the Water Framework Directive having regard where appropriate, to the social, environmental and economic effects of the recovery as well as the geographic and climatic conditions of the region or regions affected?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 2.27. Please state the maximum aid intensity, expressed as a percentage of eligible investment:

- (a) of the amount of the eligible costs in the outermost regions;
- (b) of the amount of the eligible costs in the smaller Aegean Islands;
- (c) of the amount of the eligible costs in Croatia for the implementation of the Nitrates Directive in accordance with point (148)(b) of the Guidelines;
- (d) of the amount of the eligible costs in less developed regions and in all regions whose the gross domestic product (GDP) per capita for the period from 1 January 2007 to 31 December 2013 period was less than 75 % of the average of the EU-25 for the reference period but whose GDP per capita is above 75 % of the GDP average of the EU-27;
- (e) of the amount of the eligible costs in other regions;
- (f) of the amount of the eligible costs for the purchase of breeding animals referred to in point (147) of the Guidelines.

- 2.28. If the aid intensity rates referred to in question 2.27 of this Supplementary Information Sheet are higher than the those set out in point (152) of the Guidelines, please clarify whether any of the following exceptions apply allowing for an increase by 20 percentage points:

- (a) young farmers or farmers who have set up during the five years preceding the application for aid;



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- (b) collective investments, such as storage facilities which are used by a group of farmers or facilities to prepare the agricultural products before marketing; and integrated projects covering several measures provided for in Regulation (EU) No 1305/2013, including those linked to the merger of producer organisations;
- (c) investments in areas facing natural or other specific constraints pursuant to Article 32 of Regulation (EU) No 1305/2013;
- (d) operations financed in the framework of the European Innovation Partnership (EIP), such as an investment in a new stable, allowing the testing of a new practice of animal housing, which have been developed in an operational group composed of farmers, scientists and animal welfare non-governmental organisations;
- (e) investments aimed at the improvement of the natural environment, hygiene conditions or animal welfare standards, as referred to in point (143)(b) of the Guidelines; in that case the increased aid intensity as provided for in that point only applies to the additional costs necessary to obtain a level exceeding the Union standards in force and not leading to an increase in production capacity;
- (f) investments aimed at the improvement of the sustainability of the agricultural holding, as referred to in point (143)(a) of the Guidelines, which are linked to agri-environmental-climate commitments and organic farming under Sections 1.1.5.1. and 1.1.8 of Part II of the Guidelines.

Please note that the maximum combined aid cannot exceed 90 % of the investment for the aid to be declared compatible with the internal market.

- 2.29. As a derogation from the ceilings of eligible costs laid down in points (152) and (153) of the Guidelines, please state the maximum aid intensity expressed as a percentage of the eligible costs for non-productive investments referred to in point (143)(d) of the Guidelines and investments for the restoration of production potential referred to in point (143)(e) of the Guidelines:

of the amount of the eligible costs.

Please note that the maximum aid intensity cannot exceed 100 % of eligible costs.

- 2.30. As a derogation from the ceilings of eligible costs laid down in points (152) and (153) of the Guidelines, please state the maximum aid intensity expressed as a percentage of the eligible costs for investments with preventive objectives referred to in point (143) (e) of the Guidelines:

of the amount of the eligible costs.

Please note that the maximum aid intensity cannot exceed 80 % of eligible costs, except for one exception set out in questions 2.31 and 2.32.

- 2.31. Is the investment with preventive objectives carried out collectively by more than one beneficiary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 2.32. If the answer to question 2.31 is yes, please state the maximum aid intensity expressed as a percentage of the eligible costs

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

of the amount of the eligible costs.

## **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### **1.1.1.2. SUPPLEMENTARY INFORMATION SHEET ON AID FOR INVESTMENTS IN FAVOUR OF THE CONSERVATION OF CULTURAL AND NATURAL HERITAGE LOCATED ON AGRICULTURAL HOLDINGS**

*This information sheet relates to State aid for investments in favour of the conservation of cultural and natural heritage located on agricultural holdings as described in section 1.1.1.2 of Chapter 1 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

#### **1. GENERAL ELIGIBILITY CRITERIA**

- 1.1. Will the investments at which the aid is aimed, increase production beyond restrictions or exceed limitations on Union support at the level of individual undertakings, holdings or processing plants set by a common organisation of the market, including direct support schemes, financed by the European Agricultural Guarantee Fund (EAGF)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the aid cannot be declared compatible with the internal market.

- 1.2. Are undertakings active in the primary agricultural production the sole beneficiaries of this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

#### **2. AID FOR INVESTMENTS IN FAVOUR OF THE CONSERVATION OF CULTURAL AND NATURAL HERITAGE LOCATED ON AGRICULTURAL HOLDINGS**

- 2.1. Is the heritage in the form of natural landscapes and buildings benefiting from aid formally recognised as cultural or natural heritage by the competent public authorities of the Member State?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 2.2. Do the eligible costs include?

- (a) investment costs in tangible assets;  
 (b) capital works;  
 (c) other (please specify):

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If the eligible costs are costs other than those indicated at points (a) and (b), please note that the aid cannot be declared compatible with the internal market.

2.3. Please state the maximum aid intensity, expressed as a percentage of eligible investment and in point (f) below please give an amount in EUR per year:

(a) for investments aimed at the conservation of productive heritage features located on agricultural holdings and provided that the investment does not entail any increase in the production capacity:

- (i) of the amount of the real costs incurred in areas facing natural or other specific constraints pursuant to Article 32 of Regulation (EU) No 1305/2013;
- (ii) of the amount of the real costs incurred in less developed regions;
- (iii) of the amount of the real costs incurred on other areas;

(b) where there is an increase in production capacity:

- (i) of the amount of the eligible costs in the outermost regions;
- (ii) of the amount of the eligible costs in the smaller Aegean Islands;
- (iii) of the amount of the eligible costs in Croatia for the implementation of the Nitrates Directive in accordance with point (148)(b) of the Guidelines;
- (iv) of the amount of the eligible costs in less developed regions and in all regions whose the gross domestic product (GDP) per capita for the period from 1 January 2007 to 31 December 2013 was less than 75 % of the average of the EU-25 for the reference period but whose GDP per capita is above 75 % of the GDP average of the EU-27;
- (v) of the amount of the eligible costs in other regions;
- (vi) of the amount of the eligible costs for the purchase of breeding animals referred to in point (147) of the Guidelines.

If the aid intensity rates referred to in (i) to (vi) of this question are higher than the ones laid down in point (152) of the Guidelines, please clarify whether any of the following exceptions apply allowing for an increase by 20 percentage points:

- (a) young farmers or farmers who have set up during the five years preceding the application for aid;
- (b) collective investments, such as storage facilities which are used by a group of farmers or facilities to prepare the agricultural products before marketing; and integrated projects covering several measures provided for in Regulation (EU) No 1305/2013, including those linked to merger of producer organisations;
- (c) investments in areas facing natural or other specific constraints pursuant to Article 32 of Regulation (EU) No 1305/2013;
- (d) operations financed in the framework of the European Innovation Partnership (EIP), such as an investment in a new stable, allowing the testing of a new practice of animal housing, which have been developed in an operational group composed of farmers, scientists and animal welfare non-governmental organisations;

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (e) investments aimed at the improvement of the natural environment, hygiene conditions or animal welfare standards, as referred to in point (143)(b) of the Guidelines; in that case the increased aid intensity as provided for in that point only applies to the additional costs necessary to obtain a level exceeding the Union standards in force and not leading to an increase in production capacity;
- (f) investments aimed at the improvement of the sustainability of the agricultural holding, as referred to in point (143)(a) of the Guidelines, which are linked to agri-environmental-climate commitments and organic farming under Sections 1.1.5.1. and 1.1.8 of Part II of the Guidelines.

Please note that the maximum combined aid cannot exceed 90 % of the investment for the aid to be declared compatible with the internal market.

- (c) of the amount of the eligible costs for additional aid granted to cover the extra costs incurred by using traditional materials necessary to maintain the heritage features of buildings on agricultural holdings;
- (d) of the amount of the eligible costs for the aids referred to in points (a), (b) and (c), where the investment concerns small-scale infrastructures;
- (e) of the amount of the incurred costs for investments aimed at the conservation of non-productive heritage features located on agricultural holdings, such as archaeological or historical features;
- (f) EUR per year for capital works.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **1.1.1.3. SUPPLEMENTARY INFORMATION SHEET ON AID FOR INVESTMENTS CONCERNING THE RELOCATION OF FARM BUILDINGS**

*This information sheet relates to State aid for investments concerning the relocation of farm buildings as described in Section 1.1.1.3 of Chapter 1 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

#### **1. GENERAL ELIGIBILITY CRITERIA**

- 1.1. Will the investments at which the aid is aimed, increase production beyond restrictions or exceed limitations on Union support at the level of individual undertakings, holdings or processing plants set by a common organisation of the market, including direct support schemes, financed by the European Agricultural Guarantee Fund (EAGF)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the aid cannot be declared compatible with the internal market.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

1.2. Are undertakings active in the primary agricultural production the sole beneficiaries of this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2. **AID FOR INVESTMENT CONCERNING THE RELOCATION OF FARM BUILDINGS**

2.1. Does the relocation of the farm building pursue an objective of public interest specified in the relevant provisions of the Member State?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that the legal basis for the aid in the relevant provisions of the Member State must explain the public interest served by the relocation of the farm building.

2.2. Do the eligible costs related to the relocation include?

- (a) real costs incurred for the dismantling, removal and re-building of existing facilities;
- (b) in addition to those referred to in point (a), a modernisation of the facilities;
- (c) in addition to those referred to in (a), an increase in production capacity;
- (d) activities close to rural settlements, with a view to improving the quality of life or increasing the environmental performance of the rural settlement and concerning small-scale infrastructures;
- (e) other (please specify):

If the eligible costs are costs other than those referred to in points (a) to (d), please note that the aid cannot be declared compatible with the internal market.

2.3. Please state the maximum aid intensity, expressed as a percentage of eligible investment:

- (a) of the amount of the real costs incurred for the dismantling, removal and re-building of existing buildings or facilities;
- (b) where, in addition to the costs referred to in point (a), the relocation results in a modernisation of facilities<sup>(189)</sup> or in an increase in production capacity:
  - (i) of the amount of the costs relating to the modernisation of the facilities or the increase of the production capacity ('the relevant costs') in the outermost regions;
  - (ii) of the amount of the relevant costs in the smaller Aegean Islands;
  - (iii) of the amount of the relevant costs in Croatia for the implementation of the Nitrates Directive in accordance with point (148)(b) of the Guidelines;
  - (iv) of the amount of the relevant costs in less developed regions and in all regions whose the gross domestic product (GDP) per capita for the period from 1 January 2007 to 31 December 2013 was less than 75 % of the average

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

of the EU-25 for the reference period but whose GDP per capita is above 75 % of the GDP average of the EU-27;

(v) of the amount of the relevant costs in other regions.

If the rates of aid intensity referred to in (i) to (v) are higher than those set out in point (152) of the Guidelines, please clarify whether any of the following exceptions apply allowing for an increase by 20 percentage points:

- young farmers or farmers who have set up during the five years preceding the application for aid;
- collective investments, such as storage facilities which are used by a group of farmers or facilities to prepare the agricultural products before marketing; and integrated projects covering several measures provided for in Regulation (EU) No 1305/2013, including those linked to the merger of producer organisations;
- investments in areas facing natural or other specific constraints pursuant to Article 32 of Regulation (EU) No 1305/2013;
- operations financed in the framework of the European Innovation Partnership (EIP), such as an investment in a new stable, allowing the testing of a new practice of animal housing, which have been developed in an operational group composed of farmers, scientists and animal welfare non-governmental organisations;
- investments aimed at the improvement of the natural environment, hygiene conditions or animal welfare standards, as referred to in point (143)(b) of the Guidelines; in that case the increased aid intensity as provided for in that point only applies to the additional costs necessary to obtain a level exceeding the Union standards in force and not leading to an increase in production capacity;
- investments aimed at the improvement of the sustainability of the agricultural holding, as referred to in point (143)(a) of the Guidelines, which are linked to agri-environmental-climate commitments and organic farming under Sections 1.1.5.1. and 1.1.8 of Part II of the Guidelines.

Please note that the result of the application of these exceptions to the aid intensities referred to in (i) to (v) cannot exceed 90 % of the investment for the aid to be declared compatible with the internal market.

(c) of the amount of the eligible costs for relocation activities close to rural settlements, with a view to improving quality of life or increasing environmental performance of the settlement, and concerning small-scale infrastructures.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

#### 1.1.1.4. SUPPLEMENTARY INFORMATION SHEET ON AID FOR INVESTMENT IN CONNECTION WITH THE PROCESSING OF AGRICULTURAL PRODUCTS AND THE MARKETING OF AGRICULTURAL PRODUCTS

*This information sheet relates to State aid for investments in connection with the processing of agricultural products<sup>(190)</sup> and the marketing of agricultural products<sup>(191)</sup>, as described in section 1.1.1.4 of Chapter 1 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Will the investments at which the aid is aimed, increase production beyond restrictions or exceed limitations on Union support at the level of individual undertakings, holdings or processing plants set by a common organisation of the market, including direct support schemes, financed by the European Agricultural Guarantee Fund (EAGF)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the aid cannot be declared compatible with the internal market.

2. Is the aid granted for food based biofuels?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the aid cannot be declared compatible with the internal market in light of the goal to incentivise the shift towards the production of more advanced forms of biofuels, as referred to in the horizontal environmental and energy State aid rules.

3. Is the aid for investments in tangible assets and intangible assets in connection with the processing of agricultural products and the marketing of agricultural products as referred to in point (35).11. and (35).12. of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

4. Member States may grant aid for investments in connection with the processing of agricultural products and the marketing of agricultural products if the aid fulfils all the conditions of one of the following aid instruments. Please specify under the provisions of which of the following aid instruments that aid is meant to be granted:

- Commission Regulation (EU) No 651/2014 (GBER)<sup>(192)</sup>;
- Guidelines on regional State aid for 2014-2020<sup>(193)</sup>;
- the conditions of Section 1.1.1.4. of Chapter 1 of Part II of the Guidelines.

5. If the aid is granted under the provisions of the Regulation (EU) No 651/2014 (GBER):

Please state the reasons why the competent authority still would like to submit a notification on the basis of the Guidelines. In this case, please fill in the relevant part of the general notification form set out in Part I and the specific form of Part III of Annex I of Regulation (EC) No 794/2004<sup>(194)</sup> or any provision replacing it.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

6. If the aid is granted under the provisions of the Guidelines on regional State aid for 2014-2020:

Does the aid fulfil the conditions set out in the Guidelines on regional State aid for 2014-2020?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, the aid cannot be declared compatible with the internal market in accordance with point (168)(b) of the Guidelines.

If the answer is yes, please note that the assessment of such aid is to be carried out on the basis of the Guidelines on regional State aid for 2014-2020. Please fill in the relevant part of the general notification form (set out in the Annex of Commission Regulation (EC) No 1627/2006<sup>(195)</sup>).

7. If the aid is going to be granted on the basis of Section 1.1.1.4. of Chapter 1 of Part II of the Guidelines, do the eligible costs include?

- (a) the construction, acquisition, including leasing, or improvement of immovable property;

Was the cost of the amount of the land purchased equal or less than 10 % of the total eligible costs of the operation concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the purchase of the land is not eligible for aid.

- (b) the purchase or lease purchase of machinery and equipment up to the market value of the asset;

- (c) the general costs linked to the expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies;

Please note that feasibility studies remain eligible expenditure even where, based on their results, no expenditure referred to in points (a) and (b) is incurred;

- (d) the acquisition or development of computer software and the acquisition of patents, licences, copyrights and trademarks.

- Other (please specify):

If the investment pursues other objectives other than those referred to in points (a) to (d), please note that only investments in connection with the processing of agricultural products and the marketing of agricultural products pursuing one or more of the objectives listed in those points are eligible for support.

8. Do the eligible costs include the following expenses?

- (a) the costs, other than those referred to in the question 6 (see point (169) of the Guidelines) connected with leasing contracts, such as lessor's margin, interest refinancing costs, overheads and insurance charges;

- (b) working capital;

- (c) costs related to investments to comply with Union standards in force.



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If any of the expenses referred to in (a), (b) or (c) is included, please note that the aid cannot be declared compatible with the internal market.

9. Please state the maximum aid intensity, expressed as a percentage of eligible investment:
- (a) of the amount of the eligible costs in the outermost regions;
  - (b) of the amount of the eligible costs in the smaller Aegean Islands;
  - (c) of the amount of the eligible costs in less developed regions and in all regions whose the gross domestic product (GDP) per capita for the period from 1 January 2007 to 31 December 2013 period was less than 75 % of the average of the EU-25 for the reference period but whose GDP per capita is above 75 % of the GDP average of the EU-27;
  - (d) of the amount of the eligible costs in other regions.
10. If the aid rates referred to in question 8 are higher than those referred to in point (171) of the Guidelines, please clarify whether any of the following exceptions apply allowing for an increase by 20 percentage points for operations:
- (a) linked to a merger of producer organisations;
  - (b) supported in the framework of the EIP.

If one of these exceptions is applied, please provide the documentation proving it here or in an annex attached to this supplementary information sheet:

Please note that the maximum combined aid cannot exceed 90 % of the investment for the aid to be declared compatible with the internal market.

11. What is the amount in EUR of the eligible costs for individual investment aid for the processing of agricultural products and the marketing of agricultural products?

EUR

If that amount exceeds EUR 25 million (see point (37)(a) of the Guidelines), please note that the individual aid must be specifically notified to the Commission in accordance with Article 108(3) of the Treaty.

12. What is the amount in EUR of the gross grant equivalent for individual investment aid for the processing of agricultural products and the marketing of agricultural products?

EUR

If that amount exceeds EUR 12 million (see point (37)(a) of the Guidelines), please note that the individual aid must be specifically notified to the Commission in accordance with Article 108(3) of the Treaty.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **1.1.2. SUPPLEMENTARY INFORMATION SHEET ON START-UP AID FOR YOUNG FARMERS AND FOR THE DEVELOPMENT OF SMALL FARMS**

*This form must be used by Member States for the notification of State aid measures which are designed to grant start-up aid for young farmers and for the development of small farms as*

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

described in section 1.1.2 of Chapter 1 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').

1. Are undertakings active in the primary agricultural production the sole beneficiaries of this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2. Are young farmers as defined in point (35).29. of the Guidelines who are micro- and small undertakings the beneficiaries of this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3. Are small farms who are micro- and small undertakings the beneficiaries of this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4. If the answer to question 3 is yes, please indicate the criteria on the basis of which the beneficiaries qualify as small farms. Please note that such criteria must be objective.

5. Are the upper and lower thresholds for access to start-up aid for young farmers and the development of small farms defined in terms of the production potential of the agricultural holding, measured in standard output, as defined in Article 5b of Council Regulation (EC) No 1217/2009<sup>(196)</sup> and Article 6 of Commission Implementing Regulation (EU) 2015/220<sup>(197)</sup>, or an equivalent?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

6. Please indicate the upper and lower thresholds for access to start-up aid for young farmers and the development of small farms.

	Young farmers	Development of small farms
<b>Upper threshold</b>		
<b>Lower threshold</b>		

Please note that the lower threshold for access to start-up aid for young farmers must be higher than the upper threshold for access to aid for the development of small farms.

7. Are young farmers who receive start-up aid setting up a holding in the form of a legal person?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

8. If the answer to question 7 is yes, do those young farmers exercise effective and long-term control over the legal person in terms of decisions related to management, benefits and financial risks?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please indicate how such control is ascertained:

9. If the answer to question 8 is yes and several natural persons, including persons who are not young farmers, participate in the capital or management of the legal person, does the young farmer exercise effective and long-term control either solely or jointly together with other persons?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please indicate how this is ascertained:

10. If the answer to question 8 is yes and the legal person in question is solely or jointly controlled by a legal person other than the young farmer, does the young farmer exercise effective and long-term control either solely or jointly together with other persons over that other legal person?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please indicate how this is ascertained:

11. Is the aid conditional on the submission of a business plan to the competent authority of the Member State concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

12. Does the implementation of the business plan start within nine months from the date of the adoption of the decision granting the aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

13. In the case of start-up aid for young farmers, does the business plan provide that the beneficiary has to comply with the definition of active farmer provided for in Article 9 of Regulation (EU) No 1307/2013, within 18 months from the date of setting up?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

14. In the case of start-up aid for young farmers who do not possess adequate occupational skills and competences, does the business plan provide that they are to make a commitment to acquire those skills within 36 months from the date of the adoption of the decision on granting the aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

15. In the case of start-up aid for young farmers, does the business plan describe the following?

- (a) the initial situation of the agricultural holding;  
 (b) milestones and targets for the development of the activities of the agricultural holding;  
 (c) details of the actions including those related to environmental sustainability and resource efficiency, required for the development of the activities of the agricultural holding, such as investments, training, advice or any other activity.

Please note that the prerequisites referred to in points (a), (b) and (c) must be fulfilled cumulatively.

16. In the case of start-up aid for the development of small farms, does the business plan describe the following?

- (a) the initial situation of the agricultural holding;  
 (b) details of actions including those related to environmental sustainability and resource efficiency, that could support the achievement of economic viability, such as investments, training, cooperation or any other action.

Please note that the prerequisites referred to in points (a) and (b) must be fulfilled cumulatively.

17. When is the aid provided?

- (a) annually;  
 (b) in at least two instalments over a period of five years.

Please give exact details:

18. In the case of start-up aid for young farmers, is the payment of the last aid tranche or the payment of the last instalment of the aid conditional upon the correct implementation of the business plan referred to in point (179) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

19. What is the maximum aid intensity in EUR?

- (a) per young farmer:EUR  
 (b) per small farm:EUR

**OTHER INFORMATION**

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### 1.1.3. SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE TRANSFER OF AGRICULTURAL HOLDINGS

*This form must be used for the notification of any State aid measure to support the transfer of agricultural holdings as described in Section 1.1.3. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

Is the aid granted only subject to compliance with all the rules listed in question 1 to 7:

1. The aid is granted to undertakings active in primary agricultural production which permanently transfer their agricultural holding to another undertaking active in primary agricultural production;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2. The aid is granted to undertakings eligible to participate in the small farmers scheme, established by Title V of Regulation (EU) No 1307/2013;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3. The aid is granted to undertakings which on the date of submitting their aid application, have been so eligible for a period of at least one year;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4. The aid is granted to undertakings which undertake to permanently transfer their entire agricultural holding and the corresponding payment entitlements to another undertaking active in the primary agricultural production;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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5. The aid is paid as:

<input type="checkbox"/>	an annual payment	<input type="checkbox"/>	one-off payment
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(Please note that under point (188) of the Guidelines, the aid must be paid either as an annual payment or as a one-off payment);

6. The aid is paid from the date of the transfer of the agricultural holding until 31 December 2020;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

7. The aid corresponds to 120 % of the annual payment that the beneficiary is eligible to receive under the small farmer scheme?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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## OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### 1.1.4. SUPPLEMENTARY INFORMATION SHEET ON START-UP AID FOR PRODUCER GROUPS AND ORGANISATIONS IN THE AGRICULTURAL SECTOR

*This form must be used for the notification of any State aid measures providing Start-up aid for producer groups and organisations in the agricultural sector as described by Section 1.1.4. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

#### 1. TYPE OF AID

- 1.1. Does the aid concern start-up aid to newly established producer groups and producer organisations?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 1.2. Are the producer groups and organisations officially recognised by the competent authority of the Member State concerned on the basis of the submission of a business plan?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 1.3. Is the aid granted only after verification by the Member State that the objectives of the business plan have been reached within five years from the date of the official recognition of the producer group or organisation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 1.4. Is the aid granted to other production organisations, entities or bodies, such as companies or cooperatives, the objective of which is the management of one or more agricultural holdings and which are therefore in effect single producers?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that aid to those organisations, entities or bodies is not covered by Section 1.1.4. of Chapter 1 of Part II of the Guidelines.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 1.5. Is the aid granted to other agricultural associations, which undertake tasks, such as mutual support and farm relief and farm management services, in the members' holdings without being involved in the joint adaptation of supply to the market?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that aid to those associations is not covered by section 1.1.4. of Chapter 1 of Part II of the Guidelines.

- 1.6. Is the aid granted to producer groups or organisations to cover expenses, which are not linked to setting-up costs, such as investments or promotion activities?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, the aid will be assessed in accordance with the specific rules governing such aids. Please refer to the relevant sections of the notification form.

## 2. **BENEFICIARY**

- 2.1. Is the start-up aid granted exclusively to producer groups and producer organisations falling with the definition of SME's<sup>(198)</sup>?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 2.2. Will the aid scheme be subject to a condition requiring it to be adjusted to take account of any changes in the regulations governing the common organisation of the markets in agricultural products?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with section 1.1.4. of Chapter 1 of Part II of the Guidelines, the Commission cannot approve the aid scheme.

## 3. **AID INTENSITY AND ELIGIBLE COSTS**

- 3.1. Please confirm that the total amount of aid granted to a producer group or organisation will not exceed EUR 500 000.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 3.2. Does the aid scheme clearly exclude that aid is paid in respect of costs incurred after the fifth year following the date on which the producer group or organisation was officially recognised by the competent authority?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 3.3. Do the eligible costs include only the costs of:

(a) the rental of suitable premises;

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (b) the acquisition of office equipment, including computer hardware and software;
- (c) administrative staff costs;
- (d) overheads;
- (e) legal and administrative fees?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please refer to the list of eligible costs set in Section 1.1.4. of Chapter 1 of Part II of the Guidelines.

- 3.4. Is the aid paid as a flat rate in degressive annual instalments for the first five years following the date on which the producer group or organisation was officially recognised by the competent authority on the basis of its business plan?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 3.5. Will the last instalment be paid by the Member State only after having verified the correct implementation of the business plan?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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## OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### 1.1.5.1. SUPPLEMENTARY INFORMATION SHEET ON AID FOR AGRICULTURE-ENVIRONMENT-CLIMATE COMMITMENTS

*This form must be used for the notification of any State aid measure to support agricultural production methods designed to protect the environment and to maintain the countryside (agri-environment-climate commitments) covered by Section 1.1.5.1. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014-2020 ('the Guidelines').*

1. Does the aid only concern environmental investments (Section 1.1.1. of the Guidelines)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please refer to the Supplementary Information Sheet 1.1.1.4. on aid for investment in connection with the processing of agricultural products and the marketing of agricultural products.

2. Does the agro-environmental aid pursue other objectives such as training and advisory services to help agricultural producers (Section 1.1.10. of the Guidelines)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If yes, please refer to the Supplementary Information Sheet 1.1.10. on 'Aid for provision of technical support in the agricultural sector'.

3. Others?

Please provide a complete description of the measure(s)

4. Is documentation demonstrating that the aid fits into and is coherent with the relevant rural development program attached to the notification?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide that documentation hereunder or in an annex to this supplementary information sheet.

If the answer is no, please note that such documentation is required in accordance with point (47) of the Guidelines.

## 1. OBJECTIVE OF THE MEASURE

1.1. Please confirm that the support measure aims at the preservation as well as at the promotion of the necessary changes to agricultural practices that make a positive contribution to the environment and climate:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that this is a requirement in accordance with point (209) of the Guidelines.

1.2. Which one of the following specific objectives does the support measure promote?

- (a) ways of using agricultural land which are compatible with the protection and improvement of the environment, the landscape and its features, natural resources, the soil and genetic diversity, and the reduction of production costs;
- (b) an environmentally-favourable extensification of farming and management of low-intensity pasture systems, improve and re-deploy production;
- (c) the conservation of high nature-value farmed environments, which are under threat, and an increase of quality;
- (d) the upkeep of the landscape and historical features on agricultural land;
- (e) the use of environmental planning in farming practice.

If the measure does not pursue any of the objectives listed in points (a) to (e), please indicate what are the objectives aimed at in terms of environmental protection? Please submit a detailed description.

If the measure in question has already been applied in the past, what have the results been in terms of environmental protection?

## 2. ELIGIBILITY CRITERIA

2.1. Will the aid be granted to agricultural undertakings or groups of agricultural undertakings who provide agri-environmental-climate commitments for a period between five and seven years?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.2. Will a longer period be necessary for all or particular types of commitments?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide the reasons justifying that period:

2.3. Please confirm that aid will be granted to compensate for agri-environmental-climate commitments that go beyond the relevant mandatory standards established pursuant to Chapter I of Title VI of Regulation (EU) No 1306/2013 and other relevant obligations established pursuant to Article 4(1)(c) (ii) and (iii) of Regulation (EU) No 1307/2013, relevant minimum requirements for fertiliser and plant protection products use as well as other relevant mandatory requirements established by national legislation.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that point (210) of the Guidelines does not permit for aid for agri-environmental-climate commitments that do not involve more than the application of those mandatory standards and requirements.

2.4. Please describe what the mandatory standards and requirements referred to in question 2.3 are and explain how the agri-environmental-climate commitments involve more than their application.

2.5. Member States must endeavour to ensure that the agricultural undertakings or groups of agricultural undertakings who give agri-environmental-climate commitments are provided with the knowledge and information required to implement them, such as by commitment-related expert advice and/or by making aid under this measure conditional on obtaining the relevant training. Please confirm and describe if/how this obligation is complied with.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.6. If relevant, please confirm that the rules for area related payments provided for in Article 47 of Regulation (EU) No 1305/2013 and in any delegated act adopted pursuant to that provision are complied with.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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### 3. AID AMOUNT

3.1. Please specify the maximum amount of aid to be granted based on the area of the holding to which agri-environmental-climate commitments apply:

- (a) for specialised perennial crops (maximum payment of EUR 900 per hectare per year);
- (b) for annual crops (maximum payment of EUR 600 per hectare per year);
- (c) for other land uses (maximum payment of EUR 450 per hectare per year);

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (d) local breeds in danger of being lost to farming (maximum payment of EUR 200 per livestock unit per year);
- (e) other:

If the maximum amounts of the aid referred to in points (a) to (e) of this question are exceeded please justify the compatibility of the aid with the requirements of Section 1.1.5.1. of the Guidelines.

3.2. Is the aid granted annually?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please provide the reasons justifying the other period:

3.3. Is the amount of annual support calculated on the basis of:

- (a) income foregone,
- (b) additional costs resulting from the commitment given;
- (c) where necessary, the need to provide compensation for transaction costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Explain the calculation method used in fixing the amount of annual support and specify the income foregone, additional costs and transaction costs:

3.4. Is the reference level for calculating income foregone and additional cost resulting from the commitments given, the mandatory standards and requirements as referred to in question 2.3?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please explain the reference level taken into consideration:

3.5. Are the payments made per unit of production?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please explain the reasons justifying that method and the initiatives undertaken to ensure that the maximum amounts per year eligible for Union support as set out in point (228) of the Guidelines and in the Annex to Regulation (EU) No 1305/2013 are complied with.

3.6. Do the Member State intend to give aid for transaction costs for the continuation of agri-environmental-climate commitments already undertaken in the past?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3.7. If the answer is yes, please demonstrate that such costs still continue to occur or that new transaction costs are being borne.

4. **REVISION CLAUSE**

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4.1. Is a revision clause provided for the operations included in this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that under point (724) of the Guidelines, the Member State is obliged to introduce it in order to ensure the adjustment of the operations in the case of amendments of the relevant mandatory standards, requirements or obligations referred to in Section 1.5.1.1. of the Guidelines beyond which the commitments referred to in that Section have to go.

4.2. Does this aid extend beyond the rural development programming period 2014-2020?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that under point (725) of the Guidelines, a revision clause in order to allow for the adjustment of the operations to the legal framework of the following rural development programming period must to be included.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### 1.1.5.2. SUPPLEMENTARY INFORMATION SHEET ON AID FOR ANIMAL WELFARE COMMITMENTS

*This form must be used for the notification of any State aid measure to support agricultural production methods designed to improve animal welfare covered by Section 1.1.5.2. of Chapter I of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014-2020 ('the Guidelines').*

1. Does the aid only concern environmental investments (Section 1.1.1. of the Guidelines)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please refer to the Supplementary Information Sheet 1.1.1.4. on aid for investment in connection with the processing of agricultural products and the marketing of agricultural products.

2. Does the environmental aid pursue other objectives such as training and advisory services to help agricultural producers (Section 1.1.10. of the Guidelines)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please refer to the Supplementary Information Sheet 1.1.10. on aid for provision of technical support in the agricultural sector.

3. Others?

Please provide a complete description of the measure(s)

4. Is documentation demonstrating that the State aid complies with and is coherent with the relevant rural development program attached to the notification?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide that documentation hereunder or in an annex attached to this supplementary information sheet

If the answer is no, please note that such documentation is required in accordance with point (47) of the Guidelines.

## 1. OBJECTIVE OF THE MEASURE

1.1. For which of the following areas do the animal welfare commitments provide upgraded standards?

- (a) water, feed and animal care in accordance with the natural needs of animal husbandry;
- (b) housing conditions such as increased space allowances, flooring surfaces, enrichment materials, natural light;
- (c) outdoor access;
- (d) practices which avoid mutilation and/or castration of animals or in specific cases when mutilation and/or castration of animals is deemed necessary, provide for the use of anaesthetics, analgesia and anti-inflammatory medication or immunocastration.

Please submit a detailed description:

If the measure in question has already been applied in the past, what have been the results in terms of animal welfare?

## 2. ELIGIBILITY CRITERIA

2.1. Will the aid be granted to undertakings active in the primary agricultural production which are active farmers within the meaning of Article 9 of Regulation (EU) No 1307/2013?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (232) of the Guidelines the aid can only be granted to undertakings active in primary agricultural production which are active farmers.

2.2. Please confirm that the aid will only be granted to compensate for animal welfare commitments that go beyond the relevant mandatory standards established pursuant to Chapter I of Title VI of Regulation (EU) No 1306/2013 and other relevant mandatory requirements:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that point (233) of the Guidelines does not permit aid for animal welfare commitments that do not involve more than the application of the mandatory standards and requirements.

2.3. Please describe what the mandatory standards and requirements referred to in question 2.2. are and explain how the animal welfare commitments involve more than their application:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

2.4. Will the aid be exclusively granted to farmers who undertake animal welfare commitments for a renewable period of one to seven year?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.5. Will the renewal of the contract be automatic?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that under point (236) of the Guidelines, the details of the renewal must be described in the contract and the mechanism of renewal must be communicated to the Commission as part of the notification.

### 3. AID AMOUNT

3.1. Please specify the maximum amount of animal welfare aid to be granted:

(maximum payment of EUR 500 per livestock unit)

If the amount exceeds EUR 500 per livestock unit, please justify its compatibility, including a detailed breakdown, with the provisions of Section 1.1.5.2. of Chapter 1 of Part II of the Guidelines.

3.2. Is the aid granted annually?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please provide the reasons justifying the other period:

3.3. Is the amount of annual support calculated on the basis of:

- (a) income foregone,
- (b) additional costs resulting from the commitment given,
- (c) where necessary, the need to provide compensation for transaction costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Explain the calculation method used in fixing the annual aid amount of the measure and specify the income foregone, the additional costs and possible transaction costs.

3.4. Is the reference level for calculating income foregone and additional cost resulting from the commitments given, the mandatory standards and requirements as referred to in question 2.2?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please explain the reference level taken into consideration:

3.5. Are the payments made per livestock unit?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please explain the reasons justifying the method chosen as well as the initiatives undertaken to ensure that the maximum amount per year as set out in point (240) of the Guidelines and in the Annex to Regulation (EU) No 1305/2013 are complied with.

- 3.6. Does the Member State intend to give aid for transaction costs incurred by entering into animal welfare commitments?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide proof of such transaction costs, for example by presenting cost comparisons with undertakings not entering into such animal welfare commitments.

- 3.7. Does the Member State intend to give aid for transaction costs for the continuation of animal welfare commitments already undertaken in the past?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please demonstrate that such transaction costs still continue to be incurred or that new transaction costs are being borne.

- 3.8. Will transaction costs be calculated on the basis of average costs and/or average farms?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please demonstrate, as required under point (239) of the Guidelines, that, in particular, large enterprises are not overcompensated.

#### 4. REVISION CLAUSE

- 4.1. Is a revision clause provided for the operations included in this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that under point (724) of the Guidelines, the Member State is required to introduce a revision clause in order to ensure the adjustment of the operations in the case of amendments of the relevant mandatory standards, requirements or obligations referred to in Section 1.5.1.2. of Chapter 1 of Part II of the Guidelines beyond which the commitments referred to in that Section have to go.

- 4.2. Does this aid extend beyond the rural development programming period 2014-2020?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that under point (725) of the Guidelines, a revision clause in order to allow for the adjustment of the operations to the legal framework of the following rural development programming period must to be included.

#### OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

#### 1.1.6. SUPPLEMENTARY INFORMATION SHEET ON AID CONCERNING NATURA 2000 PAYMENTS AND WATER FRAMEWORK DIRECTIVE PAYMENTS

*This form must be used by Member States to notify State aids for disadvantages related to Natura 2000 and the Water Framework Directive<sup>(199)</sup>, as dealt with in Section 1.1.6. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014-2020 ('the Guidelines').*

### 1. OBJECTIVE OF THE MEASURE

1.1. Does the measure concern compensation to undertakings active in the primary agricultural production or to other land managers?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the measure concerns also other land managers, please provide detailed justification in accordance with point (243) of the Guidelines.

1.2. Is the measure aimed to compensate farmers for costs incurred and income foregone resulting from disadvantages in the areas concerned related to the implementation of Council Directive 92/43/EEC<sup>(200)</sup> ('the Habitats Directive'), Directive 2009/147/EC of the European Parliament and of the Council<sup>(201)</sup> ('the Birds Directive') and the Water Framework Directive?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that point (244) of the Guidelines does not permit aid to compensate for other costs than those related to the disadvantages related to the implementation of the Habitats Directive, the Birds Directive and the Water Framework Directive.

1.3. Is aid linked to the Habitats Directive and the Birds Directive granted only in relation to disadvantages resulting from requirements that go beyond the good agricultural and environmental condition provided for in Article 94 and Annex II of Regulation (EU) No 1306/2013 and the relevant criteria and minimum activities as established pursuant to Article 4(1)(c) (ii) and (iii) of Regulation (EU) No 1307/2013?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.4. Is aid linked to the Water Framework Directive granted only in relation to specific requirements referred to in point (246) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that point (246) of the Guidelines does not permit aid to compensate for other costs than those related to the specific requirements established in that point.

### 2. ELIGIBILITY CRITERIA



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

2.1. Are costs incurred and income foregone resulting from disadvantages in the areas concerned related to the implementation of the Habitats Directive, the Birds Directive and the Water Framework Directive?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.1.1. If the answer is yes, please provide all the details concerning the relevant provisions of the Directive(s) in question

2.1.2. If the answer is no, please note that point (244) of the Guidelines does not allow for aid to compensate for other costs than those resulting from disadvantages related to the implementation of the Habitats Directive, the Birds Directive and the Water Framework Directive.

2.2. Is the aid granted only in relation to specific requirements that were introduced by the Water Framework Directive, that are in accordance with the programmes of measures of the river basin management plans for the purpose of achieving the environmental objectives of that Directive and go beyond the measures required to implement other Union legislation for water protection?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.2.1. If the answer is no, please justify its compatibility with the provisions of section 1.1.6. of the Guidelines:

2.3. Is the aid granted in relation to specific requirements that go beyond the level of protection of Union legislation existing at the time the Water Framework Directive was adopted as laid down in Article 4(9) of that Directive and that impose major changes in the type of land use, and/or major restrictions in farming practice resulting in a significant loss of income?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.3.1. If the answer is no, please provide all elements justifying its compatibility with the provisions of Section 1.1.6 of the Guidelines.

### 3. AID AMOUNT

3.1. Please specify the maximum amount of aid, based on the utilised agricultural area (UAA):

- (a) (Initial maximum Natura 2000 payment for a period not exceeding five years of EUR 500 per hectare)
- (b) (Normal maximum Natura 2000 payment of EUR 200 per hectare)
- (c) (Minimum amount of EUR 50 per hectare linked to the Water Framework Directive).

3.2. Please explain the measures taken to ensure that payments are fixed at a level which avoids overcompensation:

### 4. OTHER INFORMATION

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 4.1. Is documentation demonstrating that the State aid complies with and is coherent with the relevant rural development program attached to the notification?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide that documentation hereunder or in an annex attached to this supplementary information sheet.

If the answer is no, please note that such documentation is required in accordance with point (47) of the Guidelines.

- 4.2. Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

1.1.7. SUPPLEMENTARY INFORMATION SHEET ON AID TO AREAS FACING NATURAL OR OTHER SPECIFIC CONSTRAINTS

*This form must be used for the notification of State aid aimed at compensating for natural or other specific constraints in certain areas, which is covered by Section 1.1.7. of Chapter 1 of Part II of the EU Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines'). This Section applies to undertakings active in the primary agricultural production.*

- The area facing natural or other specific constraints must be designated in accordance with Article 32 of the Regulation (EU) No 1305/2013. Please specify the paragraph of Article 32 under which the area is designated and describe the constraint in question.
- Calculate the payments (additional costs and income foregone) in comparison to areas which are not affected by natural or other specific constraints, taking into account payments pursuant to Chapter 4 of Title III of Regulation (EU) No 1307/2013.
- When calculating additional costs and income foregone, will the Member State differentiate, where duly justified, the level of payment taking into account the severity of the identified permanent natural constraint affecting farming activities, and the farming system?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4. Will be the aid granted annually per hectare of agricultural area?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (257) of the Guidelines this aid cannot be granted.

5. What will be the minimum and maximum amount of the aid per hectare per year on average of the area of the beneficiary receiving the aid?

Minimum: Maximum:

Take into account that the aid must be fixed between the following minimum and maximum amounts: EUR 25 minimum per hectare per year on average of the area of the beneficiary receiving aid, and EUR 250 maximum per hectare per year; the maximum amount may reach

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

EUR 450 per hectare per year in mountain areas as defined in Article 32(2) of Regulation (EU) No 1305/2013.

6. If the maximum amounts are higher than the maximum permitted, could the Member State explain the specific circumstances that justify them?
7. Member States must provide for the degressivity of aid above a threshold level of area per holding, to be defined, except where the grant of aid only concerns the minimum amount per hectare per year as laid down in point (258) of the Guidelines. To that effect, could the Member State specify the size of the farms that will benefit from this aid?
8. In addition to the aid provided for in this scheme, will the Member State grant aid under this measure to beneficiaries in areas which were eligible for aid in accordance with Article 36(a)(ii) of Regulation (EC) No 1698/2005<sup>(202)</sup>?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, for beneficiaries in areas that are no longer eligible following the new delimitation referred to in Article 32(3) of Regulation (EU) No 1305/2013, will this aid be degressive over a maximum period of four years starting on the date that the delimitation in accordance with Article 32(3) of Regulation (EU) No 1305/2013 is completed and at the latest in 2018 at no more than 80 % of the average payment fixed in the rural development programme for the programming period 2007-2013 or, if the measure was granted exclusively from national funds, in the relevant State aid decision, in accordance with Article 36(a)(ii) of Regulation (EC) No 1698/2005, and ending in 2020 at the latest at no more than 20 %?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Specify the amounts of payments:

Take into account that when the level of the payment reaches 25 EUR due to degressivity, the Member State can continue to grant aid at this level until the phasing out period is completed.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### 1.1.8. SUPPLEMENTARY INFORMATION SHEET ON AID FOR ORGANIC FARMING

*This form must be used for the notification of any State aid measures in favour of organic farming as described in Section 1.1.8 of Chapter 1 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sector and in rural areas 2014 to 2020 ('the Guidelines').*

#### 1. GENERAL CONDITIONS AND SCOPE

- 1.1. Is the aid earmarked only for primary agricultural production?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.1.8 of Chapter 1 of Part II of the Guidelines, aid may be granted only for primary agricultural production.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 1.2. Are the beneficiaries agricultural undertakings or groups of agricultural undertakings who undertake on a voluntarily basis to convert to or maintain organic farming practices and methods as defined in Council Regulation (EC) No 834/2007<sup>(203)</sup> and who are active farmers?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.1.8 of Chapter 1 of Part II of the Guidelines, aid may be granted only if those conditions are fulfilled.

## 2. COMMITMENTS

- 2.1. Is the aid granted only for commitments which go beyond the following standards and requirements:

- (a) the relevant mandatory standards established under Chapter 1 of Title VI of Regulation (EC) No 1306/2013;
- (b) the relevant criteria and minimum activities as established pursuant to Article 4(1)(c) (ii) and (iii) of Regulation (EU) No 1307/2013;
- (c) the relevant minimum requirements applicable to the use of fertilisers and plant protection products;
- (d) other relevant mandatory requirements laid down in national law?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.1.8 of Chapter 1 of Part II of the Guidelines, aid may be granted only for commitments go beyond those standards and requirements.

- 2.2. Will commitments be carried out over an initial period of five to seven years?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.1.8 of Chapter 1 of Part II of the Guidelines, aid may be granted only if that initial period is complied with, subject to the exceptions and extensions referred to in questions 2.3, 2.4 and 2.5.

- 2.3. If the aid is granted for a conversion to organic farming, will a shorter initial period than that referred to in question 2.2 corresponding to the period of conversion be provided for?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, what will be the duration of that period?

years

- 2.4. If the aid is granted for the maintenance of organic farming, will an annual extension after the termination of the initial period referred to in question 2.2 provided for?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.5. For new commitments concerning maintenance directly following the commitment performed in the initial period referred to in question 2.2, will a shorter period be provided for?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, what will be the duration of that period?

years

2.6. Please explain, if relevant, how the rules for area related payments laid down in Article 47 of Regulation (EU) No 1305/2013 and any delegated act adopted pursuant to that provision will be complied with:

### 3. PERIODICITY AND ELIGIBLE COSTS

3.1. Will the aid cover the following costs:

(a) part of additional costs and loss of income resulting from the commitments;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, which part of the costs: %

(b) all additional costs and loss of income resulting from the commitments;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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(c) transaction costs with a maximum value of 20 % of the premium paid for the commitment;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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(d) transaction costs with a maximum value of 30 % of the premium paid for the commitment, for commitments undertaken by groups of agricultural undertakings?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3.2. Will the aids mentioned in questions 3.1.(c) and 3.1.(d) be paid on an annual basis?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.1.8 of Chapter 1 of Part II of the Guidelines, those aids may be granted only on an annual basis.

3.3. If compensation for transaction costs caused by entering into organic farming commitments is the subject of the notification, please provide convincing proof of such costs, for example by submitting cost comparisons with agricultural undertakings not entering into such commitments.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 3.4. Is the intention to grant State aid for transaction costs for the continuation of organic farming commitments already entered into in the past?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 3.5. If the answer is yes, please provide evidence that such costs continue to occur or that new transaction costs are being incurred:

- 3.6. For transaction costs calculated on the basis of average costs and/or average farms, please demonstrate that in particular large enterprises are not overcompensated:

- 3.7. Can you confirm that no aid will be granted for commitments covered by an agri-environment or climate measure, or for costs covered by an aid intended to encourage the participation in quality systems?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.1.8 of Chapter 1 of Part II of the Guidelines, no aid for organic farming may be granted for commitments covered by an agri-environment or climate measure, or for costs covered by an aid intended to encourage participation in quality systems.

- 3.8. Is the intention to grant aid for investment in primary production and the processing and marketing of organic products?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please fill in the corresponding supplementary information sheet 1.1.1.1. or 1.1.1.4.

#### 4. AID TYPE AND AMOUNT

- 4.1. Which type of aid is intended to be granted?

- (a) aid per hectare per year for annual crops;  
 (b) aid per hectare per year for specialised perennial crops;  
 (c) aid per hectare per year for other land use.

- 4.2. Please specify the amounts of aid intended to be granted:

- (a) aid for annual crops: EUR ... per hectare (maximum EUR 600 per hectare);  
 (b) aid for specialised perennial crops: EUR ... per hectare (maximum EUR 900 per hectare);  
 (c) aid for other land use: EUR ... per hectare (maximum EUR 450 per hectare).

- 4.3. Is it intended to exceed the ceiling provided for the type(s) of aid to be granted?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4.4. If the answer is yes, please indicate the amount of aid intended to be granted, explain the exceptional circumstances underlying the intention to grant that amount of aid and justify the amount proposed with figures:

5. **REVISION CLAUSE**

5.1. Is a revision clause provided for the operations included in this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (724) of the Guidelines, the Member State is obliged to introduce a revision clause in order to ensure the adjustment of the operations in the case of amendments of the relevant mandatory standards, requirements or obligations referred to in Section 1.1.8. of the Guidelines beyond which the commitments referred to in that Section have to go.

5.2. Does this aid extend beyond the rural development programming period 2014-2020?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (725) of the Guidelines, a revision clause in order to allow for their adjustment to the legal framework of the following rural development programming period must to be included.

**OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

1.1.9. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE PARTICIPATION OF PRODUCERS OF AGRICULTURAL PRODUCTS IN QUALITY SCHEMES**

*This form must be used for the notification of any State aid measures which are designed to encourage the participation of producers of agricultural products in quality schemes as described in Section 1.1.9. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. **GENERAL CONDITIONS AND SCOPE**

1.1. Is the aid earmarked only for producers of agricultural products?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.1.9. of Chapter 1 of Part II of the Guidelines, aid may be granted only if that condition is fulfilled

1.2. Is the aid referred to in point 280(a) of the Guidelines earmarked only for active farmers?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.1.9. of Chapter 1 of Part II of the Guidelines, aid may be granted only if that condition is fulfilled

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

## 2. ELIGIBLE COSTS

2.1. Does the aid cover at least one the following costs in relation to quality schemes referred to in point (282) of the Guidelines?

- (a) the costs for new participation in quality schemes;
- (b) the costs for compulsory control measures in relation to the quality schemes undertaken pursuant to Union or national legislation by or on behalf of the competent authorities;
- (c) the costs of market research activities, product conception and design and for preparation of applications for recognition of quality schemes.

2.2. Please confirm that no aid will be granted towards the costs of control undertaken by the beneficiaries themselves, or where Union legislation provides that the costs of control is to be met by producers of agricultural products and groups thereof, without specifying the actual level of charges

- Confirmed

## 3. TYPE OF SCHEME AND ACCESSIBILITY

For which type of scheme is the aid for a new participation granted?

- Quality schemes established under the following Regulations and provisions:

- (i) Section 2 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013<sup>(204)</sup> as concerns wine;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- (ii) Regulation (EU) No 1151/2012 of the European Parliament and the Council<sup>(205)</sup>;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- (iii) Regulation (EC) No 834/2007;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- (iv) Regulation (EC) No 110/2008 of the European Parliament and of the Council<sup>(206)</sup>;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- (v) Regulation (EU) No 251/2014 of the European Parliament and the Council<sup>(207)</sup>.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- Quality schemes, including farm certification schemes, for agricultural products, recognised by the Member States as complying with the following criteria:



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (a) the specificity of the final product under such quality schemes must be derived from clear obligations to guarantee:
    - (i) specific product characteristics, or
    - (ii) specific farming or production methods, or
    - (iii) a quality of the final product that goes significantly beyond the commercial commodity standards as regards public, animal or plant health, animal welfare or environmental protection;
  - (b) the quality scheme must be open to all producers;
  - (c) the quality scheme must involve binding final product specifications and compliance with those specifications must be verified by public authorities or by an independent inspection body;
  - (d) the quality scheme must be transparent and ensure complete traceability of agricultural products.
- Voluntary agricultural product certification schemes recognised by the Member State as meeting the requirements laid down in Commission Communication — EU best practice guidelines for voluntary certification schemes for agricultural products and foodstuffs<sup>(208)</sup>.

#### 4. ACCESS TO THE SCHEME

Is the aid accessible to all eligible undertakings in the area concerned, based on objectively defined conditions?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.1.9. of Chapter 1 of Part II of the Guidelines, aid may be granted only if that condition is fulfilled.

#### 5. PERIODICITY

Will the aid referred to in point 280(a) of the Guidelines be granted as an annual incentive payment, the level of which is determined according to the level of the fixed costs arising from the participation in quality schemes, for a maximum duration of five years?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.1.9. of Chapter 1 of Part II of the Guidelines, aid may be granted only if those conditions are fulfilled.

#### 6. AID AMOUNT/INTENSITY AND CONDITIONS FOR PAYMENT

6.1. What is the amount of the aid referred to in point 280(a) of the Guidelines, to be granted per beneficiary per year?

Please note that in accordance with Section 1.1.9. of Chapter 1 of Part II of the Guidelines, the aid is limited to EUR 3 000 per beneficiary per year.

6.2. What is the intensity of the aid referred to in point 280(b) and (c) of the Guidelines?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

% the real costs incurred

Please note that in accordance with Section 1.1.9. of Chapter 1 of Part II of the Guidelines, the aid may reach 100 % of the real costs incurred.

- 6.3. Please confirm that the aid referred to in point 280(b) and (c) of the Guidelines will not involve direct payments to the beneficiaries and will be paid to the body responsible for control measures, the research provider or the consultancy provider:

Confirmed

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### 1.1.10. SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE PROVISION OF TECHNICAL SUPPORT IN THE AGRICULTURE SECTOR

*This form must be used for the notification of any State aid measure aimed at the provision of technical support in the agricultural sector as described by Section 1.1.10. of Chapter 1 of Part II of the EU Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014-2020 ('the Guidelines').*

#### 1. **COMMON PROVISIONS (Please fill in this section and the relevant section below depending on the objective of the State aid)**

- 1.1. Is the aid applied to the agricultural sector, including primary agricultural production, the processing of agricultural products and the marketing of agricultural products?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that the aid for farm replacement services can be granted only to undertakings active in the primary agricultural production.

- 1.2. Who are the beneficiaries of the aid?

- (a) farmers;  
 (b) producer groups;  
 (c) other, please specify:

- 1.3. Is the aid available to all those eligible in the area concerned based on objectively defined conditions?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 1.4. Where the provision of technical support is undertaken by producer groups or other organisations is membership of such groups or organisations a condition for access to the service?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the aid cannot be declared compatible with the internal market.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 1.5. Is the contribution of non-members towards the administrative costs of the producer group or organisation concerned, referred to in question 1.4, limited to the costs of providing the service?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2. **AID FOR KNOWLEDGE TRANSFER AND INFORMATION ACTIONS (Section 1.1.10.1.)**

- 2.1. Which of the following types of aid can be financed by the aid scheme or individual measure?

- (a) vocational training and skills acquisitions, including training courses, workshops and coaching;
- (b) demonstration activities;
- (c) information actions;
- (d) aid to cover short-term farm management exchanges and farm visits.

- 2.2. Which of the following eligible costs does the measure cover?

- (a) the costs of organising the vocational training, skills acquisition actions, demonstration activities or information actions;
- (b) the costs of travel, accommodation and per diem expenses of the participants;
- (c) the costs of the provision of replacement services during the absence of the participants;
- (d) the costs related to demonstration projects.

- 2.3. In the case of demonstration projects, do the eligible costs include?

- (a) the construction, acquisition, including leasing, or improvement of immovable property, with land only being eligible to an extent not exceeding 10 % of total eligible costs of the operation concerned;
- (b) the purchase or lease purchase of machinery and equipment up to the market value of the asset;
- (c) the general costs linked to expenditure referred to in point (293) (d)(i) and (ii) of the Guidelines, such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies;
- (d) the acquisition or development of computer software and the acquisition of patents, licenses, copyrights and trademarks;
- (e) the additional expenses and income foregone relating to the small-scale demonstration projects.

Please note that the eligible costs are limited to those listed in point (293) of the Guidelines.

- 2.4. Do feasibility studies remain eligible expenditure even where, based on their results, no expenditure under point (293)(d)(i) and (ii) of the Guidelines is incurred?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

2.5. If the intention is to grant aid for additional expenses and income foregone relating to a small-scale demonstration project, please justify?

2.6. Are the costs referred to in point (293)(d)(i) to (iv) of the Guidelines eligible to the extent used for a demonstration project and for the duration period of the demonstration project?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.7. Do the bodies providing knowledge transfer and information services have the appropriate capacities in the form of staff qualifications and regular training to carry out those tasks?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.8. The aid will be granted in the form of:

- (a) subsidized services;  
 (b) direct payments of money to producers only under the form of reimbursement of actually incurred costs?

Please note that the aid referred to in point (293)(a) and (c) and point (293)(d)(i) to (iv) of the Guidelines must not involve direct payments to the beneficiaries.

2.9. As an exception to the question 2.8, will the recipient of the aid referred to in point (293)(a) and (c) and point (293)(d)(i) to (iv) of the Guidelines be the provider of knowledge transfer and information action?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that the aid for the costs of the provision of replacement services referred to in point (293)(c) of the Guidelines may, alternatively, be paid directly to the provider of the replacement services, and the aid for small-scale demonstration projects, referred to in point (293)(d)(i) to (iv) of the Guidelines may be paid directly to the beneficiaries.

2.10. If the answer to question 2.9 is no, please justify?

2.11. Will the aid referred to in point (293)(d)(v) of the Guidelines be paid directly to the beneficiaries?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2.12. Please state the maximum aid intensity (maximum 100 %)

2.13. In the case of eligible costs referred to in point (293)(d) of the Guidelines is the maximum aid amount limited to EUR 100 000 over a period of three fiscal years?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If the answer is no, please note that the aid cannot be declared compatible with the internal market.

### 3. AID FOR ADVISORY SERVICES (Section 1.1.10.2.)

- 3.1. Is the aid designed to help undertakings active in the agricultural sector and young farmers benefit from the use of advisory services for the improvement of the economic and environmental performance as well as the climate friendliness and resilience of their holding and/or investment?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 3.2. Advice will cover as a minimum one of the following elements:

- (a) Obligations deriving from the statutory management requirements and/or standards for good agricultural and environmental conditions provided in Chapter I of Title VI of Regulation (EU) No 1306/2013;
- (b) The agricultural practices beneficial for the climate and the environment as laid down in Chapter 3 of Title III of Regulation (EU) No 1307/2013 and the maintenance of the agricultural area as referred to in point (c) of Article 4(1) of that Regulation;
- (c) Measures aiming at farm modernization, competitiveness building, sectoral integration, innovation and market orientation as well as the promotion of entrepreneurship;
- (d) Requirements defined by Member States for implementing Article 11(3) of the Water Framework Directive;
- (e) Requirements defined by Member States for implementing Article 55 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council<sup>(209)</sup>, and in particular compliance with the general principles of integrated pest management as referred to in Article 14 of Directive 2009/128/EC of the European Parliament and of the Council ('the Pesticides Directive')<sup>(210)</sup>;
- (f) Occupational safety standards and safety standards linked to farms;
- (g) Specific advice for farmers setting up for the first time, including advice on economic and environmental sustainability.

If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 3.3. Is advice about one or more of the options as listed in question 3.2, linked to at least one Union priority for rural development?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please provide details:

If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 3.4. Which of the following types of advice is financed by the aid scheme or individual measure?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (a) advice on the information related to climate change mitigation and adaptation, biodiversity and protection of waters as laid down in Annex I to Regulation (EC) No 1306/2013;
- (b) advice on issues linked to the economic and environmental performance of the agricultural holding, including competitiveness aspects;
- (c) advice for the development of short supply chains, organic farming and health aspects of animal husbandry;
- (d) advice on other issues.

Please describe the envisaged measures:

- 3.5. The aid must be granted to the advisory services provider and must not involve direct payments to the beneficiaries:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 3.6. Do the bodies selected to provide advice have the appropriate resources in the form of regularly trained and qualified staff and advisory experience and reliability with respect to the fields they advise in?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 3.7. Is advice partly provided in a group?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that where duly justified and appropriate, advice may be partly provided in a group, while taking into account the situation of the individual user of the advisory services.

- 3.8. If the answer to question 3.7 is yes, please justify?

- 3.9. Is the amount of aid limited to EUR 1 500 per advice?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 3.10. When providing advice, do the advisory service providers undertake to respect the non-disclosure obligations referred to in Article 13(2) of Regulation (EU) No 1306/2013?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

#### 4. AID FOR FARM REPLACEMENT SERVICES (Section 1.1.10.3.)

4.1. Are undertakings active in the primary agricultural production the sole beneficiaries of this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

4.2. The aid must be granted to the provider of the farm replacement service and must not involve direct payments to farmers:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

4.3. Will the aid be granted in respect of the real costs incurred for the replacement of a farmer, a natural person who is a member of farm household, or farm worker, during their absence from work due to illness, including illness of their child, holidays, maternity and parental leave, mandatory military service or in case of death?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that the eligible costs are limited to those listed under point (310) of the Guidelines.

4.4. Is the total duration of the replacement with the exception of replacement for maternity and parental leave and during mandatory military service covered by the aid limited to three months per year per beneficiary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that in duly justified cases the total duration of the replacement may be authorised for a longer time period.

4.5. If the answer to question 4.4 is no, please justify?

4.6. Is the total duration of the replacement for maternity and parental leave covered by the aid limited to six months in each case?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that in duly justified cases the replacement for maternity and parental leave may be authorised for a longer time period.

4.7. If the answer to question 4.6 is no, please justify?

4.8. Is the total duration of the replacement for mandatory military service covered by the aid limited to the duration of the service?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If the answer is no, please note that the aid cannot be declared compatible with the internal market.

4.9. Please state the maximum aid intensity (maximum 100 %):

### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **1.1.11. SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE PROVISION OF COOPERATION IN THE AGRICULTURE SECTOR**

*This form must be used for the notification of any State aid measure whose aim is the provision of cooperation in the agricultural sector as described by Section 1.1.11. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014-2020 ('the Guidelines').*

### **1. TYPE OF AIDS**

1.1. Is this cooperation applicable in the agricultural sector, including primary agricultural production, the processing of agricultural products and the marketing of agricultural products?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.2. The cooperation involves at least two entities, such as:

- (a) cooperation approaches among different actors in the agricultural sector, food chain (only if the result of the processing is an agricultural product) and other actors active in the agricultural sector that contribute to achieving the objectives and priorities of rural development policy, including producer groups, cooperatives and inter-branch organisation;
- (b) the creation of clusters and networks in the agricultural sector;
- (c) the establishment and operation of operational groups of the EIP for agricultural productivity and sustainability as referred to in Article 56 of Regulation (EU) No 1305/2013.

### **2. ELIGIBLE COSTS AND AID INTENSITY**

2.1. The aid will be granted for cooperation relating to the following activities:

- (a) pilot projects;
- (b) the development of new products, practices, processes and technologies in the agriculture and food (as far as agricultural products are concerned) sectors;
- (c) cooperation among small operators in the agricultural sector in organising joint work processes, sharing facilities and resources;
- (d) horizontal and vertical cooperation among supply chain actors for the establishment of logistic platforms to promote short supply chains and local markets;
- (e) promotion activities in a local context relating to the development of short supply chain and local markets;
- (f) joint action undertaken with a view to mitigating or adapting to climate change;



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (g) joint approaches to environmental projects and ongoing environmental practices including efficient water management, the use of renewable energy<sup>(211)</sup> and the preservation of agricultural landscapes;
- (h) horizontal and vertical cooperation among supply chain actors in the sustainable production of biomass for use in food production if the result is an agricultural product and energy production for own consumption;
- (i) implementation, in particular by groups of public and private partners other than those defined in point (b) of Article 32(2) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council<sup>(212)</sup>, of local development strategies other than those defined in Article 2(19) of that Regulation addressing one or more of the Union priorities for rural development.

2.2. In the case of aid for the creation of clusters and networks, will it be granted only to newly formed clusters and networks and those commencing an activity that is new to them?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (317) of the Guidelines this aid cannot be granted.

2.3. Aid for pilot projects and the development of new products, practices, processes and technologies in the agriculture and the food sector only as far as agricultural products are concerned may be granted also to individual actors. Where aid is granted to individual actors, will the results of the supported project or activity be disseminated?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (318) of the Guidelines this aid cannot be granted.

2.4. Does aid for the establishment and development of short supply chains, as referred to in point (316)(d) and (e) of the Guidelines, cover only supply chains involving no more than one intermediary between farmer and consumer?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (319) of the Guidelines this aid cannot be granted.

2.5. Will the aid comply with the relevant provisions of competition law, in particular with Articles 101 and 102 of the Treaty?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (320) of the Guidelines no aid may be granted.

If the answer is yes, please explain how this compliance will be ensured.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

2.6. Aid may be granted to cover the following eligible costs in so far as they concern agricultural activities:

- (a) studies of the area concerned, feasibility studies, and the drawing up of a business plan or local development strategy other than the one referred to in Article 33 of Regulation (EU) No 1303/2013;
- (b) the costs for the animation of the area concerned in order to make feasible a collective territorial project or a project to be carried out by an operational group of the EIP for agricultural productivity and sustainability as referred to in Article 56 of Regulation (EU) No 1305/2013; in the case of clusters animation may also concern the organisation of training, networking between members and the recruitment of new members;
- (c) the running costs of cooperation, such as the salary of a ‘coordinator’;
- (d) the direct costs of specific projects linked to the implementation of a business plan, environmental plan, a local development strategy other than the one referred to in Article 33 of Regulation (EU) No 1303/2013 or other actions aiming at innovation including testing; the direct costs must be limited to the eligible costs of investment aid, as specified in the Section 1.1.1.1 on aid for investment of Part II of the Guidelines;
- (e) the costs of promotion activities.

2.7. Will the aid be limited to a maximum period of seven years except for collective environmental action in duly justified cases?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please provide the justification for collective environmental actions exceeding a period of seven years:

2.8. The aid will be granted up to: % of the eligible costs.

### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **1.2.1.1. SUPPLEMENTARY INFORMATION SHEET ON AID TO MAKE GOOD THE DAMAGE CAUSED BY NATURAL DISASTERS OR EXCEPTIONAL OCCURRENCES**

*This form must be used by Member States for the notification of any State aid measures which are designed to compensate for damage to agricultural production or the means of agricultural production caused by a natural disaster or exceptional occurrences as described by Section 1.2.1.1. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 (‘the Guidelines’).*

1. Which natural disaster or exceptional occurrence caused (or, in the case of an *ex-ante* framework aid scheme<sup>(213)</sup>, could cause) the damage for which the compensation is required?
2. When did the event specified in question 1 occur?
3. Please indicate the last date on which aid may be paid out.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4. Have the competent authority of the Member State formally recognised that a natural disaster or an exceptional occurrence has occurred?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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5. Please demonstrate a direct link between the natural disaster or exceptional occurrence and the damages incurred by the agricultural undertaking active in primary agricultural production, the processing and the marketing of agricultural products.

6. Who is the aid paid to? Is it paid directly to the agricultural undertaking concerned, or to a producer group or organisation of which the agricultural undertaking is a member?

7. If aid is paid to a producer group or organisation, how is it ensured that the amount of aid does not exceed the amount of aid to which that agricultural undertaking is eligible?

8. Please submit an assessment as precise as possible of the damage incurred by the potential beneficiaries.

9. Are only those costs of the damage which is a direct consequence of the natural disaster or exceptional occurrence eligible for aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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10. Is the direct consequence referred to in question 9 assessed by a public authority, by an independent expert recognised by the granting authority or by an insurance undertaking?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please specify which one:

11. What kind of compensation is covered by the aid (multiple responses are possible)?

- (a) compensation for material damage to buildings, equipment, machinery, stocks and means of production;

- (b) compensation for loss of income resulting from the full or partial destruction of the agricultural production and the means of the primary agricultural production.

12. Will the damage be calculated at the level of the individual beneficiary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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13. If material damage as specified in question 11 is concerned, is such damage calculated on the basis of the repair cost or economic value of the affected asset before the natural disaster or the exceptional occurrence?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

14. Will indexes be used in order to calculate the annual agricultural production of the beneficiary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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15. If the answer to question 14 is yes, will the calculation method used permit the determination of the real loss of the beneficiary in the given year?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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16. Will the measurement of the extent of the loss caused be tailored to the specific characteristics of each type of product using:

- (a) biological indexes (quantity of biomass loss) or equivalent yield loss indexes established at farm, local, regional or national level, or
- (b) weather indexes (including quantity of rainfall and temperature) established at local, regional or national level?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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17. If the answer to point (a) or (b) of question 16 is yes, how does the Member State intend to ensure that the respective calculations are representative, and not based on abnormally high yields and do not result in the overcompensation on any beneficiary?

18. Has the natural disaster or the exceptional occurrence affected a wide area in the same way?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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19. If the answer to question 18 is yes, will aid payments be based on average losses?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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20. If the answer to question 19 is yes, how does the Member State intend to ensure that the average losses referred to in question 19 are representative and do not result in significant overcompensation of any beneficiary?

21. Are other payments received by the beneficiary of the aid, such as under insurance policies, deducted from the amount of eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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22. How does the Member State intend to ensure that any other costs not incurred because of the natural disaster or exceptional occurrence will be deducted from the amount of eligible costs?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

23. Please indicate the maximum gross aid intensity as a percentage of the eligible costs.

The following question applies in the case of notification of an ex ante framework aid scheme to compensate for the damages of natural disasters:

24. Please clearly stipulate the conditions under which aid can be granted in the event of earthquakes, avalanches, landslides and floods as well as for tornadoes, hurricanes, volcanic eruptions and wild fires of natural origin.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **1.2.1.2. SUPPLEMENTARY INFORMATION SHEET ON AID TO COMPENSATE FOR DAMAGE CAUSED BY ADVERSE CLIMATIC EVENT WHICH CAN BE ASSIMILATED TO A NATURAL DISASTER**

*This form must be used by Member States for the notification of any State aid measures which are designed to compensate for damage to agricultural production or the means of agricultural production caused by an adverse climatic event which can be assimilated to a natural disaster as described by section 1.2.1.2. of Chapter 1 of Part II of the EU Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. What adverse climatic event which can be assimilated to a natural disaster has justified the aid?
2. When did the climatic event which can be assimilated to a natural disaster referred to in question 1 occur?
3. Please indicate the last date on which aid may be paid out.
4. Please demonstrate as to why the adverse climatic event can be assimilated to a natural disaster.
5. Will aid only be granted to primary agricultural production?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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6. Has the occurrence of the adverse climatic event which can be assimilated to a natural disaster been formally recognised by the competent authority of the Member State?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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7. Please demonstrate a direct link between the adverse climatic event which can be assimilated to a natural disaster and the damages incurred by the agricultural undertaking active in primary agricultural production.

8. Have criteria been established in advance on the basis of which an adverse climatic event which can be assimilated to a natural disaster is to be formally recognised?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

9. Please provide appropriate supporting meteorological information in relation to the adverse climatic event at issue.

10. Is the aid paid directly to?

- (a) the concerned agricultural undertaking active in primary agricultural production, or
- (b) a producer group or organisation of which the agricultural undertakings referred to in point (a) are members.

11. If the answer to the question 10 is point (b), please explain how it is ensured that the amount of aid does not exceed the amount of aid to which each respective agricultural undertaking is eligible?

12. Please indicate the costs eligible for aid:

- (a) compensation for the loss of the beneficiary's income from the full or partial destruction of the agricultural product and the means of production resulting from the occurrence of an adverse climatic event which can be assimilated to a natural disaster as referred to in point (354)(b) of the Guidelines;
- (b) compensation for material damage to farm buildings and farm equipment and machinery, stocks and means of production caused by an adverse climatic event which can be assimilated to a natural disaster as referred to in point (354)(a) of the Guidelines.

13. If the answer to question 12 is point (a), will the loss of income be calculated by subtracting the result of multiplying the quantity of the agricultural products produced in the year of the adverse climatic event which can be assimilated to a natural disaster, or each following year affected by the full or partial destruction of the means of production, by the average selling price obtained during that year; from the result of multiplying the average annual quantity of agricultural products produced in the preceding three-year period or a three year average based on the preceding five-year period (excluding the highest and lowest entry) by the average selling price obtained?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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14. If the answer to question 13 is yes, will the other costs incurred by the beneficiary due to the adverse climatic event that can be assimilated to a natural disaster be added to the amount resulting of the calculation of the loss of income?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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15. If the answer to question 13 is yes, will any amount received under insurance schemes and costs not incurred because of the adverse climatic event (for example because of non-harvesting) be deducted from the amount resulting of the calculation of the loss of income?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

16. Will indexes be used in order to calculate the annual agricultural production of the beneficiary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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17. If the answer to question 16 is yes, will the calculation method used permit the determination of the real loss of the beneficiary in the given year?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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18. Will the method of calculation of the extent of the loss caused be tailored to the specific characteristics of each type of agricultural product using:

- (a) biological indexes (that is to say, quantity of biomass loss) or equivalent yield loss indexes established at farm, local, regional or national level, or
- (b) weather indexes (including the quantity of rainfall and temperature) established at local, regional or national level?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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19. Has the adverse climatic event which can be assimilated to a natural disaster affected a wide area in the same way?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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20. If the answer to question 19 is yes, will aid payments be based on average losses?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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21. If the answer to question 20 is yes, how will it be ensured that these average losses referred to question 20 are representative, and not based on abnormally high yields and do not result in the overcompensation of any beneficiary?

22. Will the aid be calculated on the basis of the repair cost or economic value of the affected asset before the adverse climatic event which can be assimilated to a natural disaster?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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23. Will the calculation of loss be made at the level of an individual beneficiary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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24. Please state the maximum gross aid intensity as a percentage of the eligible cost.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

25. Are areas facing natural constraints affected by the adverse climatic event which can be assimilated to a natural disaster?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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26. Will the compensation granted be reduced by 50 % if the farmer concerned has not taken out insurance covering at least 50 % of his/her average annual production or production-related income and the statistically most frequent climatic risks in the Member State or region concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that derogations from this condition are only possible if the Member State can convincingly show that, despite all reasonable efforts, affordable insurance covering the statistically most frequent climatic risks in the Member State or region concerned was not available at the time the damage occurred.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### 1.2.1.3. SUPPLEMENTARY INFORMATION SHEET ON AID FOR COMBATING ANIMAL DISEASES AND PLANT PESTS

*This form must be used by Member States for the notification of any State aid measures for the costs of prevention, control and eradication of animal diseases and plant pests and State aid to make good the damage caused by animal diseases and plant pests as described by Section 1.2.1.3. of Chapter 1 of Part II of the EU Guidelines for State aid in the agriculture and forestry sectors in rural areas 2014 to 2020 ('the Guidelines').*

1. What animal disease or plant pest is involved?
2. Will aid only be granted to undertakings active in primary agricultural production?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3. Will aid only be paid:

(a) in relation to animal diseases or plant pests for which Union or national rules exist, whether laid down by law, regulation or administrative action;

(b) as part of a:

(i) public programme at Union, national or regional level for the prevention, control or eradication of the animal disease or the plant pest concerned, or

(ii) emergency measures imposed by competent public authority, or

(iii) measures to eradicate or contain a plant pest implemented in accordance with Council Directive 2000/29/EC<sup>(214)</sup>.



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4. Please attach to the notification a description of the prevention, control and eradication measures concerned.

5. In relation to damage caused by plant pests, has the Member State implemented Article 14(1) of the Pesticides Directive<sup>(215)</sup> and Article 55 of Regulation (EC) No 1107/2009<sup>(216)</sup> of the European Parliament and of the Council?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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6. Does the aid relate to an animal disease or plant pest in respect of which Union legislation provides that the charges for measures taken are to be borne by the beneficiary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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7. Was the animal disease or the plant pest caused deliberately or by the negligence of the beneficiary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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8. If an animal disease is at issue, please answer if this animal disease is referred to in the list of animal diseases established by the World Organisation for Animal Health or the animal diseases and zoonoses listed in Annex I and II to Regulation (EU) No 652/2014<sup>(217)</sup>?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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9. When did the cost or loss caused by the animal disease or plant pest occur?

10. Please indicate the last date on which aid may be paid out.

11. Are any costs which are not incurred directly due to the animal disease or plant pest and which would have been incurred otherwise by the beneficiary eligible for aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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12. If prevention measures (i.e. measures regarding an animal disease or plant pest that has not yet occurred) are concerned, please tick which costs are eligible for aid:

- (a) health checks;
- (b) analyses;
- (c) tests and other screening measures;
- (d) the purchase, storage, administration and distribution of vaccines, medicines, substances for the treatment of animals and plant protection products;

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (e) the preventive slaughtering or culling of animals or destruction of animal products and the destruction of crops and the cleaning and disinfection of the holding and equipment.

13. If control or eradication measures (i.e. measures regarding animal diseases for which a competent authority has formally recognised an outbreak, or plant pests for which a competent authority has formally acknowledged their presence) are concerned, please tick which costs are eligible for aid:

- (a) tests and other screening measures in case of animal diseases, including transmissible spongiform encephalopathy (TSE) and bovine spongiform encephalopathy (BSE) tests;
- (b) the purchase, storage, administration and distribution of vaccines, medicines, and substances for the treatment of animals and plant protection products;
- (c) the slaughter or culling and destruction of animals and the destruction of products linked to them or the destruction of plants, including those that die or are destroyed as a result of vaccination or other measures ordered by the competent authority and the cleaning and disinfection of the holding and equipment.

14. Please specify by which means aid will be granted?

- (a) in kind;
- (b) the real costs are reimbursed to the beneficiary.

15. If the reply to the question 14 is point (b), please answer if the eligible costs are those referred to in points (374)(d) and (375)(b) of the Guidelines.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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16. If the answer to question 15 is no, are plants concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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17. If the answer to question 16 is yes, please answer if the eligible costs are referred to in points (374)(e) and (375)(c) of the Guidelines.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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18. In the case of aid to make good the damage caused by an animal disease or a plant pest, is compensation calculated in relation to:

- (a) the market value of animals slaughtered or culled or that have died or the products linked to them, or the plants destroyed, as a result of the animal disease or plant pest and as part of a public programme or measure referred to in point (366)(b) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (b) loss of income due to quarantine obligations and difficulties in restocking, replanting and obligatory crop-rotation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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19. Will the aid be limited to the costs and damage caused by animal diseases and plant pests for which the competent authority:

- (a) has formally recognised an outbreak, in the case of an animal disease, or  
 (b) has formally acknowledged their presence, in the case of plants pests?

20. Does the Member State commit that the aid and any other payments received by the beneficiary, including payments under other national or Union measures or insurance policies for the same eligible costs will not exceed 100 % of the eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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### OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### 1.2.1.4. SUPPLEMENTARY INFORMATION SHEET ON AID FOR FALLEN STOCK

*This form must be used by Member States for the notification of any State aid measures for fallen stock as described by Section 1.2.1.4. of Chapter 1 of Part II of the EU Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Will aid only be granted to undertakings active in primary agricultural production?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2. Please indicate the costs eligible for aid and the applicable aid intensities:

- (a) costs for the removal of fallen stock: %  
 (b) costs for the destruction of the fallen stock: %  
 (c) costs for the removal and destruction of the fallen stock where the aid is financed through fees or through compulsory contributions destined for the financing of the removal and destruction of the fallen stock, provided that such fees or contributions are limited to and directly imposed on the meat sector: %  
 (d) costs for the removal and destruction of the fallen stock where there is an obligation to carry out TSE tests on the fallen stock concerned or in the case of an outbreak of an animal disease referred to in the list of animal diseases established by the World Organisation for Animal Health or the animal diseases and zoonoses listed in Annexes I and II to Regulation (EU) No 652/2014<sup>(218)</sup>: %

3. Is the aid conditional on the existence of a consistent monitoring programme which ensures the safe disposal of all fallen stock in the Member State?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4. Does the aid involve direct payment of money to the undertakings active in the livestock sector?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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5. Will aid be paid to economic operators that are active downstream from the undertakings active in the livestock sector, and that provide services linked to the removal and destruction of the fallen stock?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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6. Will aid be granted towards the costs of disposal of slaughterhouse waste?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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7. Will aid be granted for investments undertaken in relation to the disposal of slaughterhouse waste?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

##### **1.2.1.5. SUPPLEMENTARY INFORMATION SHEET ON AID TO COMPENSATE FOR THE DAMAGE CAUSED BY PROTECTED ANIMALS**

*This form must be used by Member States for the notification of any State aid measures which are designed to compensate for damage caused by protected animals as described in Section 1.2.1.5. of Chapter I of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Are undertakings active in the primary agricultural production the sole beneficiaries of this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2. Have reasonable preventive measures been requested from the beneficiaries, which are proportionate to the risk of damage caused by protected animals in the concerned area?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid can be declared compatible with the internal market only if clear evidence is submitted showing the impossibility to take such preventive measures.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

3. If the answer to question 2 is yes, please indicate what type of preventive measures were requested (for example, safety fences where possible, livestock guarding dogs).
4. Which protected animal caused the damage for which the compensation is envisaged?
5. What kind of damage was caused?
6. Please demonstrate a direct causal link between the damages incurred by the agricultural undertaking active in primary agricultural production and the behaviour of the protected animals.
7. Is the aid paid directly to the agricultural undertaking concerned or to a producer group or organisation of which that undertaking is a member?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

8. If the aid is paid to a producer group or organisation, does the amount of aid exceed the amount of aid to which the agricultural undertaking is eligible?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the aid cannot be declared compatible with the internal market.

9. When did the event that caused the damage occur?

Please note that the aid scheme must be established within a period of three years following the date of occurrence of the loss or damage.

10. Please indicate the last date on which aid may be paid out.

Please note that the aid must be paid out within a period of four years following the date of occurrence of the loss or damage.

11. Is the damage calculated at the level of the individual beneficiary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

12. What kind of compensation is covered by the aid (multiple responses are possible)?

- (a) compensation for animals killed or plants destroyed;
- (b) compensation for indirect costs incurred;
- (c) compensation for material damage to farm equipment, machinery and farm buildings and stocks.

Please, note that aid for investments in measures to prevent damage caused by protected animals, can be granted in accordance with the conditions of Section 1.1.1.1 of Chapter 1 of Part II of the Guidelines and not Section 1.2.1.5. of the Guidelines.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

13. If the answer to question 12 is point (a), are the eligible costs calculated on the basis of the market value of the animals killed or the plants destroyed?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

14. If the answer to question 12 is point (b), please indicate exhaustively all the indirect costs that can be reimbursed (such as veterinary costs resulting from the treatment of wounded animals and labour costs related to the searches for missing animals).
15. If the answer to question 12 is point (c), is the material damage calculated on the basis of the repair cost or economic value of the affected asset before the event that caused the damage?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

16. If the answer to question 12 is point (c), does the aid exceed the repair cost or the decrease in fair market value caused by the event that caused the damage, that is to say, the difference between the property's value immediately before and immediately after that event?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the aid cannot be declared compatible with the internal market.

17. Is the aid restricted to damage incurred as a direct consequence of the event that caused the damage?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

18. Which of the following bodies is responsible for assessing the eligible costs?

- (a) a public authority;  
 (b) an independent expert recognised by the granting authority;  
 (c) an insurance undertaking.

Please note that the costs will be eligible only if the assessment was made by one of the three bodies listed in points (a), (b) and (c).

19. Are other payments received by the aid beneficiary, for example, under insurance policies, deducted from the amount of eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

20. Are costs not incurred because of the event that caused the damage, which would otherwise have been incurred by the beneficiary, deducted from the amount of the aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

21. How is it intended to ensure that overcompensation as a result of the combination of this aid with other national or Union support instruments or private insurance schemes is avoided?
22. Please indicate the gross aid intensity as a percentage of the direct eligible costs.
23. Please indicate the gross aid intensity as a percentage of the indirect eligible costs.

Please note that compensation for indirect costs must not exceed 80 % of the total indirect eligible costs.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **1.2.1.6. SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE PAYMENT OF INSURANCE PREMIUMS**

*This form must be used for the notification of any State aid schemes designed to compensate for the payment of insurance premiums as described by Section 1.2.1.6. of Chapter I of Part II of the EU Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Does the aid measure provide for the payment of insurance premiums in favour of companies active in the processing and the marketing of agricultural products?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (406) of the Guidelines the Commission can only authorise aid towards the payment of insurance premiums to undertakings active in primary agricultural production.

2. Please specify which damages will be covered by the insurance for which the premium will be partly financed under the notified aid measure:
- Damage caused by natural disasters or exceptional occurrences, adverse climatic events which can be assimilated to a natural disaster, animal diseases and plant pests, the removal and destruction of fallen stock and damage caused by protected animals, as referred to in Sections 1.2.1.1. to 1.2.1.5. of the Guidelines, as well as by other adverse climatic events.
- Damages caused by environmental incidents.
3. For insurance premiums for insurance against losses caused by environmental incidents, has the occurrence of the environmental incident been formally recognised as such by the competent authority of the Member State?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3.1. If the answer is yes, has the Member State established in advance criteria on the basis of which the formal recognition referred to is deemed to be granted?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3.2. Have indexes been used in order to calculate the annual agricultural production of the beneficiary and the extent of the loss?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4. Is the aid limited to insurance provided by a single insurance company or group of companies?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (407) of the Guidelines the Commission cannot authorise aid for the payment of insurance premiums if it is limited to insurance provided by a single insurance company or group of companies.

5. Is the aid made subject to the condition that the insurance contract must be taken out with a company established in the Member State?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (407) of the Guidelines the Commission cannot authorise aid for the payment of insurance premiums which constitute a barrier to the operation of the internal market for insurance services.

6. Does the aid cover a re-insurance programme?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide all necessary information to enable the Commission to check possible aid components at the different levels involved (that is to say, at the level of the insurer and/or re-insurer) and the compatibility of the proposed aid with the internal market. In particular please submit sufficient information to enable the Commission to check that the final benefit of the aid is passed on to the farmer.

7. What are the eligible costs?

- (a) the cost of insurance premiums against the losses caused by the events referred to in question 2.
- (b) the costs associated with a reinsurance scheme. Please specify:

8. What is the maximum level of aid proposed? (as a percentage)

Please note that the gross aid intensity must not exceed 65 % of the cost of the insurance premium, with the exception of aid for the removal and destruction of fallen stock, where the



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

aid intensity must not exceed 100 % of the cost of the insurance premium as regards insurance premiums for the removal of fallen stock and 75 % of the cost of the insurance premium as regards insurance premiums for the destruction of such fallen stock.

9. Will the amount of the insurance premium eligible for support be limited by the application of a ceiling?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, what will the ceiling be?

10. Are the insurance payments limited so that they compensate for no more than the cost of making good the damage caused by the events referred to in question 2?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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11. Do the insurance payments require or specify the type or quantity of future production?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that in accordance with point (410) of the Guidelines insurance payments may compensate only the cost of making good the damage caused by the events referred to in question 2 and may not require or specify the type or quantity of future production.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **1.2.1.7. SUPPLEMENTARY INFORMATION SHEET ON AID FOR FINANCIAL CONTRIBUTIONS TO MUTUAL FUNDS**

*This form must be used for the notification of any State aid schemes designed to compensate for financial contributions to mutual funds as described by Section 1.2.1.7. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Does the aid measure provide for financial contributions to mutual funds in favour of large companies and/or companies active in the processing and the marketing of agricultural products?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (415) of the Guidelines the Commission can only authorise aid for financial contributions to mutual funds to undertakings active in primary agricultural production.

2. Please specify which damages will be covered by the mutual fund for which the financial contribution will be partly financed under the notified aid measure:

- Damage caused by adverse climatic events which can be assimilated to a natural disaster, animal diseases and plant pests, as referred to in Sections 1.2.1.2. and 1.2.1.3. of Chapter 1 of Part II of the Guidelines.
- Damages caused by environmental incidents.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

3. For financial contributions to mutual funds to pay compensation for the damages caused by environmental incidents, has the occurrence of the environmental incident been formally recognised as such by the competent authority of the Member State?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (419) of the Guidelines, the occurrence of the environmental incident must be formally recognised as such by the competent authority of the Member State.

- 3.1. If the answer is yes, has the Member State established in advance criteria on the basis of which the formal recognition referred to is deemed to be granted?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 3.2. Have indexes been used in order to calculate the annual agricultural production of the beneficiary and the extent of the loss?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4. What are the eligible costs?

- The financial contributions to mutual funds to pay compensation to farmers for the damages referred to in question 2, which relate to the amounts paid by the mutual fund as financial compensation to undertakings active in the primary agricultural sector.

Please note that there are no other eligible costs.

5. What is the level of aid proposed? (as a percentage)

Please note that the maximum aid rate is 65 % of the eligible costs.

6. Will the amount of the costs eligible for support be limited?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 6.1. If the answer is yes, how will it be limited?

- Ceiling per fund:  
 Appropriate per member/affiliate to the fund ceilings:

7. Has the mutual fund been accredited by the competent authority in accordance with national law?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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8. Does the mutual fund have a transparent policy towards payments into and withdrawals from the fund?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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9. Does the mutual fund have clear rules attributing responsibilities for any debts incurred?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that in accordance with point (416) of the Guidelines, questions 7, 8 and 9 of this Supplementary Information Sheet must be answered affirmatively in order for the Commission to be in a position to approve of the aid.

10. Have rules for the constitution and management of the mutual fund been defined, in particular for the granting of compensation payments, as well as for the administration and monitoring of compliance with those rules?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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11. Does the mutual fund arrangements provide for penalties in the case of negligence on the part of the undertaking?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that in accordance with point (417) of the Guidelines, questions 10 and 11 of this Supplementary Information Sheet must be answered affirmatively in order for the Commission to be in a position to approve of the aid.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **1.2.2. SUPPLEMENTARY INFORMATION SHEET FOR AID FOR CLOSING PRODUCTION CAPACITY**

*This form must be used for the notification of any State aid schemes designed to promote the closing of capacity for animal, plant or human health, sanitary ethical or environmental reasons as described by Section 1.2.2. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

Does the planned measure provide that,

- (a) there must be a counterpart from the beneficiary of the aid;
- (b) enterprises in difficulty are excluded from the measure;
- (c) there must be no over-compensation of loss of capital value of assets?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.2.2. of Chapter 1 of Part II of the Guidelines no aid can be granted if those conditions are not fulfilled.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

## 1. CLOSING OF CAPACITY FOR ANIMAL, PLANT OR HUMAN HEALTH, SANITARY, ETHICAL OR ENVIRONMENTAL REASONS

1.1. What is the reason for the closing of capacity:

- (a) animal health;  
 (b) plant health;  
 (c) human health;  
 (d) sanitary reasons;  
 (e) ethical reasons;  
 (f) environmental reasons.

Please describe the reason(s) in full:

1.2. Is the measure an aid scheme or an individual aid?

- (a) aid scheme;  
 (b) individual aid.

1.2.1. In case it is an aid scheme, is it accessible to all eligible undertakings in the same factual situation on the same conditions?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.3. Please describe the aid scheme or the individual measure including the reasons and the necessity of the measure.

1.4. Counterpart from the beneficiary/ies of the aid.

1.4.1. To what extent will the capacity of the undertaking(s) concerned be closed:

- (a) complete closure of capacity;  
 (b) partial closure of capacity.

If partial closure of capacity, please justify:

1.4.2. Have legally binding commitments been obtained from the beneficiary/ies that the closure of the production capacity concerned is definite and irreversible and that the beneficiary will not start the same activity elsewhere and are those commitments binding on any future purchaser of the land/facility concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.4.3. Only undertakings that have actually been producing, and only production capacities that have actually been in constant use over the past five years before the closing of the capacity, are eligible for aid. Is this the case for the beneficiary/ies of this measure?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.5. Are only undertakings fulfilling Union standards eligible for aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

Please note that undertakings which do not fulfil Union standards and which would be obliged to stop production anyway, must be excluded.

1.6. Negative environmental effects

1.6.1. In order to avoid erosion and other negative effects on the environment, the owner(s) of open farmland taken out of production must undertake to fulfil one of the commitments listed in point in (a), (b) or (c). Which one does the beneficiary/ies of this measure undertake to fulfil?

- (a) To afforest or turn into a nature area open farmland within a period of two years of closure in such a way as to ensure that negative effects on the environment are avoided.
- (b) To maintain the land in good agricultural and environmental condition, in accordance with Chapter I of Title VI of Regulation (EU) No 1306/2013<sup>(219)</sup>, and with the relevant implementing rules, with the view to re-use the farmland after 20 years of effective closure.
- (c) To ensure that any closure of installations covered by Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010<sup>(220)</sup> are carried out in accordance with Articles 11 and 22 of that Directive which require that the necessary measures are taken to avoid any pollution risk and that the site of operation is returned to a satisfactory state.

Please describe how the beneficiary will fulfil the commitment:

1.7. Eligible costs.

1.7.1. What are the eligible costs?

- (a) Loss of value of assets – measured as the current selling value of the assets.
- (b) In case of the closing of capacity for environmental reason, an additional incentive payment, not exceeding 20 % of the value of the assets.
- (c) Costs of destruction of the production capacity.
- (d) Obligatory social costs resulting from the implementation of the closure decision.

Please note that no costs other than those referred to in points (a) to (d) are eligible under this measure.

Aid for afforestation and the conversion of land into nature areas must be granted in accordance with the rules set out in Sections 2.1.1 and 2.1.2. of Chapter 1 of Part II of the Guidelines and the rules on aid for non-productive investment set out in Section 1.1.1.1. of Chapter 1 of Part II of the Guidelines.

1.8. Aid intensity.

1.8.1. What aid intensities have been chosen?

- (a) For loss of value of assets (maximum 120 % where the closure is carried out for environmental reasons, maximum 100 % for the other reasons listed in question 1.1 above).
- (b) For compensation for the cost of the destruction of the production capacity (maximum 100 %).
- (c) To offset the obligatory social costs resulting from the implementation of the closure decision (maximum 100 %).

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

## 2. CLOSING OF CAPACITY FOR OTHER REASONS

2.1. What is the reason for the closing of capacity:

- (a) restructuring of a sector;  
 (b) diversification;  
 (c) early retirement.

2.2. Is the measure an aid scheme?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that measures to close capacity for the reasons referred to in question 2.1 above must be part of an aid scheme.

2.3. Can it be ensured that no aid will be granted which would interfere with the mechanisms of the common organisation of the markets in agricultural products?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with to point (440) of the Guidelines no aid may be granted which would interfere with the mechanisms of the common organisation of the markets in agricultural products.

2.4. What is/are the sector(s) covered by the scheme?

2.5. Is/are that/those sector(s) referred to in question 2.4 subject to production limits or quotas?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If yes, please describe it:

Please note that aid schemes applying to sectors which are subject to production limits or quotas will be evaluated on a case-by-case basis.

2.6. Can that sector hose sectors referred to in question 2.4 be considered to be in excess of capacity either at regional or national level?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please describe it:

2.7. Is the aid part of a programme which has defined objectives and a specific timetable aimed at restructuring the sector(s), at diversification or at early retirement?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please describe the programme:

2.8. What is the duration of the planned aid scheme?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

Please note that in accordance with point (442) of the Guidelines, the Commission can only authorise this type of aid when they provide for a limited duration. The duration of aid schemes aimed at reducing capacity for any of the reason referred to in question 2.1 of this Supplementary Information Sheet must normally be limited to a period of not more than six months for collecting applications for participation and a further 12 months for actually closing down.

If the duration is longer than prescribed above, please justify it.

Please note that the Commission will not accept aid schemes with duration of more than three years, since experience has shown that such aid schemes may result in the postponement of the necessary changes.

2.9. Is the aid scheme accessible to all economic operators in the sector(s) concerned on the same conditions and is a transparent system of calls for interest which publically invites all potentially interested undertakings to participate used?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (443) of the Guidelines, the aid scheme cannot be authorised by the Commission if the respect of this condition is not ensured.

2.10. Is the organisation of the aid scheme managed in such a way that it neither requires nor facilitates anticompetitive agreements or concerted practices between the undertakings concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please describe how this is ensured:

2.11. Counterpart from the beneficiary of the aid.

2.11.1. To what extent will the capacity of the undertaking concerned be closed:

- (a) complete closure of capacity;  
 (b) partial closure of capacity.

If partial closure of capacity, please justify it:

2.11.2. Have legally binding commitments been obtained from the beneficiary/ies of the aid that the closure of the production capacity concerned is definite and irreversible and that the beneficiary of the aid will not start the same activity elsewhere and are the commitments binding on any future purchaser of the land/facility concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.11.3. Only undertakings that have actually been producing, and only production capacities that have actually been in constant use over the past five years before the closing of the capacity, are eligible for aid. Is this the case for the beneficiary/ies of this measure?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.12. Are only undertakings fulfilling Union standards eligible for aid?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that undertakings which do not fulfil Union standards and which would be obliged to stop production anyway, must be excluded.

### 2.13. Negative environmental effects.

2.13.1. In order to avoid erosion and other negative effects on the environment, the owner(s) of open farmland taken out of production must undertake to fulfil one of the commitments listed in point (a), (b) and (c). Which one does the beneficiary/ies of this aid undertake to fulfil?

- (a) To afforest or turn into a nature area open farmland within a period of two years of closure in such a way as to ensure that negative effects on the environment are avoided.
- (b) To maintain the land in good agricultural and environmental condition, in accordance with Chapter I of Title VI of Regulation (EU) No 1306/2013, and with the relevant implementing rules, with the view to re-use the farmland after 20 years of effective closure.
- (c) To ensure that any closure of installations covered by Directive 2010/75/EU of the European Parliament and of the Council is made in accordance with Articles 11 and 22 of that Directive which require that the necessary measures are taken to avoid any pollution risk and that the site of operation is returned to a satisfactory state.

Please describe how the beneficiary of the aid will fulfil the commitment:

### 2.14. Which are the eligible costs?

- (a) Loss of value of assets, measured as the current selling value of the assets.
- (b) Costs of the destruction of the production capacity.
- (c) Obligatory social costs resulting from the implementation of the closure decision.

Please note that costs other than those referred to in points (a), (b) and (c) are not eligible under this measure.

Aid for afforestation and the conversion of land into nature areas must be granted in accordance with the rules set out in Sections 2.1.1. and 2.1.2. of Chapter 1 of Part II of the Guidelines and the rules on non-productive investments in Section 1.1.1.1. of Chapter 1 of Part II of the Guidelines.

### 2.15. Aid intensity.

2.15.1. Which of the following aid intensities have been chosen?

- (a) For the loss of value of assets (maximum 100 %).
- (b) For compensation for the cost of the destruction of the production capacity (maximum 100 %).
- (c) To offset the obligatory social costs resulting from the implementation of the closure decision (maximum 100 %).

## **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

### 1.3.1. SUPPLEMENTARY INFORMATION SHEET ON AID TO THE LIVESTOCK SECTOR

*This form must be used for the notification of any State aid measures designed to support the livestock sector as described in Section 1.3.1. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

#### 1. ELIGIBLE COSTS

1.1. Which of the following eligible costs does the aid cover:

- (a) the administrative costs of the establishment and maintenance of herd books?  
 (b) tests to determine the genetic quality or yield of livestock (namely, tests performed by or on behalf of third parties)?

Controls undertaken by the owner of the livestock and routine controls of milk quality are excluded from the aid.

#### 2. AMOUNT OF AID

2.1. Please specify the maximum rate of public support expressed as a volume of eligible costs:

- (a) to cover the administrative costs of the establishment and maintenance of herd books (maximum 100 %);  
 (b) for the costs of tests to determine the genetic quality or yield of livestock (maximum 70 %).

2.2. What measures have been taken to avoid overcompensation of the beneficiary and to verify compliance with the above aid intensities referred to in question 2.1?

2.3. Please describe the eligible costs to be covered by the aid:

Please note that the eligible costs are limited to those listed in point (449) of the Guidelines.

Please note that the aid should be provided in kind and should not involve direct payments to the beneficiaries in accordance with point (447) of the Guidelines.

#### 3. BENEFICIARIES

3.1. Is the aid limited to firms which meet the Union definition of SMEs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that, in accordance with point (446) of the Guidelines, large companies must be excluded from receiving aid.

#### OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### 1.3.2. SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE PROMOTION OF AGRICULTURAL PRODUCTS

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

*This notification form must be used for State aid for the promotion of agricultural products as described in Section 1.3.2. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Where will the measure be carried out?
- (a) on the market of another Member State;  
 (b) on the home market;  
 (c) on a third country.
2. Who will carry out the campaign?
- (a) producer groups or other organisations, regardless of their size;  
 (b) others (please explain):
3. Can the Member State submit samples or mock-ups of the promotion material to the Commission?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please explain why not.

4. If the promotion material referred to in question 3 is not available at present, can the Member State provide a commitment to provide this material at a later stage and in any case before the launching of the promotion campaign?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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5. Please provide an exhaustive list of the eligible costs.
6. Who are the beneficiaries of the aid?
- (a) farmers;  
 (b) producer groups and/or producer organisations;  
 (c) enterprises active in the processing and marketing of agricultural products;  
 (d) others (please specify):
7. Are the beneficiaries of aid for organisation of competitions, trade fairs or exhibitions limited to SMEs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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8. Where the promotion measure is undertaken by producer groups and organisations will be the participation be subject to membership of such producer groups and organisations?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (459) of the Guidelines no aid may be granted for such promotion campaigns.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

9. Will the promotion campaign be earmarked for quality products covered by a quality scheme as referred to in point (282) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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10. If the answer is no, can the Member State give the assurance that the promotion campaign will be generic in character and for the benefit of all producers of the type of product concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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11. Will the promotion campaign comply with Regulation (EU) No 1169/2011<sup>(221)</sup> of the European Parliament and of the Council, and, where appropriate, with the specific labelling rules laid down for various products?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (456) of the Guidelines no aid may be granted for such promotion campaigns.

12. Will the promotion campaign exceed an annual budget of EUR 5 million?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (458) of the Guidelines the promotion campaign must be notified individually.

13. The aid must be granted:

- (a) in kind; or  
 (b) on the basis of reimbursement of real costs incurred by the beneficiary.

14. In accordance with point (461) of the Guidelines, aid for promotion campaigns must be granted only in kind. Will the aid be exclusively by means of subsidised services?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (461) of the Guidelines no aid may be granted for such promotion campaigns.

15. Where the aid is granted in kind, will the aid include direct payments to the beneficiaries?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (462) of the Guidelines the aid can be only paid to the provider of the promotion measures.

16. Will the promotion campaign include promotion activities for the dissemination of scientific knowledge and factual information on quality systems, or on generic

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

agricultural products and on the nutritional benefits of generic products and suggested uses for them, or consumer-targeted promotion campaigns organised in the media or at retail outlets?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (465) of the Guidelines, the mention of any particular undertaking, brand name or origin is not permitted.

17. In the case of consumer-targeted promotion campaigns organised in the media or at retail outlets, will those campaigns be earmarked for products of one or more particular company or companies?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (465) of the Guidelines such earmarking is not permitted.

18. If the answer to question 17 is yes, will the promotion campaign be earmarked for EU-recognised denominations with reference to the origin of the products?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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19. If the answer to question 18 is yes, will the reference to the origin of the products correspond exactly to the references which have been registered by the Union?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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20. Will the promotion campaign be earmarked for products using another quality schemes other than schemes for Union-recognised denomination?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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21. Does the label make any reference to the national origin of the products concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, the Member State must demonstrate that the reference to the origin of the products will be secondary in the message.

22. Is the promotion campaign of generic character and for the benefit of all producers of the type of product concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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23. If the answer to question 22 is yes, will the promotion campaign be carried out without reference to the origin of the products?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 1.3.2. of Chapter 1 of Part II of the Guidelines no aid may be granted for such promotion campaigns.

24. Will the promotion campaign be dedicated directly to the products of particular undertakings or commercial brands?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with Section 1.3.2. of Chapter 1 of Part II of the Guidelines no aid may be granted for such promotion campaigns.

25. The aid intensity in the case of the organization of/and participation in competitions, exhibitions and trade fairs, will be the following:

- up to 100 % (indicate the exact rate: %)

26. The aid intensity in the case of promotion campaigns will be the following:

- up to 50 % (indicate the exact rate: %) for promotion campaigns focussed on quality products because the sector will finance the rest of the campaign itself;
- up to 80 % (indicate the exact rate: %) for promotion campaigns focussed on quality products in third countries;
- up to 100 % (indicate the exact rate: %) because the sector will contribute at least 50 % of the costs, irrespective of the form of the contribution;
- up to 100 % (indicate the exact rate: %) because the promotion campaign is generic and in the benefit of all producers of the type of product concerned.

27. Does the campaign concern promotion measures referred to in Article 45 of Regulation (EU) No 1308/2013?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (470) of the Guidelines, the Commission will consider national payments granted by Member States compatible with the internal market if they comply with the common assessment principles of the Guidelines and with the rules on aid for promotion measures set out in Section 1.3.2. of Chapter 1 of Part II of the Guidelines.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **1.3.3. SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE OUTERMOST REGIONS AND THE SMALLER AEGEAN ISLANDS**

*This form must be used by Member State to notify State aids for the outermost regions and the smaller Aegean islands, as referred to in Section 1.3.3. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

1. Is the proposed aid for the outermost regions and the smaller Aegean Islands related to other provisions set out in the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please complete the Supplementary Information Sheet corresponding the type of aid notified.

If the answer is no, please complete this Supplementary Information Sheet.

2. Does the measure involve the granting of operating aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3. In the case of the outermost regions, is the aid intended to mitigate their specific constraints on farming as a result of their isolation, insularity and extreme remoteness?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 3.1. If the answer to question 3 is yes, please determine the amount of the additional costs resulting from such specific constraints and the method of calculation:

- 3.2. How can the Member State establish the link between the additional costs referred to in question 3.1 and the specific constraints giving rise to them?

4. In the case of the smaller Aegean islands, is the aid intended to mitigate the specific constraints on farming in those islands resulting from their insularity, small size, mountainous terrain and climate, their economic dependency on a small number of products and their distance from the markets?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 4.1. If the answer to question 4 is yes, please determine the amount of the additional costs resulting from such specific constraints and the method of calculation:

- 4.2. How can the Member State establish the link between the additional costs referred to in question 4.1 and the specific constraints giving rise to them?

5. Is the aid intended to offset in part additional transport costs of agricultural products which have been produced in the outermost regions or in the smaller Aegean islands?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 5.1. If the answer to question 5 is yes, will this aid fulfil the conditions set out in points (a) to (d)?

- (a) the beneficiaries have their production activity in the outermost regions or in the smaller Aegean islands;

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (b) the aid is objectively quantifiable in advance on the basis of a fixed sum or per tonne/kilometre ratio or any other relevant unit;
- (c) the additional transport costs are calculated on the basis of the journey of the products inside the national border of the Member State concerned using the means of transport which results in the lowest costs for the beneficiary, taking into account the external costs to the environment;
- (d) for outermost regions, the eligible additional transport costs may include the costs of transporting agricultural products from the place of their production to locations in outermost areas where they are further processed.
- 5.2. If the aid is intended to offset in part the additional transport costs of agricultural products, please provide proof of the existence of those additional costs and the method of calculation used to determine the amount of the additional transport costs<sup>(222)</sup>:
- 5.3. Indicate also what will be the maximum amount of aid (on the basis of an aid-per-kilometre ratio or on the basis of an aid-per-kilometre and aid-per-unit-weight ratio) and the percentage of the additional costs covered by the aid:

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **1.3.4. SUPPLEMENTARY INFORMATION SHEET ON AID FOR AGRICULTURAL LAND CONSOLIDATION**

*This form must be used for the notification of any State aid measure to cover the costs of agricultural land consolidation as described in Section 1.3.4. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Is the aid measure part of a general programme of agricultural land consolidation operations undertaken in accordance with the procedures laid down by the legislation of the Member State?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2. Do the eligible costs include exclusively the legal, administrative and survey costs of land consolidation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that the eligible costs are limited to those listed in point (480) of the Guidelines.

3. What is the planned maximum aid intensity (maximum 100 %)?:

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **1.3.6. SUPPLEMENTARY INFORMATION SHEET ON AID FOR RESEARCH AND DEVELOPMENT IN THE AGRICULTURAL SECTOR**

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

*This form must be used for the notification of any State aid scheme for research and development in the agricultural sector as described in Section 1.3.6. of Chapter 1 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Does the aid concern products listed in Annex I to the Treaty?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, specify the type of agricultural products:

2. Is aided project of interest to all undertakings active in the particular agricultural sector or sub-sector concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, provide evidence:

3. Will the following information be published on the internet prior to the date of commencement of the aided project:

(a) that the aided project is carried out;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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(b) the goals of the aided project;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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(c) an approximate date of the publication of the results expected from the aided project;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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(d) the place of publication on the internet of the results expected from the aided project;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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(e) a reference that the results are available to all undertakings active in the particular agricultural sector or sub-sector concerned at no cost?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer to point (a), (b), (c), (d) or (e) is yes, please provide evidence and give details of the internet address:

4. Are the results of the aided project to be:

(a) made available on the internet from the end date of the aided project or the date on which any information concerning those results is to be given to members of any particular organisation, whatever comes first;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (b) made available on the internet, for a period of at least five years from the end date of the aided project?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer to point (a) or (b) is yes, please provide evidence:

5. Is the aid granted directly to the research and knowledge-dissemination organisation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide evidence:

6. Does the measure involve the provision of aid based on the price of the agricultural products to undertakings active in the agricultural sector?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please provide evidence:

7. Specify the aid intensity (%):

8. Do the eligible costs include the following:

- (a) personnel costs related to researchers, technicians and other supporting staff to the extent employed on the project;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide a description of such costs:

- (b) the costs of instruments and equipment to the extent and for the period used for the project. (Where such instruments and equipment are not used for their full life for the project, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible.);

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide a description of such costs:

- (c) the costs of buildings and land, to the extent and for the duration period used for the project. (With regard to buildings, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible. For land, the costs of commercial transfer or actually incurred capital costs are eligible.);

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide a description of such costs:

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (d) the costs of contractual research, knowledge and patents bought or licensed from outside sources at arm's length conditions, as well as the costs of consultancy and equivalent services used exclusively for the project;

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide a description of such costs:

- (e) additional overheads and other operating costs, including the costs of materials, supplies and similar products, incurred directly as a result of the project.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please provide a description of such costs:

#### **OTHER ELEMENTS TO BE CONSIDERED**

9. Can the aid be combined with other aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please describe the cumulation rules applicable to the notified aid scheme:

Please specify how compliance with the cumulation rules, applicable to the notified aid scheme, will be verified:

*Special conditions for repayable advance*

10. Is the aid to the R & D projects granted in the form of a repayable advance?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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11. If the answer to question 10 is yes, is the aid granted in the form of a repayable advance under the notified aid scheme expressed as gross grant equivalent?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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In addition, please provide the complete methodology applied and the underlining verifiable data on which that methodology has been based:

*Special conditions for tax advantage measures*

12. Is the aid to the R & D projects supported under the notified aid scheme granted in the form of a tax advantage?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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13. If the answer to question 12 is yes, please specify how the aid intensities are calculated:

Please provide details of the calculation method applied:

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

## 2. SUPPLEMENTARY INFORMATION SHEET ON AIDS FOR THE FORESTRY SECTOR

*This form must be used for the notification of any State aid measure<sup>(223)</sup> for the forestry sector covered by Chapter 2 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas (Part III 12) demonstrating the general eligibility conditions for State aid and also the corresponding forestry forms 2.1 to 2.9 depending on the specific type of aid.*

*Please submit information concerning the legal basis provided for in national law, or the draft act providing the legal basis in national law, together with any additional documents, such as calculation methodology, experts opinion, which describe in more details the State aid measure.*

*If aid for the forestry sector is to be granted under Union rules common to all sectors or specific to trade and industry, please use the applicable notification form for those sectors when notifying a State aid measure to DG Competition services.*

### 1. GENERAL ELIGIBILITY CRITERIA

- 1.1. Does the aid meet the objectives and fulfil all the conditions, including the conditions concerning the beneficiaries of aid, laid down in Regulation (EU) No 1305/2013<sup>(224)</sup>, and any implementing and delegated acts adopted pursuant to that Regulation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the Commission will declare State aid for the forestry sector compatible with Article 107(3)(c) of the Treaty only if the aid complies with the conditions laid down in Regulation (EU) No 1305/2013 (except for measures of Sections 2.8 and 2.9 of Chapter 2 of Part II of the Guidelines).

- 1.2. Is the aid intended for investments in energy saving and renewable energies?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 1.2.1. If the answer is yes, does the aid concern investments in energy saving and renewable energies related to the use of wood as a raw material or energy source, which are limited to all working operations prior to industrial processing<sup>(225)</sup>?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that in accordance with point (495) of the Guidelines any aid other than aid for these investments for energy savings and in renewables is excluded from the scope of Chapter 2 of Part II of the Guidelines as such aid should comply with the Guidelines on State aid for environmental protection and energy 2014-2020<sup>(226)</sup>, unless it is exempt from notification obligation.

- 1.3. Please confirm that the aid is not intended for forest based industries

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

## 2. TYPE OF AID

- 2.1.  Investments in forest area development and improvement of the viability of forests.

Please fill in the form.2.1

- 2.2.  Aid for disadvantages related to Natura 2000 forest areas

Please fill in the form.2.2

- 2.3.  Aid for forest-environment and climate services and forest conservation

Please fill in the form 2.3

- 2.4.  Aid for knowledge transfer and information actions in the forestry sector

Please fill in the form 2.4

- 2.5.  Aid for advisory services in the forestry sector

Please fill in the form 2.5

- 2.6.  Aid for cooperation in forestry sector

Please fill in the form 2.6

- 2.7.  Start-up aid for producer groups and organisations in the forestry sector

Please fill in the form 2.7

- 2.8.  Other aid to the forestry sector with ecological, protective and recreational objectives

Please fill in the form 2.8

- 2.9.  Aid in the forestry sector aligned with the agricultural aid measures

Please fill in the forms 2.9.1. or 2.9.2.

## 3. ELIGIBLE BENEFICIARIES

- 3.1. Does the aid cover EAFRD co-financed rural development measure?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note the only beneficiaries that can be eligible for aid are those who are listed in Regulation (EU) No 1305/2013 concerning the respective rural development measure. Please describe the eligible beneficiaries:

- 3.2. For aid measures which are not co-financed from EAFRD, but financed exclusively from national resources, please describe the eligible beneficiaries:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

3.3. In the case of aid measures covered by Section 2.1.5 or Section 2.7 of Chapter 2 of Part II of the Guidelines, please confirm if SMEs can be the only beneficiaries of the aid:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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For measures covered by Section 2.1.5 of Chapter 2 of Part II of the Guidelines, aid may also be granted to private forest holders, municipalities and their associations.

2.1. INVESTMENTS IN FOREST AREA DEVELOPMENT AND IMPROVEMENT OF THE VIABILITY OF FORESTS

1.1. Is aid conditional on the submission of a forest management plan or equivalent instrument as required in accordance with Regulation (EU) No 1305/2013 in the case of EAFRD co-financed aid forming part of a rural development programme?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.2. If the answer is yes, please provide detailed information concerning that requirement, such as, when it is required, the size of forest holding, a description on rural development programme:

2. Please indicate whether the eligible costs concern the following:

- (a) the construction, acquisition, including leasing, or improvement of immovable property with land purchased only being eligible to an extent not exceeding 10 % of the total eligible costs of the operation concerned; in exceptional and duly justified cases, the limit may be raised above the percentage for operations concerning environmental conservation;
- (b) the purchase or lease purchase of machinery and equipment up to the market value of the asset;
- (c) the general costs linked to the expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including the feasibility studies. The latter remain eligible even where, based on their results, no expenditure under two points (a) and (b) is incurred;
- (d) the acquisition or development of computer software and acquisitions of patents, licences, copyrights and trademarks;
- (e) the costs of establishing forest management plans and their equivalent instrument.
- (f) other costs related to the specific forestry measure (such as one-off interventions), that are consistent with the rules laid down in Regulation (EU) No 1305/2013. Please describe those other costs and justify how they relate to the objective and nature of the given forestry measures:

3. Please confirm that aid will not be granted for:

- (a) working capital;
- (b) other costs connected to leasing contracts, such as lessor's margin, interest refinancing costs, overheads and insurance charges.

4. Please indicate whether the aid concerns:

- 4.1.  **Aid for afforestation and creation of woodland.(Section 2.1.1 of the Guidelines)**

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4.1.1. Please indicate whether the eligible costs concern:

- (a) the establishment of forest and woodland on
- agricultural or
- non-agricultural land
- (b) an annual premium per hectare to cover the costs of agricultural income foregone and maintenance, including early and late cleanings, for a maximum period of 12 years.

Please provide more information as to amounts of aid and the calculation methods:

4.1.2. For EAFRD co-financed aid forming part of a rural development programme, are the beneficiaries of such aid public and private land-holders and their associations?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, aid for establishment costs and the annual premium can be granted.

4.1.3. Can the Member State confirm that the aid only covers the establishment costs in the case of:

- (a) afforestation of land owned by public authorities,
- or
- (b) fast growing trees.

4.1.4. Can the Member State confirm that in the case of state-owned land, aid can be granted if the body managing such land is a private body or municipality?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.1.5. If there are beneficiaries of aid other than those listed in Regulation (EU) No 1305/2013, can the Member State confirm that the aid is not an EAFRD co-financed measure, but funded only from national resources:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.1.6. Please confirm that no aid will be granted for the planting of trees for short rotation coppicing, Christmas trees or fast growing trees for energy production:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.1.7. Please confirm that the species planted are adapted to the environmental and climatic conditions of the area and comply with minimum environmental requirements.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.1.8. Please confirm, and demonstrate with additional description and information, that the aid complies with the following minimum environmental requirements:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (a) the selection of species to be planted, of areas and of methods to be used must avoid the inappropriate afforestation of sensitive habitats such as peat lands and wetlands and negative effects on areas of high ecological value including areas under high natural value farming. On sites designated as Natura 2000 pursuant the Habitats Directive and the Birds Directive only afforestation consistent with the management objectives of the sites concerned and agreed with the Member State's authority in charge of implementing Natura 2000 must be allowed;
- (b) the selection of species, varieties, ecotypes and provenances of trees must take account of the need for resilience to climate change and to natural disasters and the pedologic and hydrologic condition of the area concerned, as well as of the potential invasive character of the species under local conditions. The beneficiary must be required to protect and care for the forest at least during the period for which the premium for agricultural income foregone and maintenance is paid. This must include tending, thinning or grazing, as appropriate, in the interest of the future development of the forest and regulating competition with herbaceous vegetation and avoiding the building up of fire prone undergrowth material. As regards fast-growing species, the Member State must define the minimum and maximum time before felling. The minimum time must not be less than eight years and the maximum must not exceed 20 years;
- (c) in cases where, due to difficult environmental or climatic conditions, including environmental degradation, the planting of perennial woody species cannot be expected to lead to the establishment of forest cover as defined under the applicable national legislation, the Member State may allow the beneficiary to establish other woody vegetation cover. The beneficiary must provide the same level of care and protection as applicable to forests;
- (d) in the case of afforestation operations leading to the creation of forests of a size exceeding a certain threshold, to be defined by Member States, the operation must consist of either:
  - (i) the exclusive planting of ecologically adapted species and/or species resilient to climate change in the bio-geographical area concerned, which have not been found, through an assessment of impacts, to threaten biodiversity and ecosystem services, or to have a negative impact on human health; or
  - (ii) a mix of tree species which includes either at least 10 % of broadleaved trees by area, or a minimum of three tree species or varieties, with the least abundant making up at least 10 % of the area.

4.1.9. Please confirm that, in areas where afforestation is made difficult by severe pedo-climatic conditions, aid may be provided for planting other perennial woody species such as shrubs or bushes suitable to the local conditions.

4.1.10. Is aid limited to 100 % of the eligible costs?

□	yes	□	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4.2.  **Aid for the establishment of agro-forestry systems.(Section 2.1.2. of the Guidelines)**

4.2.1. Please confirm that aid may be granted for establishing land use systems in which trees are grown in combination with agriculture on the same land as defined in point (35)65. of the Guidelines.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please describe the aid measure:

4.2.2. Please confirm that in the case of EAFRD co-financed aid, forming part of a rural development programme, aid may only be granted to private land-holders, municipalities and their associations.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.2.3. If there are eligible beneficiaries other than those referred to in question 4.2.2, please confirm that the aid measure is financed exclusively from national resources:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.2.4. Please indicate whether the eligible costs concern the following:

(a) the establishment of an agro-forestry system.

If the answer is yes, is the aid limited to 80 % of the eligible investment costs for the establishment of agro-forestry systems?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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(b) an annual premium per hectare for maintenance.

If the answer is yes, is the aid limited to 100 % of the annual premium?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.2.5. Please define the duration of the maximum period (with a maximum period of time of five years):

4.2.6. Please state the minimum and maximum number of trees per hectare to be planted, and demonstrate that it takes into account the local pedo-climatic conditions and environmental conditions, forestry species and the need to ensure sustainable agricultural use of the land.

4.3.  **Aid for the prevention and restoration of damage to forests from forest fire, natural disasters, adverse climatic events which can be assimilated to natural disaster, other adverse climatic events, plant pests and catastrophic events.(Section 2.1.3. of the Guidelines)**



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4.3.1. In the case of EAFRD co-financed aid, forming part of a rural development programme, please confirm that the aid may only be granted to private and public forest holders and to other private and public bodies and their associations.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.3.2. If there can be other beneficiaries than those referred in question 4.3.1, please confirm that the aid is financed exclusively from national resources:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.3.3. Please indicate whether the eligible costs concern:

(a) the establishment of protective infrastructure (in the case of firebreaks it may also cover maintenance costs);

Please confirm that no aid will be granted for agricultural related activities in areas covered by agri-environment-climate commitments.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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(b) local, small scale prevention activities against fire or other natural hazards, including the use of grazing animals;

(c) establishing and improving forest fire, pest and diseases monitoring facilities and communication equipment;

(d) restoring forest potential damaged by fires, natural disasters, adverse climatic events which can be assimilated to a natural disaster, other adverse climatic events, plant pests, catastrophic events and climate change related events.

4.3.4. Please confirm that there has been a formal recognition by the competent public authorities that an event referred to in point (d) of question 4.3.3 has occurred and that either this event, or measures adopted in accordance with Directive 2000/29/EC to combat, eradicate or contain harmful organisms, has caused the destruction of at least 20 % of the relevant forest potential.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.3.5. In the case of aid for the prevention of damage to a forest from plant pests, please provide the scientific evidence and the acknowledgement by a scientific public organisation of the risk of the occurrence of the plant pest. Where relevant, please provide the list of harmful organisms which may cause the plant pest.

4.3.6. Please confirm that the eligible operations are consistent with the forest protection plan established by the Member State and especially with the prevention and restoration actions provided in the forest protection plan.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4.3.7. Is the area concerned classified as a medium to high forest fire risk according to the forest protection plan established by the Member State?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, it shall be eligible for aid for prevention of fire.

4.3.8. Please confirm that no aid will be granted for the loss of income resulting from fires, natural disasters, an adverse climatic event which can be assimilated to a natural disaster, other adverse climatic events, plant pests, catastrophic events and climate change related events.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.3.9. Is the aid targeted at restoration of damage due to plant pests?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.3.10. If the answer to question 4.3.9 is yes, has the Member State implemented the provisions of Article 14(1) of Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides and Article 55 of Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.3.11. Is the aid for the costs referred to in question 4.3.3 limited to 100 % of the eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.3.12. Please describe what measures will be taken to prevent the overcompensation, in particular to ensure that aid granted for the eligible costs and any other payments received by the beneficiary, including payments under other national or Union measures or insurance policies for the same eligible costs are limited to 100 %.

4.4.  **Aid for investments improving the resilience and environmental value of forest ecosystems.(Section 2.1.4. of the Guidelines)**

4.4.1. For EAFRD co-financed aid forming part of a rural development programme, please confirm that the aid may only be granted to natural persons, private and public forest holders and other private and public bodies and their associations.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.4.2. In the case of beneficiaries other than those referred to in question 4.4.1, please confirm that the measure is financed exclusively from national resources:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.4.3. Please indicate whether the eligible costs concern the following:

- (a) the achievement of commitments undertaken for environmental aims for the provisions of ecosystem services;
- (b) the enhancement of the public amenity value of forests and woodland in the area concerned;
- (c) the improvement of the climate change mitigation potential of ecosystems.

If there is any economic benefit in the long term, please describe it:

4.4.4. Is the aid limited to 100 % of the eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.5.  **Aid for investments in forestry technologies and in processing, in mobilising and in marketing of forest products.(Section 2.1.5. of the Guidelines)**

4.5.1. Please confirm compliance with the minimum standards for energy efficiency, where such standards exist at national level, for supported investments in renewable energy infrastructures, that consume or produce energy.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please describe any such minimum standards and their application to the measure:

4.5.2. If the investments concern installations, the primary purpose of which is electricity production from biomass, please confirm that a minimum percentage of heat energy produced is utilised.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please describe any such requirements concerning the minimum percentage of heat energy utilization and their application to the measure:

4.5.3. Is aid to bioenergy projects limited to bioenergy meeting the applicable sustainability criteria laid down in Union legislation, including in Article 17(2) to (6) of Directive 2009/28/EC?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please describe any such requirements and their application to the measure:

4.5.4. Please confirm that aid may be granted only to private forest holders, municipalities and their associations or SMEs or also to undertakings that are not SMEs in the territories of Azores, Madeira, the Canary islands, the smaller Aegean islands within the meaning of Regulation (EU) No 229/2013<sup>(227)</sup> and the French overseas departments.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.5.5. Please describe the eligible beneficiaries:

4.5.6. Please indicate whether the eligible costs concern the following:

- (a) investments enhancing forestry potential:
- (i) investments for soil and resource friendly harvesting machinery and practices;
- (ii) other investments.
- (b) processing mobilising and marketing adding value to forest products.

4.5.7. Please describe the measure in more details:

4.5.8. If investments are related to the improvement of the economic value of forests, please provide justification in relation to the expected improvements to forests on one or more holdings and please specify whether investments for soil-friendly and resource-friendly harvesting machinery and practices are included:

4.5.9. In case investments are related to the use of wood as a raw material or energy source, are those investments limited to all working operations prior to industrial processing?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.5.10. Please indicate whether aid intensities are the following:

(a) Is the aid limited to 75 % of the amount of the eligible costs in the outermost regions or in the smaller Aegean islands?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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(b) Is the aid limited to 50 % of the amount of the eligible costs in less developed regions and in all regions whose GDP per capita for the period from 1 January 2007 to 31 December 2013 was less than 75 % of the average of the EU-25 for the reference period but whose GDP per capita is above 75 % of the GDP average of the EU-27?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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(c) Is the aid limited to 40 % of the amount of the eligible costs in other regions?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.6.  **Aid for investments in infrastructure related to the development, modernisation or adaptation of forestry.(Section 2.1.6. of the Guidelines)**

4.6.1. Please indicate whether the eligible costs concern the following:

- (a) investment in:
- (i) tangible assets and/or
- (ii) intangible assets.
- (b) infrastructure related to the following:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (i) the development of forests;
      - (ii) the modernisation of forests;
      - (iii) the adaptation of forests.
  - (c) the investments include:
    - (i) access to forest land;
    - (ii) land consolidation and improvement;
    - (iii) the supply and saving of energy and water.
- 4.6.2. Please describe the measure in more details:
- 4.6.3. Please indicate if aid intensities are the following:
- (a) Is the aid limited to 100 % of the eligible costs in the case of:
- (i) non-productive investments;
  - (ii) investments aimed exclusively at improving the environmental value of forests;
  - (iii) investments for forest roads, which are open to the public free of charge and which serve the multifunctional aspects of forest?
- |                          |     |                          |    |
|--------------------------|-----|--------------------------|----|
| <input type="checkbox"/> | yes | <input type="checkbox"/> | no |
|--------------------------|-----|--------------------------|----|
- (b) In the case of investments, improving the short- or long-term economic potential of forests, is the aid limited to 75 % of the amount of the eligible costs in the outermost regions or in the smaller Aegean islands?
- |                          |     |                          |    |
|--------------------------|-----|--------------------------|----|
| <input type="checkbox"/> | yes | <input type="checkbox"/> | no |
|--------------------------|-----|--------------------------|----|
- (c) In the case of investments, improving the short- or long-term economic potential of forests, is the aid limited to 50 % of the amount of the eligible costs in less developed regions and in all regions whose GDP per capita for the period from 1 January 2007 to 31 December 2013 was less than 75 % of the average of the EU-25 for the reference period but whose GDP per capita is above 75 % of the GDP average of the EU-27?
- |                          |     |                          |    |
|--------------------------|-----|--------------------------|----|
| <input type="checkbox"/> | yes | <input type="checkbox"/> | no |
|--------------------------|-----|--------------------------|----|
- (d) In the case of investments, improving the short-or long-term economic potential of forests, is the aid limited to 40 % of the amount of the eligible costs in other regions?
- |                          |     |                          |    |
|--------------------------|-----|--------------------------|----|
| <input type="checkbox"/> | yes | <input type="checkbox"/> | no |
|--------------------------|-----|--------------------------|----|
- (e) In the case of investments in access to forest land are supported, please indicate the average density of forest paths/roads in the area concerned before and after the investment (in metre/hectare)

**OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

**2.2. AID FOR DISADVANTAGES RELATED TO NATURA 2000 FOREST AREAS**

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 1.1. In the case of EAFRD co-financed rural development measures, please confirm that aid may only be granted to private forest holders and/or associations of private forest holders:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 1.2. If there are eligible beneficiaries other than those referred to in question 1.1, please confirm that the measure is financed exclusively from national resources:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2. Is the aid granted annually and per hectare of forest?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3. Please indicate the areas concerned by the following:

- (a) Natura 2000 forest areas designated in accordance with the Habitats Directive and the Birds Directive;
- (b) other delimited nature protection areas with environmental restrictions applicable to forests which contribute to the implementation of Article 10 of the Habitats Directive; provided that, where the measure is co-financed by EAFRD as a rural development measure, per rural development programme, those areas do not exceed 5 % of the designated Natura 2000 areas covered by its territorial scope; for aid measures financed exclusively from national funds, this latter territorial restriction does not apply.

4. Please indicate the eligible costs:

- (a) additional costs incurred due to the implementation of the Habitats Directive and the Birds Directive;
- (b) income foregone resulting from the disadvantages in the areas concerned.

Please describe the calculation methodology:

5. Please indicate the amount per hectare per year:

Please note that aid under this measure is limited to EUR 500 per hectare per year maximum in the initial period not exceeding five years and EUR 200 per hectare per year maximum thereafter. If the maximum amounts are higher, please justify those higher aid amounts, taking into account and describing the specific circumstances as described in the rural development programme or otherwise (where the measure is financed exclusively from national resources):

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

- 2.3. AID FOR FOREST-ENVIRONMENT AND CLIMATE SERVICES AND FOREST CONSERVATION

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

## 1. COMMON PROVISIONS

- 1.1. In the case of EAFRD co-financed aid forming part of a rural development programme, please confirm that the aid may only be granted to public and private forest holders and to other private law and public bodies and their associations and that in the case of state-owned forests, aid may only be granted if the body managing such a forest is a private body or a municipality:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 1.1.1. If there are beneficiaries of aid other than those referred to in question 1.1, please confirm that the aid is financed exclusively from national resources:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 1.1.2. In the case of aid for the conservation and promotion of forest genetic resources please specify the eligible beneficiaries:

<input type="checkbox"/>	(a) public entities	<input type="checkbox"/>	(b) private entities
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Please provide more information on the eligible beneficiaries:

- 1.2. Please describe the voluntary commitment(s) to be undertaken and indicate whether they go beyond the relevant mandatory requirements established by the national forestry act or other relevant national legislation.

Please indicate:

- (a) the relevant mandatory requirements as identified in the rural development programme, in the case of an RDP measure:
- (b) in the case of aid measures financed exclusively from national funds, the relevant mandatory requirements and describe them in more details or in attached documentation:
- (c) Please state the duration period of the commitments undertaken (between 5 to 7 years):
- (d) If the duration of the commitment period is longer, please justify why it is considered necessary in the case of the particular type of commitment.

- 1.3. Please indicate whether the eligible costs concern the payments for the following:

- (a) compensating beneficiaries for additional costs (all or in part) resulting from the voluntary commitments;
- (b) compensating beneficiaries for income foregone resulting from the voluntary commitments made;
- Please state the amount:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (c) covering transaction costs up to a value of 20 % of the premium paid for the forest-environment voluntary commitments. Please state the reasons why this is necessary:
- (d) for operations concerning environmental conservation, in these cases, aid may be granted as a flat-rate or one-off payment per unit for voluntary commitments to renounce the commercial use of trees and forests, calculated on the basis of additional costs incurred and income foregone.

Please describe the calculation methodology:

1.4. Is aid granted per hectare of forest?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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In the case of EAFRD co-financed aid forming part of a rural development programme, is the aid for forest holdings above a certain threshold (defined by the Member State) conditional on the submission of a forest management plan or equivalent instrument in line with sustainable forest management?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please refer to the relevant information from a forest management plan or equivalent instrument in line with sustainable forest management as defined by the Ministerial Conference on the protection of Forests in Europe of 1993<sup>(228)</sup>.

1.5. Is the aid limited to the maximum amount of EUR 200 per hectare per year (except for aid described under question 1.6)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the amount is higher than EUR 200 per hectare per year, please provide justification for that higher amount, taking into account specific circumstances justified in the rural development programmes (in the case of a rural development programme measure) or otherwise in this notification.

1.6. Is the aid granted for operations for the conservation of genetic resources?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please confirm whether the operations include the following:

- (a) targeted actions: actions promoting the in situ and ex situ conservation, characterisation, collection and utilisation of genetic resources in forestry, including web-based inventories of genetic resources currently conserved in situ, including on-forest holding conservation, and of ex situ collections and databases;
- (b) concerted actions: actions promoting the exchange of information for the conservation, characterisation, collection and utilisation of genetic resources in Union forestry, among competent organisations in the Member States;



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (c) accompanying actions: information, dissemination and advisory actions involving non-governmental organisations and other relevant stakeholders, training courses and the preparation of technical reports.

Please describe in more detail the operations concerning the conservation and promotion of forest genetic resources referred to in points (a), (b) and (c):

- 1.7. Is the aid limited to 100 % of the eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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## 2. REVISION CLAUSE

- 2.1. Is a revision clause provided for the operations included in this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (724) of the Guidelines, the Member State is required to provide a revision clause in order to ensure the adjustment of the operations in the case of amendments of the relevant mandatory standards, requirements or obligations referred to in Section 2.3. of Chapter 2 of Part II of the Guidelines beyond which the commitments referred to in that Section have to go.

- 2.2. Does this aid extend beyond the rural development programming period 2014-2020?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (725) of the Guidelines, a revision clause in order to allow for the adjustment of the operations to the legal framework of the following programming period must be included.

## OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### 2.4. SUPPLEMENTARY INFORMATION SHEET ON AID FOR KNOWLEDGE TRANSFER AND INFORMATION ACTIONS IN THE FORESTRY SECTOR

#### 1. COMMON PROVISIONS

- 1.1. Please specify who are the beneficiaries of the aid:

- 1.2. Is the aid available to all those eligible in the area concerned based on objectively defined conditions?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 1.3. Where the provision of knowledge transfer and information actions is undertaken by producer groups or other organisations is membership of such producer groups or organisations a condition for access to the service?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the aid cannot be declared compatible with the internal market.

- 1.4. Is the contribution of non-members towards the administrative costs of the producer group or organisation concerned limited to the costs of providing the service?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

## 2. AID FOR KNOWLEDGE TRANSFER AND INFORMATION ACTIONS

- 2.1. Which of the following types of aid can be financed by the aid scheme or individual measure?

- (a) vocational training and skills acquisitions, including training courses, workshops and coaching;
- (b) demonstration activities;
- (c) information actions;
- (d) aid to cover short-term forest management exchange and forest visits.

- 2.2. Which of the following eligible costs does the aid measure cover?

- (a) the costs of organising the vocational training, skills acquisition actions, demonstration activities or information actions;
- (b) the costs of travel, accommodation and per diem expenses of the participants;
- (c) the costs of the provision of replacement services during the absence of the participants;
- (d) the costs related to demonstration projects.

- 2.3. In the case of demonstration projects, do eligible investment expenses include the following?

- (a) the construction, acquisition, including leasing, or improvement of immovable property, with land only being eligible to an extent not exceeding 10 % of total eligible costs of the operation concerned;
- (b) the purchase or lease purchase of machinery and equipment up to the market value of the asset;
- (c) the general costs linked to the expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies;
- (d) the acquisition or development of computer software and acquisitions of patents, licenses, copyrights and trademarks.

Please note that the eligible costs are limited to those listed in points (293) and (565) of the Guidelines.

- 2.4. Do the feasibility studies remain eligible expenditure even where, based on their results, no expenditure under point (293)(d)(i) and (ii) of the Guidelines is incurred?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.5. Is the duration and the content of the short-term forest management exchanges and forest visits defined?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please provide the details either:

- from the rural development programme:
- or hereby, in this notification form:

2.6. What is the focus of those schemes and exchanges?

- (a) sustainable forestry methods and/or technologies
- (b) the development of new business opportunities
- (c) the development of new technologies
- (d) the improvement of forest resilience
- (e) other, please specify:

2.7. Do the bodies providing knowledge transfer and information services have the appropriate capacities in the form of staff qualifications and regular training to carry out those tasks?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.8. The aid will be granted:

- (a) in kind by means of subsidized services;
- (b) in the form of direct payments of money to beneficiaries only in the form of reimbursement of the costs of travel, accommodation and per diem expenses of the participants?

Please note that the aid referred to in point (293)(a) and point (293)(d)(i) to (iv) of the Guidelines must not involve direct payments to the beneficiaries.

2.9. Will the recipient of the aid referred to in point (293)(a) and point (293)(d)(i) to (iv) of the Guidelines be the provider of the knowledge transfer and information action?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2.10. Please state the maximum aid intensity (maximum 100 %)

### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

2.5. SUPPLEMENTARY INFORMATION SHEET ON AID FOR ADVISORY SERVICES IN THE FORESTRY SECTOR

#### **1. COMMON PROVISIONS**

1.1. Who are the beneficiaries of the aid, please specify:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 1.2. Is the aid available to all those eligible in the area concerned based on objectively defined conditions?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 1.3. Where the provision of advisory services is undertaken by producer groups or other organisations, is membership of such groups or organisations a condition for access to the service?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

If the answer is yes, please note that the aid cannot be declared compatible with the internal market.

- 1.4. Is the contribution of non-members towards the administrative costs of the group or organisation concerned limited to the costs of providing the service?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

If the answer is no, please note that the aid cannot be declared compatible with the internal market.

## 2. AID FOR ADVISORY SERVICES

- 2.1. Which of the following types of aid can be financed by the aid scheme/individual measure<sup>(229)</sup>?

- (a) help undertakings active in the forestry sector benefit from the use of advisory services for the improvement of the economic and environmental performance as well as the climate friendliness and resilience of their holding, enterprise and/or investment;
- (b) advice on other issues.

Please describe the envisaged measures:

- 2.2. Advice to undertakings in the forestry sector will cover as a minimum one of the following elements:

- (a) the relevant obligations under the
- Habitats Directive
  - Birds Directive
  - Water Framework Directive;
- (b) issues linked to the economic and environmental performance of the forest holding;
- (c) any other issues, such as:

- 2.3. The aid is granted to the advisory services provider and does not involve direct payments to undertakings active in the forestry sector (beneficiaries):

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2.4. Do the bodies selected to provide advice have the appropriate resources in the form of regularly trained and qualified staff and advisory experience and reliability with respect to the fields they advise in?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2.5. Is the advice partly provided in group?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please provide justification where advice is provided partly in group, taking into account the situation of the individual user of advisory services:

2.6. Is the amount of aid limited to EUR 1 500 per advice?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2.7. When providing advice, do advisory service providers undertake to respect the non-disclosure obligations referred to in Article 13(2) of Regulation (EU) No 1306/2013?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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## OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

2.6. SUPPLEMENTARY INFORMATION SHEET ON AID FOR COOPERATION IN FORESTRY SECTOR

*This form must be used for the notification of any State aid measure whose aim is the cooperation in the forestry sector as described by section 2.6 of the EU Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014-2020 ('the Guidelines'). For aid for cooperation in the forestry sector related to horizontal and vertical cooperation among supply chain actors in the sustainable production of biomass for energy production and industrial processes and for rural tourism, the form covering Section 3.10 of Part II of the Guidelines must be filled in.*

### 1. TYPE OF AIDS

1.1. The cooperation involves at least:

- two entities in the forestry sector;
- one entity in the forestry sector and one in the agricultural sector.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

1.2. The aid is granted in order to promote forms of cooperation benefitting the forestry sector, and in particular involves:

- (a) cooperation approaches among different actors in the forestry sector and other actors active in the forestry sector that contribute to achieving the objectives and priorities of rural development policy, including producer groups, cooperatives and inter-branch organisation;
- (b) the creation of clusters and networks in the forestry sector;
- (c) the establishment and operation of operational groups of the EIP for forestry productivity and sustainability as referred to in Article 56 of Regulation (EU) No 1305/2013.

## 2. ELIGIBLE COSTS AND AID INTENSITY

2.1. The aid will be granted for cooperation relating to the following activities:

- (a) pilot projects;
- (b) the development of new products, practices, processes and technologies in the forestry sector;
- (c) cooperation among small operators in organising joint work processes and sharing facilities and resources;
- (d) horizontal and vertical cooperation among supply chain actors for the establishment of logistic platforms to promote short supply chains and local markets;
- (e) promotion activities in a local context relating to the development of short supply chain and local markets;
- (f) joint action undertaken with a view to mitigating or adapting to climate change;
- (g) joint approaches to environmental projects and ongoing environmental practices including efficient water management, the use of renewable energy and the preservation of agricultural landscapes;
- (h) horizontal and vertical cooperation among supply chain actors in the sustainable production of biomass for use in food production if the result is a forestry product and energy production for own consumption;
- (i) drawing up of forest management plan or equivalent instrument;
- (j) implementation, in particular by groups of public and private partners other than those defined in point (b) of Article 32(2) of Regulation (EU) No 1303/2013, of local development strategies other than those defined in Article 2(19) of Regulation (EU) No 1303/2013 addressing one or more of the Union priorities for rural development.

2.2. In the case of aid for the creation of clusters and networks, will it be granted only to newly formed clusters and networks and those commencing an activity that is new to them?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

If the answer is no, please note that under the Guidelines this aid cannot be granted.

2.3. Aid for pilot projects and the development of new products, practices, processes and technologies in the forestry sector may be granted also to individual actors. Where aid is granted to individual actors, will the results of the supported project or activity be disseminated?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that under the Guidelines this aid cannot be granted.

2.4. Will the aid comply with the relevant provisions of competition law, in particular with Articles 101 and 102 of the Treaty?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (706) of the Guidelines no aid may be granted.

If the answer is yes, please explain how this compliance will be ensured.

2.5. Aid may be granted to cover the following eligible costs in so far as they concern activities in the forestry sector:

- (a) the costs of studies of the area concerned, feasibility studies, and the drawing up of a business plan or a forest management plan or equivalent or local development strategy other than the one referred to in Article 33 of Regulation (EU) No 1303/2013;
- (b) the costs of animation of the area concerned in order to make feasible a collective territorial project or a project to be carried out by an operational group of the EIP for forestry productivity and sustainability as referred to in Article 56 of Regulation (EU) No 1305/2013; in the case of clusters animation may also concern the organisation of training, networking between members and the recruitment of new members;
- (c) the running costs of cooperation, such as the salary of a ‘coordinator’;
- (d) the direct costs of specific projects linked to the implementation of a business plan, environmental plan or a forest management plan or equivalent, a local development strategy other than the one referred to in Article 33 of Regulation (EU) No 1303/2013 or other actions aiming at innovation including testing; the related direct costs must be limited to the eligible costs and the maximum aid intensities of investment aid in the forestry sector, as specified in Section 2.1 of Part II of the Guidelines on investment aid;
- (e) the costs of promotion activities.

2.6. Is the aid limited to a maximum period of seven years except for collective environmental action in duly justified cases?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please provide the justification for collective environmental actions exceeding seven years:

2.7. The aid is granted up to: % of the eligible costs (maximum: 100 %, with the exception of direct costs).

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

2.7. START-UP AID FOR PRODUCER GROUPS AND ORGANISATIONS IN THE FORESTRY SECTOR

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

1. Please confirm that the aid is granted only to producer groups and organisations which are SMEs and that no aid is granted either to 1) production organisations, entities or bodies, such as companies or cooperatives, the objective of which is the management of one or more forestry holdings and which are therefore in effect a single producer or 2) other forestry associations which undertake tasks, such as mutual support and forestry management services, in the members' holding without being involved in the joint adaptation of supply to the market.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

Please note that the Commission does not authorize aid under Section 2.7 of Part II of the Guidelines in favour of large enterprises.

2. Please confirm that the agreements, decisions and concerted practices concluded in the framework of the producer group or organisation comply with the relevant provisions of competition law, and in particular with Article 101 and 102 of the Treaty.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3. Have producer groups or organisations been officially recognised by the competent authority of the Member State concerned on the basis of a submission of a business plan?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4. Is the Member State obliged to verify that the objectives of the business plan have been reached within a period of five years from the date of recognition of the producer group or organisation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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5. If the aid is financed exclusively from national resources, please indicate whether the eligible costs concern:

- (a) the rental of suitable premises,  
 (b) the acquisition of office equipment, including computer hardware and software, administrative staff costs, overheads and legal and administrative fees.

6. Where premises mentioned in question 5 are purchased, will the costs be limited to rental costs at market rates?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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7. If the aid is financed exclusively from national resources, have the costs been incurred after the fifth year after recognition of the producer group or organisation by the competent authority on the basis of its business plan?



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

If the answer is yes, please note that under the Guidelines this aid cannot be granted.

8. If the aid is granted as part of the RDP or as additional national financing for a rural development measure, is it calculated on the basis of the average marketed production of the group or organisation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

Please note that in the absence of the data on the marketed production of the group or organisation, the support in the first year shall be calculated on the basis of the average marketed production of the members of the group or organisation over the last five years before the recognition, excluding the highest and the lowest value.

9. If the aid is granted as part of the RDP or as additional national financing for a rural development measure, is the aid paid as a flat rate aid in annual instalments for the first five years from the date on which the producer group or organisation was officially recognised by the competent authority on the basis of its business plan, and is degressive?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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10. Where the aid is paid in annual instalments, does the Member State pay the last instalment only after having verified the correct implementation of the business plan?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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11. Is the maximum intensity 100 % of eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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12. Please confirm that the total amount of aid is limited to EUR 500 000.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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13. In case of providing aid directly to producers to offset their contributions to the cost of running the group or organisations during the first five years following the formation of the group or organisation, can you confirm that the aid may be granted up to the same overall amount?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

## 2.8. OTHER AID TO THE FORESTRY SECTOR WITH ECOLOGICAL, PROTECTIVE AND RECREATIONAL OBJECTIVES

### 1. COMMON PROVISIONS

1.1. Please describe how the measures directly contribute to maintaining or restoring the ecological, protective and recreational functions of forests, biodiversity and a healthy forest ecosystem. Those objectives must be the primary objectives of the aid measure.

1.2. Please confirm that no aid will be granted to forest based industries or for commercially viable extraction of timber or for transportation of timber or the processing of wood or other forestry resources into products or for energy generation.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 2.8 of Part II of the Guidelines those aids are not compatible with the internal market.

1.3. Please confirm that no aid will be granted for felling the primary purpose of which is the commercially viable extraction of timber or for restocking where the felled trees are replaced by equivalent ones.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 2.8 of Part II of the Guidelines those aids are not compatible with the internal market.

1.4. Is aid granted to undertakings active in the forestry sector?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.5. Please explain why the measures falling under Section 2.8 of Part II of the Guidelines aiming for ecological, recreational and protective objectives cannot be achieved with the application of the rural development like forestry measures in sections 2.1 to 2.7 of Part II of the Guidelines (point (63) of the Guidelines):

### 2. SPECIFIC PROVISIONS

2.1. Please confirm that the aid complies with the common assessment principles and the common provisions applicable to Section 2.8 of Part II of the Guidelines.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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### 3. SECTION 2.8.1.

Aid for specific forest actions and interventions with the primary objective to contribute to maintaining or to restoring forest ecosystem and biodiversity or the traditional landscape.

3.1. Please confirm that the primary objective of aid for planting, pruning, thinning and felling of trees and other vegetation in existing forests, the removal of fallen trees, and the planning costs of such measures, aid for the costs of treating and preventing the

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

spreading of pests and tree diseases and aid to make good the damage caused by the pests and tree diseases, is to contribute to maintaining or to restoring forest ecosystem and biodiversity or the traditional landscape.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3.2. Please describe the measure in more details:

3.3. Does the aid for the costs of treating and preventing the spreading of pests and tree diseases and aid to make good the damage caused by the pests and tree diseases include the following costs?

- (a) preventive and treatment measures, including soil preparation for replanting, and the products, appliances and materials necessary for such measures. Biological, physical and other non-chemical mechanical prevention and treatment methods must be preferred to chemical methods, unless it can be shown that such methods are not sufficient to provide satisfactory control over the disease or pest in question;
- (b) loss of stock and restocking costs up to the market value of the stock destroyed on the order of the authorities to fight the disease or pest in question. When calculating the increment loss, the potential increment of the stock destroyed until the normal felling age may be taken into consideration.

3.4. The maximum intensity: (up to 100 % of eligible costs).

#### 4. SECTION 2.8.2.

Aid for maintaining and improving the soil quality and ensuring a balanced and healthy tree growth in the forestry sector.

4.1. Is aid granted for maintaining and improving the soil quality in forests and ensuring balanced and healthy tree growth?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.2. Please describe the measure in more details:

4.3. Do the measures include soil improvement by fertilisation and other treatments to maintain its natural balance, reducing excessive vegetation density and ensuring sufficient water retention and proper drainage, including their planning costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4.4. Please explain how it is ensured that the measures do not reduce biodiversity, cause nutrient leaching or adversely affect natural water ecosystems or water protection zones.

4.5. Are planning costs covered?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4.6. The maximum intensity: (up to 100 % of eligible costs)

5. **SECTION 2.8.3.**

Aid for restoration and maintenance of natural pathways, landscape elements and features and natural habitat for animals in the forestry sector.

5.1. Are the eligible costs linked to restoration and maintenance of natural pathways, landscape elements and features and the natural habitat for animals, including planning costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

5.2. Please describe the measure and eligible costs in more details:

5.3. Please confirm that measures aiming at the implementation of the Habitats Directive and the Birds Directive are excluded from this type of aid (those measures must be covered by the form related to Section 2.2).

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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5.4. The maximum intensity: (up to 100 % of eligible costs).

6. **SECTION 2.8.4.**

Aid for maintaining roads to prevent forest fires

6.1. Please describe the aid measure:

6.2. Please describe the link between the objective of the aid (preventing forest fires) and the road maintenance.

6.3. The maximum intensity: (up to 100 % of eligible costs).

7. **SECTION 2.8.5.**

Aid to make good the damage in forests caused by animals regulated by law.

7.1. Are the animals causing the damage:

(a) protected animals as defined by Point (35)28 of the Guidelines;

(b) species subject to specific national legislation.

If the answer is point (b), please demonstrate the interest for preserving the population of the species:

7.2. Have reasonable preventive measures proportionate to the risk of damage by the animals regulated in the forest area concerned been taken?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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In case of impossibility to take such reasonable preventive measures, please explain why no preventive measures are possible:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

7.3. Can the direct causal link between the damage suffered and the behavior of the animals be established?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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7.4. Please confirm that the aid scheme has been established within three years from the occurrence of the event causing the damage and that the aid will be paid out within four years from that date.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

7.5. Is the damage calculated at the level of the individual beneficiary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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7.6. Have the costs of the damage incurred as a direct consequence of the event causing the damage been assessed either by a public authority, by an independent expert recognized by the granting authority or by an insurance undertaking?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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7.7. Please state the kind of damage:

- (a) damage to living trees. The aid may be granted to compensate for loss of stock and for restocking costs up to the market value of the stock destroyed by the regulated animals. When calculating the market value of the increment loss, the potential increment of the stock destroyed until the normal felling age may be taken into consideration.
- (b) other costs incurred by the beneficiary due to the event causing the damage, such as treatment measures, including soil preparation for replanting and the products, appliances and materials necessary for such operations.
- (c) the material damage to the following assets: forestry equipment, machinery and buildings. The calculation of the material damage must be based on the repair cost or economic value of the affected asset before the event caused the damage. It does not exceed the repair cost or the decrease in fair market value caused by the event that is to say the difference between the property's value immediately before and immediately after the event that caused the damage.

7.8. Has the amount been reduced by any costs not incurred because of the damaging event, which would otherwise have been incurred by the beneficiary?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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7.9. The aid intensity is up to (maximum 100 % of the eligible costs).

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 7.10. Is aid and any other payments received to compensate the damage, including payments under national or Union measures or insurance policies, limited to 100 % of the eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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8. **SECTION 2.8.6.**

- Aid for establishing forest management plans

- 8.1. Does the aid comply with the common assessment principles?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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- 8.2. Is the aid available to all those eligible in the area concerned based on objectively defined conditions?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 8.3. Where the provision of technical support is undertaken by producer groups or other organisations is membership of such groups or organisations a condition for access to the service?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that the aid cannot be declared compatible with the internal market.

- 8.4. Is the contribution of non-members towards the administrative costs of the group or organisation concerned limited to the costs of providing the service?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 8.5. The aid is granted to the service provider and does not involve direct payments to undertakings active in the forestry sector (beneficiaries):

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

- 8.6. Do the bodies selected to provide advice have the appropriate resources in the form of regularly trained and qualified staff and advisory experience and reliability with respect to the fields they advise in?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

If the answer is no, please note that the aid cannot be declared compatible with the internal market.

8.7. Is the advice partly provided in group?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please provide justification where advice is provided partly in group, taking into account the situation of the individual user of advisory services:

8.8. When providing advice, do advisory service providers undertake to respect the non-disclosure obligations referred to in Article 13(2) of Regulation (EU) No 1306/2013?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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8.9. Is the service provider the body establishing the forest management plan?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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8.10. The aid intensity is up to (maximum 100 % of the eligible costs).

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### 2.9.1. AID FOR RESEARCH AND DEVELOPMENT IN THE FORESTRY SECTOR

1. Is the aid intensity limited to 100 % of the eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2. Is the aided project of interest to all undertakings active in the particular forestry sectors or sub-sectors concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3. Will the following information be published on the internet prior to the start of the aided project?

- (a) that the aided project is to be carried out;
- (b) the goals of the aided project;
- (c) an approximate date for the publication of the results expected from the aided project;
- (d) the place of publication of the results expected from the aided project on the internet;

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (e) a reference that the results of the aided project are available to all undertakings active in the forestry sector or sub-sector concerned at no cost.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4. Please confirm that the results of the aided project will be:

- (a) made available on internet, from the end date of the aided project or the date on which any information concerning those results is given to members of any particular organisation whatever comes first; and
- (b) remain available on internet for a period of at least five years starting from the end date of the aided project.

5. Please confirm that the aid will be granted directly to the research and knowledge dissemination organisation and will not involve the provision of aid based on the price of the forestry products to undertakings active in the forestry sector.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
--------------------------	-----	--------------------------	----

6. Please state the costs that are covered by the aid:

- (a) personnel costs related to researchers, technicians and other supporting staff to the extent employed on the project;
- (b) the costs of instruments and equipment to the extent and for the period used for the project. Where such instruments and equipment are not used for their full life for the project, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible costs;
- (c) the costs of buildings and land, to the extent and for the duration period used for the project. With regard to buildings, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible costs. For land, the costs of commercial transfer or actually incurred capital costs are eligible costs;
- (d) the costs of contractual research, knowledge and patents bought or licensed from outside sources at arm's length conditions, as well as the costs of consultancy and equivalent services used exclusively for the project;
- (e) additional overheads and other operating expenses, including the costs of materials, supplies and similar products, incurred directly as a result of the project.

Please note that the aid must be limited to the costs referred to in points (a) to (e).

7. Please state the aid intensity: (maximum 100 %).

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### 2.9.2. AID FOR FORESTRY LAND CONSOLIDATION



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

1. Is the aid intensity limited to 100 % of the eligible costs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2. Please describe the measure demonstrating that the aid is aimed at forestry land consolidation:

3. Is the aid limited to the real legal, administrative and survey costs incurred?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4. Please describe the costs covered by the aid measure:

5. Please state the aid intensity: (maximum 100 %).

### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### 3. SUPPLEMENTARY INFORMATION SHEET ON AID IN RURAL AREAS

*This form must be used for the notification of any State aid measure for the rural areas covered by Chapter 3 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas (Part III 12) demonstrating the general eligibility conditions for State aid and also the corresponding rural areas forms 3.1 to 3.11 depending on the specific type of aid.*

*Please submit information concerning the legal basis provided for in national law, or the draft act providing the legal basis in national law, together with any additional documents, such as calculation methodology, experts opinion, which describe in more details the State aid measure.*

*If aid for the rural areas is to be granted under Union rules common to all sectors or specific to trade and industry, please use the applicable notification form for those sectors when notifying a State aid measure to DG Competition services.*

### 1. GENERAL ELIGIBILITY CRITERIA

1. Will the aid be granted in the framework of a rural development programme in accordance with Regulation (EU) No 1305/2013?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

2. Please indicate the relevant rural development programme (RDP) and the measure under which the aid is granted:

RDP :  
Measure :

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

3. Is it co-financed by the EAFRD or does it constitute additional national financing?

- (a) co-financed by the EAFRD  
 (b) additional national financing

4. Is the investment in energy saving and/or renewable energies?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that such aid is excluded from the scope of Chapter 3 of Part II of the Guidelines. Such aid must comply with the Guidelines on State aid for environmental protection and energy 2014-2020, unless it is exempt from the obligation to notify it.

***Questions exclusively for State aid schemes including investments in rural areas in accordance with Sections 3.1, 3.2, 3.6 and 3.10 of Chapter 3 of Part II of the Guidelines.***

5. Do eligible costs include the following?

- (a) the construction, acquisition, including leasing, or improvement of immoveable property;

(i) Is the amount of the land purchased equal or less than 10 % of the total eligible costs of the operation concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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(ii) If the amount of the land purchased is more than 10 % of the total eligible costs of the operation concerned, does the operation concern environmental conservation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, in exceptional and duly justified cases, a higher percentage may be permitted. Please elaborate on that in order to allow the Commission to assess the case at hand.

- (b) the purchase or lease purchase of machinery and equipment up to the market value of the asset;

- (c) general costs linked to the expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies. Please note that feasibility studies remain eligible expenditure even where, based on their results, no expenditure under points (a) and (b) is incurred;

- (d) the following investments in intangible assets: acquisition or development of computer software and the acquisition of patents, licenses, copyrights and trademarks.

- (e) Other (please specify):

Please note that the list of eligible costs referred to in points (a) to (d) is exhaustive.

6. Do eligible costs include?

- (a) costs, other than those referred to in question 5 (point (635) of the Guidelines) connected with leasing contracts, such as lessor's margin, interest refinancing costs, overheads and insurance charges;

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

(b) working capital.

If any of the expenses referred to in points (a) and (b) is included, please note that the aid cannot be declared compatible with the internal market.

7. Please state the maximum aid intensity, expressed as a percentage of eligible investment:

(a) in less developed regions:

- (i) % of the amount of the eligible costs for investment in regions whose GDP per capita is below 45 % of the EU-27 average;
- (ii) % of the amount of the eligible costs for investment in regions whose GDP per capita is between 45 % and 60 % of the EU-27 average;
- (iii) % of the amount of the eligible costs for investment in regions with a GDP per capita above 60 % of the EU-27 average;

(b) in outermost regions that have a GDP per capita below or equal to 75 % of the EU-27 average:

- (i) % of the amount of the eligible costs for investment in regions whose GDP per capita is below 45 % of the EU-27 average;
- (ii) % of the amount of the eligible costs for investment in regions whose GDP per capita is between 45 % and 60 % of the EU-27 average;
- (iii) % of the amount of the eligible costs for investment in regions with a GDP per capita above 60 % of the EU-27 average;

(c) in other outermost regions:

- (i) % of the amount of the eligible costs for investment in regions whose GDP per capita is below 45 % of the EU-27 average;
- (ii) % of the amount of the eligible costs for investment in regions whose GDP per capita is between 45 % and 60 % of the EU-27 average;
- (iii) % of the amount of the eligible costs for investment in regions with a GDP per capita above 60 % of the EU-27 average;

(d) in 'c' areas:

- (i) % of the amount of the eligible costs for investment in sparsely populated areas and in NUTS 3 regions or parts of NUTS 3 regions that share a land border with a country outside the European Free Trade Area (EEA) or the European Free Trade Association (EFTA);
- (ii) % of the amount of the eligible costs for investment in non-predefined 'c' areas;
- (iii) % of the amount of the eligible costs for investment in the former 'a' areas only for the period from 1 July 2014 to 31 December 2017;
- (iv) % of the amount of the eligible costs for investment in the NUTS 3 areas or parts of NUTS 3 areas within a 'c' area which are adjacent to an 'a' area.

What is the difference in aid intensity between both these areas?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (e) is the aid granted in favour of large investment projects?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that if the answer is yes, the maximum aid intensities set out in point (638)(a) to (c) of the Guidelines cannot be increased by up to 10 percentage points for medium-sized undertakings and by up to 20 percentage points for micro and small undertakings.

- (f) in all other areas than those referred to in points (a) to (d) of this question:

% of the amount of the eligible costs

- (g) for aid for large investment projects:

Please indicate the adjusted aid amount on the basis of the formula described in point (35).31. of the Guidelines (maximum aid amount =  $R \times (50 + 0.50 \times B + 0.34 \times C)$ , where R is the maximum aid intensity applicable in the area concerned, excluding the increased aid intensity for SMEs. B is the part of eligible costs between EUR 50 million and EUR 100 million. C is the part of eligible costs above EUR 100 million):

8. Does the Member State commit to notify pursuant to Article 108(3) of the Treaty, individual investment aid granted under a notified scheme, if the aid from all sources exceeds the notification threshold, as specified in point (37)(c) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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### 3.1. SUPPLEMENTARY INFORMATION SHEET ON AID FOR INVESTMENTS CONCERNING THE PROCESSING OF AGRICULTURAL PRODUCTS INTO NON-AGRICULTURAL PRODUCTS, THE PRODUCTION OF COTTON OR INVESTMENTS IN THE CREATION AND DEVELOPMENT OF NON-AGRICULTURAL ACTIVITIES

*This Supplementary Information Sheet relates to investments concerning the processing of agricultural products into non-agricultural products, the production of cotton or investments in the creation and development of non-agricultural activities, as described in Section 3.1 of Chapter 3 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Does the aid cover investments in tangible assets and intangible assets?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2. What is the aid for?

- (a) the processing of agricultural products where the output of the production process is a non-agricultural product;
- (b) the production of cotton, including the activity of ginning;
- (c) investments in non-agricultural activities which are granted to farmers or members of a farm household who diversify into non-agricultural activities and to micro and small undertakings and natural persons in rural areas.

#### OTHER INFORMATION

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### 3.2. SUPPLEMENTARY INFORMATION SHEET ON AID FOR BASIC SERVICES AND VILLAGE RENEWAL IN RURAL AREAS

*This Supplementary Information Sheet relates to State aid for basic services and village renewal in rural areas, as described in Section 3.2 of Chapter 3 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Does the aid cover the drawing up and updating of plans for the development of municipalities and villages in rural areas and their basic services and of protection and management plans relating to Natura 2000 sites and other areas of high nature value?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2. Does the aid cover investments in the creation, improvement or expansion of all types of small-scale infrastructures as defined in point (35)48 of the Guidelines, excluding investments in renewable energy and energy savings and broadband infrastructure?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3. Does the aid cover investments in the setting-up, improvement or expansion of local basic services for the rural population, including leisure and culture, and the related infrastructure?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4. Does the aid cover investments for public use in recreational infrastructure, tourist information and small-scale tourism infrastructure?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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5. Does the aid cover studies and investments associated with the maintenance, restoration and upgrading of the cultural and natural heritage of villages, rural landscapes and high nature value sites, including related socioeconomic aspects, as well as environmental awareness actions?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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6. Does the aid cover investments targeting the relocation of activities and conversion of buildings or other facilities located inside or close to rural settlements, with a view to improving the quality of life or increasing the environmental performance of the settlement?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

7. Are the relevant operations of the investments implemented in accordance with plans for the development of municipalities and villages in rural areas and their basic services, where such plans exist?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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8. Are the relevant operations of the investments consistent with any relevant local development strategy?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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9. Is the aid referred to in point (644)(e) of the Guidelines granted for heritage which is formally recognised as cultural or natural heritage by the competent public authorities of the Member State?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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#### **Eligible costs**

10. The costs are eligible if they concern:

- (a) the costs of drawing up and updating of development and management plans relating to rural areas and their basic services, and to high nature value sites;
- (b) investment costs for tangible and intangible assets;
- (c) the costs for the preparation of studies associated with cultural and natural heritage, rural landscapes and high nature value sites;
- (d) the costs linked to environmental awareness actions;
- (e) the costs of capital works may be also eligible for aid referred to in point (644)(e) of the Guidelines.

#### **Aid intensity**

11. Please confirm that the aid intensity for the activities under point (644)(a) and (b) of the Guidelines do not exceed 100 % of the eligible costs.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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12. Please confirm that the aid intensity for activities under point (644)(c), (d) and (e) of the Guidelines does not exceed 100 % of the eligible costs.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that the net revenues must be deducted from the eligible costs *ex ante* or through a clawback mechanism.

13. Please confirm that aid intensity for activities under point (644)(f) of the Guidelines does not exceed the following amounts:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (a) where the relocation of the activities or the conversion of buildings or other facilities consists of the dismantling, removal and re-building of existing facilities, 100 % of real costs incurred for such activities;
- (b) where the relocation of the activities or the conversion of buildings or other facilities results, in addition to the dismantling, removal and re-building of existing facilities as referred to in point (650)(a) of the Guidelines, in a modernisation of these facilities or in an increase in production capacity, the aid intensities for investments laid down in point (638) of the Guidelines must be applied in respect to the costs relating to the modernisation of the facilities or the increase of production capacity.

Please note that for the purpose of point (650)(b) of the Guidelines, the pure replacement of an existing building or facilities by a new up-to date building or facilities without fundamentally changing the production or the technology involved will not be considered to be related to the modernisation.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### **3.3. SUPPLEMENTARY INFORMATION SHEET ON BUSINESS START-UP AID FOR NON-AGRICULTURAL ACTIVITIES IN RURAL AREAS**

*This Supplementary Information Sheet relates to State aid for business start-up for non-agricultural activities in rural areas, as described in Section 3.3 of Chapter 3 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. The aid will be granted to:

- (a) farmers;
- (b) members of the farm household diversifying into non-agricultural activities;
- (c) micro and small undertakings;
- (d) natural persons in rural areas;
- (e) medium-sized and large enterprises in rural areas.

Please note that if the beneficiaries can be medium-sized and large enterprises in rural areas, aid can be granted only for the setting up of farm management, farm relief and farm advisory services, as well as forestry advisory services, including the Farm Advisory System referred to in Articles 12 to 14 of Regulation (EU) No 1306/2013.

2. Please confirm that a business plan will be submitted.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3. Please confirm that the implementation of the business plan will start within nine months from the date of the decision granting the aid.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4. Please confirm that the business plan describes at least the following:

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (a) the initial economic situation of the beneficiary applying for aid;
- (b) milestones and targets for the development of the new activities of the beneficiary;
- (c) details of the actions required for the development of the activities of the beneficiary, such as details of investments, training, advice or other activity.

5. Will the aid be paid in at least two instalments over a maximum period of five years?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid will be declared incompatible with the internal market.

6. Are the instalments degressive?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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7. Is the payment of the last instalment conditional upon the correct implementation of the business plan?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid will be declared incompatible with the internal market.

8. Does the Member State take into account the socioeconomic situation of the programme area in determining the amount of aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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9. Please confirm that the aid amount is limited to EUR 70 000 per undertaking.

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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## OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

3.4. SUPPLEMENTARY INFORMATION SHEET ON AID FOR AGRICULTURE-ENVIRONMENT-CLIMATE COMMITMENTS TO OTHER LAND MANAGERS AND UNDERTAKINGS IN RURAL AREAS NOT ACTIVE IN THE AGRICULTURAL SECTOR

### 1. COMMON PROVISIONS

1.1. Is the aid granted in accordance with the applicable relevant conditions set out in Section 1.1.5.1 of Chapter 1 of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

1.2. Is the aid for agri-environment-climate commitments granted to groups formed by undertakings active in the agricultural sector and other land managers?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.3. If the answer to question 1.2 is yes, do those groups referred to in question 1.2 undertake, on a voluntary basis, to carry out operations consisting of one or more agri-environment-climate commitments on agricultural land?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that the agricultural land will be defined by the Member State, including but not limited to the agricultural area as defined under point (35)50 of the Guidelines.

1.4. Is the aid for agri-environment-climate commitments granted to other land managers as defined in point (35)51 of the Guidelines or to groups of other land managers?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please justify such aid in compliance with point (662) of the Guidelines.

1.5. Is the aid for agri-environment-climate commitments granted to undertakings in rural areas which are not active in the agricultural sector?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in this case the aid may be provided for the conservation and for the sustainable use and development of genetic resources in agriculture for operations not covered by the provisions under points (208) to (219) of Section 1.1.5.1. of Part II of the Guidelines.

## 2. REVISION CLAUSE

2.1. Is a revision clause provided for the operations included in this aid?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that under point (724) of the Guidelines, the Member State is obliged to introduce it in order to ensure the adjustment of the operations in the case of amendments of the relevant mandatory standards, requirements or obligations referred to in Section 3.4 of Chapter 3 of Part II of the Guidelines beyond which the commitments referred to in that Section have to go.

2.2. Does this aid extend beyond the rural development programming period 2014-2020?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that under point (725) of the Guidelines, a revision clause in order to allow for the adjustment of the operations to the legal framework of the following programming period needs to be included.

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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## OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### 3.5. SUPPLEMENTARY INFORMATION SHEET ON AID FOR DISADVANTAGES RELATED TO NATURA 2000 AREAS TO OTHER LAND MANAGERS

1. Please provide justification for granting aid to other land managers:
2. Please confirm that the following conditions are complied with:
  - (a) aid will be granted to compensate other land managers for the additional costs and income foregone resulting from disadvantages in the areas concerned, related to the implementation of the Habitats Directive and the Birds Directive;
  - (b) only measures undertaken in the following areas will be eligible for aid:
    - (i) Natura 2000 agricultural areas designated pursuant to Habitats Directive and the Birds Directive;
    - (ii) other delimited nature protection areas with environmental restrictions applicable to farming which contribute to the implementation of Article 10 of the Habitats Directive.
  - (c) the aid will be limited to the amounts set out in point (668) of the Guidelines:
    - (i) EUR 500 per hectare per year maximum in the initial period not exceeding five years;
    - (ii) EUR 200 per hectare per year maximum thereafter.
  - (d) if, in exceptional cases, the Member State increases the maximum amounts of EUR 500 and EUR 200, can it State explain the specific circumstances that justify it?

## OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### 3.6. SUPPLEMENTARY INFORMATION SHEET ON AID FOR KNOWLEDGE TRANSFER AND INFORMATION ACTIONS IN RURAL AREAS

*This notification form must be used for the notification of State aid for knowledge transfer and information actions in rural areas as described in Section 3.6. of Chapter 3 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Which of the following types of aid will be financed?
  - (a) vocational training and skills acquisitions (including training courses, workshops and coaching);
  - (b) demonstration activities;
  - (c) information actions;
  - (d) aid for the training for advisors linked to the advisory services referred to in Section 1.1.10.2. and Sections 2.5. and 3.7. of Part II of the Guidelines.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

2. Will the aid be granted in favour of persons engaged in the food sector, other land managers than undertakings active in the agricultural sector and SMEs in rural areas?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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3. Please state the maximum aid intensity?

Please note that the aid intensity must be limited to 50 % of the eligible costs in the case of large enterprises, to 60 % in the case of medium-sized enterprises and to 70 % in the case of micro and small enterprises.

4. Will the aid for the training for advisors be granted in favour of large enterprises?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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5. In the case of aid for the training for advisors is the maximum aid amount limited to EUR 200 000 per period of three years?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

6. Which of the following eligible costs does the support measure cover?

- (a) the costs of organising and delivering the knowledge transfer or information action;
- (b) in case of demonstration projects, relevant investment costs;
- (c) the costs for travel, accommodation and per diem expenses of participants.

7. The aid will be granted in the form of:

- (a) subsidized services;
- (b) direct payments of money to producers only under the form of reimbursement of actually incurred costs?

Please note that the aid referred to in point (672)(a) and (b) of the Guidelines must not involve direct payments to the beneficiaries.

8. Will the recipient of the aid referred to in point (672)(a) and (b) of the Guidelines be the provider of training or other knowledge transfer and information action?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

9. Is the aid accessible to all those eligible undertakings active in the rural area concerned, based on objectively defined conditions?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

10. Do the bodies providing knowledge transfer and information services have the appropriate capacities in the form of staff qualifications and regular training to carry out those tasks?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### **3.7. SUPPLEMENTARY INFORMATION SHEET ON AID FOR ADVISORY SERVICES IN RURAL AREAS**

*This notification form must be used for the notification of State aid for advisory services in rural areas as described in Section 3.7. of Chapter 3 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Will the aid be granted to help other land managers and SMEs in rural areas benefit from the use of advisory services for the improvement of the economic and environmental performance as well as climate friendliness and resilience of their enterprise and/or investment?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2. Advice will cover as a minimum one of the following elements:

- (a) obligations deriving from the statutory management requirements and/or standards for good agricultural and environmental conditions provided in Chapter I of Title VI of Regulation (EU) No 1306/2013;
- (b) the agricultural practices beneficial for the climate and the environment laid down in Chapter 3 of Title III of Regulation (EU) No 1307/2013 and the maintenance of the agricultural area as referred to in point (c) of Article 4(1) of that Regulation;
- (c) measures aiming at farm modernization, competitiveness building, sectoral integration, innovation and market orientation as well as the promotion of entrepreneurship;
- (d) requirements defined by Member States for implementing Article 11(3) of the Water Framework Directive;
- (e) requirements defined by Member States for implementing Article 55 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council<sup>(230)</sup>, and in particular compliance with the general principles of integrated pest management as referred to in Article 14 of Sustainable Use of Pesticides Directive<sup>(231)</sup>;

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (f) occupational safety standards and safety standards linked to farms;  
 (g) specific advice for farmers setting up for the first time, including advice on economic and environmental sustainability.

3. Which of the following types of aid will be financed by the aid scheme/individual measure?

- (a) advice to SMEs in rural areas linked to the economic and environmental performance of the beneficiary;  
 (b) advice on the information related to climate change mitigation and adaptation, biodiversity and protection of waters as laid down in Annex I to Regulation (EC) No 1306/2013;  
 (c) advice on issues linked to the economic and environmental performance of the agricultural holding, including competitiveness aspects;  
 (d) advice for the development of short supply chains, organic farming and health aspects of animal husbandry;  
 (e) advice on other issues.

Please describe the envisaged measures:

4. The aid must be granted to the advisory services provider and must not involve direct payments to producers:

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

5. Is the advice partly provided in a group?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that where duly justified and appropriate, advice may be partly provided in a group, while taking into account the situation of the individual user of advisory services.

6. If the answer to question 5 is yes, please justify the provision of advice in a group?

7. Is the amount of aid limited to EUR 1 500 per advice?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

8. When providing advice, do the advisory service providers undertake to respect the non-disclosure obligations referred to in Article 13(2) of Regulation (EU) No 1306/2013?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that the aid cannot be declared compatible with the internal market.

**OTHER INFORMATION**

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### 3.8. SUPPLEMENTARY INFORMATION SHEET ON AID FOR NEW PARTICIPATION OF ACTIVE FARMERS IN QUALITY SCHEMES FOR COTTON AND FOODSTUFFS

*This form must be used for the notification of any State aid measures for new participation of active farmers in quality schemes for cotton and foodstuffs as described in Section 3.8. of Chapter 3 of Part II of the European Union Guidelines for State aid in the agriculture and forestry sector and in rural areas 2014 to 2020 ('the Guidelines').*

1. For which type of scheme is the aid for a new participation granted?
  - (a) quality scheme for cotton or foodstuffs established by Union legislation;
  - (b) quality schemes for cotton or foodstuffs recognised by the Member States as complying with the following criteria:
    - (i) the specificity of the final product produced under the quality scheme is derived from clear obligations to guarantee:
      - specific product characteristics, or
      - specific farming or production methods, or
      - a quality of the final product that goes significantly beyond the commercial commodity standards as regards public, animal or plant health, animal welfare or environmental protection;
    - (ii) the scheme is open to all producers;
    - (iii) the scheme involves binding final product specifications and compliance with those specifications is verified by public authorities or by an independent inspection body;
    - (iv) the scheme is transparent and ensures the complete traceability of agricultural products.
  - (c) voluntary agricultural product certification schemes recognised by the Member State as meeting the requirements laid down in the Union best practice guidelines for the operation of voluntary certification schemes relating to agricultural products and foodstuffs.
2. Will the aid be granted as an annual incentive payment, the level of which is determined according to the level of the fixed costs arising from the participation in quality schemes, for a maximum period of five years?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with Section 3.8. of Chapter 3 of Part II of the Guidelines, aid may be granted only if those conditions are fulfilled.

3. What is the amount of the aid to be granted per beneficiary per year?

Please note that in accordance with Section 3.8. of Chapter 3 of Part II of the Guidelines, the aid is limited to EUR 3 000 per beneficiary per year.

#### **OTHER INFORMATION**

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

### 3.9. SUPPLEMENTARY INFORMATION SHEET ON AID FOR INFORMATION AND PROMOTION ACTIVITIES CONCERNING COTTON AND FOODSTUFFS COVERED BY A QUALITY SCHEME

*This form must be used for the notification of State aid for information and promotion activities concerning cotton and foodstuffs covered by a quality scheme as described in Section 3.9. of Chapter 3 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Will the aid be granted for information and promotion activities concerning cotton and foodstuffs which are covered by a quality scheme for which aid is granted under section 3.8. of Part II of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (691) of the Guidelines no aid may be granted for such actions.

2. Will the aid be granted only to groups of producers implementing the information and promotion activities?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (692) of the Guidelines no aid may be granted for such actions.

3. Will the aid cover only the costs for actions having the following characteristics:
- (a) be designed to induce consumers to buy the foodstuffs or the cotton covered by a quality scheme;
- (b) draw attention to specific features or advantages of the foodstuff or the cotton, notably to the quality, specific production method, high animal welfare standards and respect for the environment linked to the quality scheme concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (693) of the Guidelines no aid may be granted for such actions.

4. Will the actions included in the aid scheme incite consumers to buy a foodstuff or cotton due to their particular origin?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that in accordance with point (694) of the Guidelines no aid may be granted for such actions except for foodstuff or cotton covered by a quality scheme introduced by Title II of Regulation (EU) No 1151/2012.

5. Will the origin of the foodstuff or cotton be indicated in the actions included in the aid scheme?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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6. If the answer to question 5 is yes, will the mention of the origin of the foodstuff or cotton be subordinate to the main message?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that under point (695) of the Guidelines no aid may be granted for such actions.

7. Will there be information and promotion activities related to particular undertakings or of commercial brands?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is yes, please note that under point (696) of the Guidelines no aid may be granted for such actions.

8. Will the information and promotion activities only be implemented in the internal market?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that under point (697) of the Guidelines no aid may be granted for such actions.

9. The aid rate in the case of these information and promotion activities will be the following:

up to 70 % (indicate the exact rate: %)

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### 3.10. SUPPLEMENTARY INFORMATION SHEET ON AID FOR COOPERATION IN RURAL AREAS

*This form must be used for the notification of State aid for cooperation in rural areas as described in Section 3.10. of Chapter 3 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 ('the Guidelines').*

1. Will the aid be granted in order to promote forms of cooperation among undertakings active in the agricultural sector, undertakings active in the food chain and other actors that contribute to achieving the objectives and priorities of rural development policy, including producer groups, cooperatives and inter-branch organizations?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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2. If the answer to question 1 is yes, will the cooperation benefit rural areas?



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (700) of the Guidelines no aid may be granted.

3. Will the cooperation involve at least two entities?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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4. Will the cooperation involve?

- (a) cooperation approaches;
- (b) the creation of clusters and networks;
- (c) the establishment and operation of operational groups of the EIP for agricultural productivity and sustainability as referred to in Article 56 of Regulation (EU) No 1305/2013.

5. The aid will be granted to cooperation relating to the following activities:

- (a) pilot projects;
- (b) the development of new products, practices, processes and technologies in the food sector;
- (c) cooperation among small operators in organizing joint work processes and sharing facilities and resources and for the development and/or marketing of tourism services relating to rural tourism;
- (d) horizontal and vertical cooperation among supply chain actors for the establishment and development of short supply chains and local markets;
- (e) promotion activities in a local context relating to the development of short supply chain and local markets;
- (f) joint actions undertaken with a view to mitigating or adapting to climate change;
- (g) joint approaches to environmental projects and ongoing environmental practices, including efficient water management, the use of renewable energy and the preservation of agricultural landscapes;
- (h) horizontal and vertical cooperation among supply chain actors in the sustainable provision of biomass for use in food and energy production and industrial processes;
- (i) the implementation, in particular by groups of public and private partners other than those defined in point (b) of Article 32(2) of Regulation (EU) No 1303/2013, of local development strategies other than those defined in Article 2(19) of Regulation (EU) No 1303/2013 addressing one or more of the Union priorities for rural development;
- (j) the diversification of farming activities into activities concerning health care, social integration, community-supported agriculture and education about the environment and food.

6. Will the aid for the creation of clusters and networks be granted only to newly formed clusters and networks and those commencing an activity that is new to them?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If the answer is no, please note that in accordance with point (703) of the Guidelines no aid may be granted.

7. Will the aid for pilot projects and for the development of new products, practices, processes and technologies in the food sector be granted also to individual actors where this possibility is provided for in the rural development programme?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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8. If the answer to question 7 is yes, will the results of the pilot projects and other activities carried out by individual actors be disseminated?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (704) of the Guidelines no aid may be granted.

9. Will the aid for the establishment and development of short supply chains, cover only supply chains involving no more than one intermediary between farmer and consumer?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (705) of the Guidelines no aid may be granted.

10. Will the aid comply with the relevant provisions of competition law, in particular with Articles 101 and 102 of the Treaty?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (706) of the Guidelines no aid may be granted.

If the answer is yes, please explain how this compliance will be ensured.

11. Is the aid limited to a maximum period of seven years except for collective environmental action in duly justified cases?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please provide the justification for collective environmental actions exceeding a period of seven years:

12. Will the aid be granted to cover the following eligible costs?

- (a) costs for studies of the area concerned, feasibility studies, and the drawing up of a business plan or local development strategy other than the one referred to in Article 33 of Regulation (EU) No 1303/2013;
- (b) costs for the animation of the area concerned in order to make feasible a collective territorial project or a project to be carried out by an operational group of the EIP for Agricultural Productivity and

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- Sustainability as referred to in Article 56 of Regulation (EU) No 1305/2013; in the case of clusters, the animation may also concern networking between members and the recruitment of new members;
- (c) the running costs of cooperation, such as the salary of a ‘coordinator’;
- (d) the direct costs of specific projects linked to the implementation of a business plan, an environmental plan, a local development strategy other than the one referred to in Article 29 of Regulation (EU) No 1303/2013 or other actions targeted towards innovation, including testing;
- (e) costs for promotion activities.

Please note that in accordance with point (708) of the Guidelines, the aid may be granted to cover only those eligible costs.

13. Will the direct costs be limited to the eligible costs of investment aid, as specified in points (635) and (636) of the Guidelines and comply with the specific conditions referred to in point (634) of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If the answer is no, please note that in accordance with point (709) of the Guidelines no aid may be granted.

14. Please indicate the aid intensity as a percentage of the eligible costs.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

#### 3.11. SUPPLEMENTARY INFORMATION SHEET ON AID FOR SETTING-UP TO MUTUAL FUNDS

*This form must be used for the notification of any State aid for the setting-up of mutual funds as described by Section 3.11. of Chapter 3 of Part II of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 (‘the Guidelines’).*

1. Please specify which losses will be covered by the mutual fund for which the financial contribution will be partly financed under the notified aid measure:

- (a) losses caused by adverse climatic events which can be assimilated to a natural disaster, animal diseases and plant pests, as specified in Sections 1.2.1.2. and 1.2.1.3. of Chapter 1 of Part II of the Guidelines;
- (b) losses caused by environmental incidents.

2. What are the eligible costs?

- The administrative costs of setting up the mutual fund, spread over a maximum period of three years in a degressive manner.

Please note that there are no other eligible costs. Initial capital stock is not an eligible cost.

3. What is the level of aid proposed? (as a percentage)

Please note that the maximum aid rate is 65 % of the eligible costs.

4. Will the amount of the cost eligible for support be limited?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4.1. If the answer is yes, how will the amount be limited?

Ceiling per fund:

5. Has the mutual fund been accredited by the competent authority in accordance with national law?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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6. Does the mutual fund have a transparent policy towards payments into and withdrawals from the mutual fund?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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7. Does the mutual fund have clear rules attributing responsibilities for any debts incurred?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that in accordance with point (714) of the Guidelines, if questions 5, 6 and 7 are not answered affirmatively, the Commission cannot declare the aid scheme compatible with the internal market.

8. Have rules for the constitution and management of the mutual fund been defined, in particular for the granting of compensation payments, as well as for the administration and monitoring of compliance with these rules?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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9. Does the mutual fund arrangements provide for penalties in case of negligence on the part of the undertaking?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please note that in accordance with point (715) of the Guidelines, if questions 8 and 9 are not answered affirmatively, the Commission cannot declare the aid scheme compatible with the internal market.

#### **OTHER INFORMATION**

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.]

#### **Textual Amendments**

**F6** Substituted by [Commission Regulation \(EU\) 2016/246 of 3 February 2016 amending Annex I to Regulation \(EC\) No 794/2004 as regards the forms to be used for the notification of State aid in the agricultural and forestry sectors and in rural areas.](#)

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

[F7][X1]PART III.12.R.

**SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE  
PROMOTION AND ADVERTISING OF AGRICULTURAL PRODUCTS**

*This notification form must be used for State aid for advertising of products listed in Annex I to the EC-Treaty.*

*Please note that promotion operations as defined as the dissemination to the general public of scientific knowledge, the organisation of trade fairs or exhibitions, participation in these and similar public relations exercises, including surveys and market research, are not considered as advertising. State aid for such promotion in the broader sense is subject to points IV.j and IV.k of the Community guidelines for State aid in the agriculture and forestry sector 2007 to 2013<sup>(232)</sup>.*

**1. Advertising campaigns within the Community**

1.1. Where will the measure be carried out?

- on the market of another Member State;  
 on the home market.

Who will carry out the advertising campaign?

- producer groups or other organisations, regardless of their size;  
 others (please explain):

1.2. Can your authorities submit samples or mock-ups of the advertising material to the Commission?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If not, please explain why.

1.3. Please provide an exhaustive list of the eligible expenses.

1.4. Who are the beneficiaries of the aid?

- farmers;  
 producer groups and/or producer organisations;  
 enterprises active in the processing and marketing of agricultural products;  
 others (please specify)

1.5. Can your authorities give the assurance that all producers of the products concerned are able to benefit from the aid in the same manner?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.6. Will the advertising campaign be earmarked for quality products defined as products fulfilling the criteria to be established pursuant to Article 32 of Regulation (EC) No 1698/2005<sup>(233)</sup> ?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

1.7. Will the advertising campaign be earmarked for EU-recognized denominations with reference to the origin of the products ?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.8. If yes, will the said reference correspond exactly to the references which have been registered by the Community ?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.9. Will the advertising campaign be earmarked for products using a national or regional quality label ?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.10. Does the label make any reference to the national origin of the products concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.11. If yes, demonstrate that the reference to the origin of the products will be subsidiary in the message.

1.12. Is the advertising campaign of generic character and in the benefit of all producers of the type of product concerned?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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1.13. If yes, will the advertising campaign be carried out without reference to the origin of the products ?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If no, please note that under point VI.D of the Guidelines no aid may be granted for such campaigns.

1.14. Will the advertising campaign be dedicated directly to the products of particular companies ?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If yes, please note that under point VI.D of the Guidelines no aid may be granted for such campaigns.

1.15. Will the advertising campaign comply with the provisions of Article 2 of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to labelling, presentation and

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

advertising of foodstuffs, as well as, where relevant, with the specific labelling rules laid down for various products (wine, dairy products, eggs and poultry)<sup>(234)</sup>?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If no, please note that under point VI.D of the Guidelines no aid may be granted for such campaigns.

1.16. The aid rate will be the following:

- up to 50 % (indicate the exact rate: %) because the sector will finance the rest of the campaign itself;
- up to 100 % (indicate the exact rate: %) because the sector will finance the rest of the campaign through parafiscal levies or compulsory contributions;
- up to 100 % (indicate the exact rate: %) because the advertising campaign is generic and in the benefit of all producers of the type of product concerned.

## 2. Advertising campaigns in third countries

2.1. Is the advertising campaign in line with the principles of Council Regulation (EC) No 2702/1999<sup>(235)</sup> ?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If no, please note that under point VI.D of the Guidelines no aid may be granted for such campaigns.

If yes, provide the elements demonstrating the compliance with the principles of Council Regulation (EC) No 2702/1999

2.2. Is the advertising campaign granted towards specific enterprises ?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If yes, please note that under point VI.D of the Guidelines no aid may be granted for such campaigns.

2.3. Does the advertising campaign risk endangering sales of or denigrate products from other Member States ?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If yes, please note that under point VI.D of the Guidelines no aid may be granted for such campaigns.

### Editorial Information

- X1** Inserted by [Corrigendum to Commission Regulation \(EC\) No 1935/2006 of 20 December 2006 amending Regulation \(EC\) No 794/2004 implementing Council Regulation \(EC\) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty \(Official Journal of the European Union L 407 of 30 December 2006\)](#).

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

### Textual Amendments

- F7** Inserted by [Commission Regulation \(EC\) No 1935/2006 of 20 December 2006 amending Regulation \(EC\) No 794/2004 implementing Council Regulation \(EC\) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty.](#)

## PART III.12.S

### SUPPLEMENTARY INFORMATION SHEET ON AIDS LINKED TO TAX EXEMPTIONS UNDER DIRECTIVE 2003/96/EC

*This form must be used for the notification of any State aid measure linked to tax exemptions under directive 2003/96/EC<sup>(236)</sup>.*

1. Which measure is envisaged ?
  - tax reduction for motor fuels used in primary agricultural production;
  - tax reduction for energy products and electricity used in primary agricultural production.
2. What is the level of the envisaged reduction ?
3. Under which article of Council Directive 2003/96/EC do you want to apply this exemption ?
4. Will there be any differentiation in the level of exemption within the sector concerned ?
 

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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5. If the possibility of applying a level of taxation down to zero to energy products and electricity used for agriculture is repealed by the Council, will the exemption envisaged fulfil all the relevant provisions of the directive, without tax differentiation within the sector concerned ?
 

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Please indicate which article(s) of the directive will be applied:

## PART III.12.T

### SUPPLEMENTARY INFORMATION SHEET ON AIDS FOR THE FORESTRY SECTOR

*This form must be used for the notification of any State aid measure to support forestry covered by Chapter VII of the Community Guidelines on State aid in the agriculture and forestry sector<sup>(237)</sup>.*

1. Objective of the measure
  - 1.1. Does the measure contribute to maintaining, restoring or improving ecological, protective and recreational functions of forests, biodiversity and a healthy forest



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

ecosystem or does it concern the eligible costs mentioned in points 175 to 181 in Chapter VII of the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If not, please note that only measures concerning at least one of these objectives or eligible costs can be approved under this Chapter.

2. Eligibility criteria

2.1. Does the measure exclude aid to forest based industries or for commercially viable extraction of timber, transportation of timber or for the processing of wood or other forestry resources into products or for energy generation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If not, please note that aid for the above purposes is excluded from the scope of this Chapter. Please refer to other State aid rules for such aid.

3. Type of aid

3.1. Does the measure include aid for planting, felling, thinning and pruning of trees and other vegetation (point VII.C. a)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If yes, please indicate whether the eligible costs concern:

- planting, felling and pruning in general;
- removal of fallen trees;
- restoring forests damaged by air pollution, animals, storms, floods, fire or similar events;

*If one of the above apply, please describe the measures and confirm that the primary objective of the measure is to maintain and restore forest ecosystem and biodiversity or the traditional landscape and that no aid is granted for felling whose primary purpose is commercially viable extraction of timber or for restocking where the felled trees are replaced by equivalent ones:*

- afforestation to increase forest cover;

*Please describe the environmental reasons justifying the afforestation to increase forest cover and confirm that no aid will be granted for afforestation with species cultivated in the short term:*

- afforestation to promote biodiversity;

*Please describe the measure and indicate the areas concerned:*

- afforestation to create wooded areas for recreational purposes;

*Are the above wooded areas accessible to the public at no cost for recreational purposes? If not, is access restricted to protect sensitive areas?*

- afforestation to combat erosion and desertification or to promote a comparable protective function of the forest;

*Please describe the measures specifying the areas concerned, the protective function envisaged, tree species to be planted and any accompanying and maintenance measures to be undertaken:*

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

other (please explain).

3.2. Does the measure include aid for maintaining and improving soil quality in forests and/or ensuring balanced and healthy tree growth (point VII.C. b)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If yes, please indicate whether the eligible costs concern:

- fertilisation;  
 other soil treatments;

*Please specify the type of fertilisation and/or other soil treatment*

- reduction of excessive vegetation density;  
 ensuring sufficient water retention and proper drainage.

*Please confirm that the above measures will not reduce biodiversity, cause nutrient leaching or adversely affect natural water ecosystems or water protection zones and describe how this will be controlled in practice:*

3.3. Does the measure include aid for preventing, eradicating and treating pests, pest damage and tree diseases or preventing and treating damage done by animals or targeted measures to prevent forest fires (point VII.C. c)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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If yes, please indicate whether the eligible costs concern:

- prevention and treatment of pests and tree diseases and pest damage or prevention and treatment of damage done by animals;

*Please indicate the pests and diseases or animals in question:*

*Please describe the prevention and treatment methods and mention any necessary products, appliances and materials. Are biological and mechanical prevention and treatment methods preferred when granting aid? If not, please demonstrate that they are not sufficient to fight the disease or pest in question:*

- targeted measures to prevent forest fires.

*Please describe the measures:*

Is aid granted to compensate for the value of stock destroyed by animals or on the order of the authorities to fight the disease or pest in question?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Please describe how the value of stock will be calculated and confirm that the compensation will be limited to the value thus determined:*

3.4. Does the measure include aid for the restoration and maintenance of natural pathways, landscape elements and features and the natural habitat for animals (point VII.C. d)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

*If yes, please describe the measures:*

3.5. Does the measure include aid for constructing, improving and maintaining forest roads and/or visitors' infrastructures (point VII.C.e)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*If yes, please describe the measures:*

Are the forests and infrastructures used for recreation open to the public at no cost for recreational purposes?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*If not, is access restricted to protect sensitive areas or to ensure the proper and safe use of the infrastructures? Please describe the restrictions and the reasons for imposing them:*

3.6. Does the measure include aid for the costs of information materials and activities (point VII.C.f)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*If yes, please describe the measures and confirm that the supported actions and materials disseminate general information concerning forests and do not contain references to named products or producers or promote domestic products:*

3.7. Does the measure include aid for the costs of purchase of forestry land for nature protection purposes (point VII.C.g)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*If yes, please describe in detail the nature protection use of the forestry land in question and confirm that this land is entirely and permanently secured for nature protection by means of a statutory or contractual obligation:*

3.8. Does the measure include aid for the costs of afforestation of agricultural or non-agricultural land, establishment of agro forestry systems on agricultural land, Natura 2000 payments, forest-environment payments, restoring forestry potential and introducing prevention actions as well as non productive investments, pursuant to Articles 43 to 49 of Regulation (EC) No 1698/2005<sup>(238)</sup> or any replacing legislation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*If yes please demonstrate that the measure fulfils the conditions laid down in Articles 43-49 of Regulation (EC) No 1698/2005 or any replacing legislation:*

3.9. Does the measure include aid for the additional costs and income foregone due to the use of environmentally friendly forest technology?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

*If yes, please describe in detail the technology used and confirm that it goes beyond the relevant mandatory requirements:*

Is the compensation paid on the basis of a voluntary commitment that the forest owner has entered and that satisfies the conditions of Article 47 of Regulation (EC) No 1698/2005 or any replacing legislation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*If not, please note that the aid cannot be authorized under Chapter VII of the Guidelines. If yes, describe the commitments:*

3.10. Does the measure include aid for the costs of purchase of forestry land (other than forestry land for environmental protection purposes, see point 3.7 above)?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*If yes, please describe the measure and indicate the aid intensity:*

3.11. Does the measure include aid for the costs of training, consultancy services, such as, establishment of business plans or forestry management plans, feasibility studies, as well as participation in competitions, exhibitions and fairs?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*If yes please demonstrate that the measure fulfils the conditions laid down in Article 15 of the Exemption Regulation:*

3.12. Does the measure include aid for the setting up of forestry associations?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*If yes please demonstrate that the measure fulfils the conditions laid down in Article 9 of the Exemption Regulation:*

3.13. Does the measure include aid in favour of vulgarisation of new techniques, such as reasonable small scale pilot projects or demonstration projects?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*If yes please describe the measures and demonstrate that they fulfil the conditions set out in point 107 of the Guidelines:*

4. Amount of aid

4.1. Is the aid for measures indicated under points 3.1 to 3.7 limited to 100 % of the eligible costs and overcompensation excluded?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Please describe how the exclusion of overcompensation will be controlled:*

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

4.2. Is the aid for measures indicated under point 3.8 limited to the maximum intensity or amount laid down in Regulation (EC) No 1698/2005 or any replacing legislation?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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Are the measures indicated under point 3.8 being co-financed under Regulation (EC) No 1698/2005 or any replacing legislation or is such co-financing envisaged or possible?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*If yes, please describe how any double funding leading to overcompensation will be excluded:*

4.3. Can the compensation for measures indicated under point 3.9 be granted above the maximum aid rate for aid under Article 47 fixed in the Annex of Regulation (EC) No 1698/2005, but in no case more than the demonstrated additional costs and income foregone?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*In both cases, please indicate the aid amount and describe how it is calculated. If yes, please describe the specific circumstances and the effect of the measure to the environment and present calculations showing that the additional amounts of aid are limited to the demonstrated additional costs and/or income foregone:*

4.4. Is the aid for the measures indicated under point 3.10 limited to the maximum aid intensity laid down in Article 4 of the Exemption Regulation for the purchase of agricultural land?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Please describe how the exclusion of overcompensation will be controlled:*

4.5. Is the aid for measures indicated under points 3.11 to 3.13 limited to the maximum aid intensity laid down in the applicable rules of the Exemption Regulation or the Guidelines?

<input type="checkbox"/>	yes	<input type="checkbox"/>	no
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*Please describe how the exclusion of overcompensation will be controlled:]]*

### *[<sup>F1</sup>PART III.13.A*

#### **Supplementary Information Sheet on investment aid to airports**

*It is recommended that this supplementary information sheet be completed in addition to the 'General information' form, for the notification of any investment aid covered by the Guidelines on State aid to airports and airlines<sup>(239)</sup>.*

#### **1. Additional information on the beneficiary, investment project and aid**

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

1.1. Beneficiary

1.1.1. Is the aid awarded directly to the owner of the airport?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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1.1.2. If the answer to point 1.1.1 is no, please describe, if applicable, (i) the legal entity/-ies receiving the aid, and (ii) the legal entity/-ies transferring the aid to an intermediate entity or to the airport carrying out the investment project:

1.1.3. If the answer to point 1.1.1 is no, please explain how the national authorities ensure that that there is no advantage granted at the intermediary levels:

1.1.4. In the case of individual aid, please describe the legal, organisational and financial relationships between the recipient of the aid and (i) the undertakings with which it forms part of a group of undertakings; (ii) its subsidiaries; (iii) any other associated enterprises, including joint ventures.

In the case of aid schemes, please describe the method by which the aid granting authority will assess the legal, organisational and financial relations enumerated above:

1.1.5. Please specify whether the beneficiary will also operate the infrastructure:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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1.1.6. If the answer to the above question is no, please describe (i) the procedure by which the infrastructure operator will be chosen/respectively has been chosen, and (ii) selection criteria:

1.1.7. Where the airport or airports are used by the national armed forces, the police force, non-economic air rescue services, or any other air service of a non-economic nature, please specify (a) the nature of the service(s) and (b) the rate of airport capacity utilisation (e.g. use of the runway and other airport facilities, expressed as a percentage of annual aircraft movements):

1.1.8. Please provide the following passenger traffic data of the airport(s) receiving the aid:

(a) Airports with a commercial passenger traffic history of more than two financial years: Average annual passenger traffic during the two financial years preceding the year in which the aid is notified or actually granted.

(b) Airports with a commercial passenger traffic history of less than two financial years: Forecasted average annual passenger traffic during the two financial years after the beginning of the operation of commercial passenger air traffic.

(c) For all airports, forecasted average annual passenger traffic during the projected economic lifetime of the subsidised infrastructure.

Please provide the data in the form of a table, as follow:

Year	Total number of passengers

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

Passenger numbers must be counted ‘one-way’ and for each individual route; e.g. a passenger flying to the airport and back would be counted twice. If the airport is part of a group of airports, passenger traffic data must be established on the basis of each individual airport.

1.2. The investment project

1.2.1. Please describe the investment project and all underlying estimates, and provide the *ex-ante* business plan (in form of an excel table) on which the project is based. The business plan should cover the economic lifetime of the investment. All estimates should be based on sound demand forecasts. Please explain if, and to what extent, those estimates were taken into account in the beneficiary airport's business plan:

1.2.2. Please provide the following information on the investment project:

Date of application for the aid:	
Date of start of works on the investment project:	
Planned end of works on the investment project:	
Planned date of the start of operation of the investment:	
Planned date on which the full capacity is reached:	

1.2.3. Please provide, in one single table, a detailed breakdown of all works to be undertaken, their source of financing, their scheduled duration, related cost items and planned date of entry into operation.

Please indicate for each cost item whether and why it should be regarded as an investment cost (i) directly related to infrastructure of a non-economic nature within the public policy remit (e.g. for safety, air traffic control and any other activities for which a Member State is responsible as part of its official powers as a public authority), or (ii) related to aeronautical airport infrastructure of an economic nature (e.g. runway, ground handling infrastructure), or (iii) related to non-aeronautical infrastructure of an economic nature (e.g. parking, hotels):

Type of works	Financing	Cost structure	Timing

1.2.4. Please provide an overview of (i) the total eligible investment costs<sup>(240)</sup> of an economic nature, and (ii) the total eligible costs of a non-economic nature. Costs must be discounted to their current value; the discount rate must be indicated.

Please indicate in that overview which part of the notified aid will support investments belonging to category (i) and which to category (ii):

1.2.5. If investment costs related to non-aeronautical activities of an economic nature will also be financed through State aid, please explain on what basis the authorities consider such aid compatible with the internal market:

1.2.6. Did you or do you commit to carry out an Environmental Impact Assessment (‘EIA’) for the investment? (point 20 of the Guidelines on State aid to airports and airlines)?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If no, please explain why an EIA is not required for this project:

1.3. Activities of a non-economic nature falling within the public policy remit

1.3.1. Please confirm whether the investment covers activities that fall under the responsibility of the State in the exercise of its official powers as a public authority (e.g. traffic control, police, customs, firefighting, activities necessary to safeguard civil aviation against acts of unlawful interference). Investments relating to the infrastructure and equipment necessary to perform such activities are considered in general to be of a non-economic nature and thus do not fall within the scope of State aid rules. Please include relevant investments in the table provided in section 1.2.3:

<input type="checkbox"/> yes	<input type="checkbox"/> no
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1.3.2. Please provide the national, regional or any other legal instrument concerning the notion of activities falling within the public policy remit, and their financing. In the absence of any such legal instrument, please clarify how those activities are usually financed by the relevant authorities:

1.3.3. Please provide evidence showing that the public financing of non-economic activities does not lead to undue discrimination between airports. Discrimination arises in situations where, under the relevant legal order, civil airports normally have to bear certain costs inherent to their non-economic activities, whereas certain civil airports do not have to cover such costs. Please specify the material and territorial applicability of the national rules applicable to the financing of non-economic activities of airports and, if applicable, the level of regional competence in that matter:

1.3.4. Please confirm, supported by relevant evidence, that the compensation of costs incurred in relation to non-economic activities will be strictly limited to such costs, and that any cross-subsidisation of economic activities through such compensation is effectively excluded:

1.3.5. Please confirm that the airport will maintain separate cost accounts for economic and non-economic activities:

2. **Compatibility assessment of the measure**

2.1. Contribution to a well-defined objective of common interest

2.1.1. Does the investment aid:

(a)  Increase the mobility of Union citizens and the connectivity of the regions by establishing access points for intra-Union flights?

(b)  Combat air traffic congestion at major Union hub airports?

(c)  Facilitate regional development?

Please specify how the investment aid contributes to each of the objective chosen.

2.1.2. Is the investment aimed at creating new airport capacity?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 2.1.3. If the answer to the question in point 2.1.2 is ‘yes’, please demonstrate on the basis of the *ex-ante* business plan referred to in section 1.2 (The investment project) that the new infrastructure will, in the medium-term, meet the forecasted demand of the airlines, passengers and freight forwarders in the catchment area of the airport.
- 2.1.4. In the case of individual investment aid: is the beneficiary airport located in the same catchment area<sup>(241)</sup> as another airport that is *not* operating at or near full capacity?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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If yes, please provide the following information: (a) size and shape of the catchment area; (b) the travelling distance and time between the beneficiary airport and airports in the same catchment area; (c) passenger traffic of other airports in the same catchment area over the 5 years preceding the year of notification; (d) the expected total demand and total capacity in the catchment area of the aided airport in at least the next 10 years, according to the business plan in the worst, base and best case scenarios:

- 2.1.5. In the case of aid schemes: Please (a) indicate the location and the catchment areas of eligible airports in the area of territorial applicability of the scheme; (b) the travelling distance and time between eligible airports and airports in the same catchment area; (c) the method and criteria the national authorities will use to define the size and shape of catchment areas and the capacity utilisation of airports in the same catchment area:
- 2.1.6. In the case of individual investment aid: If the answer to point 2.1.4 is ‘Yes’, please provide information identifying the likely effect of the investment on the use of existing infrastructure in the same catchment area. That information must demonstrate medium-term prospects for use, must be based on sound passenger and freight traffic forecasts, and must be incorporated in the beneficiary airport's *ex-ante* business plan:
- 2.1.7. In the case of individual investment aid: If the answer to point 2.1.4 is ‘Yes’, please provide traffic projections in terms of passenger numbers in the worst, base and best case scenarios and explain why, in your view, such projections justify investment aid for the creation of additional capacity or for maintaining existing capacity:
- 2.2. Need for State intervention
- 2.2.1. In case of individual investment aid: please explain, on the basis of the business plan of the airport, to what extent the airport's ability to cover its capital costs depends on the airport's size in terms of annual passenger traffic:
- 2.2.2. In case of individual investment aid: please explain why the airport could not obtain sufficient private financing:
- 2.2.3. In the case of aid schemes: Please confirm that the aid granting authority will verify the need for State intervention in each individual case on the basis of (i) the size of the airport<sup>(242)</sup>; (ii) the airport's ability to attract private financing:
- 2.3. Appropriateness of the measure
- 2.3.1. Please demonstrate that the aid in question is appropriate to achieve the intended objective or resolve the problems which it is meant to address. In particular, please explain how the authorities have established that the same objective cannot be reached, and that the same problem cannot be resolved, with less distortive policy or aid instruments and that the aid in question is an appropriate policy instrument. For

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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example, if the aid is granted in forms that provide a direct pecuniary advantage<sup>(243)</sup>, please demonstrate why other potentially less distortive forms of aid such as repayable advances or forms of aid that are based on debt or equity instruments<sup>(244)</sup> are not appropriate:

2.4. Incentive effect of the aid

2.4.1. In the case of individual investment aid: please confirm that works on the notified individual investment started only after submission of the application for the aid to the granting authority. Please provide a copy of the aid application sent to the granting authority by the beneficiary and documentary evidence of the date of the start of works:

2.4.2. In the case of aid schemes: please confirm that works on eligible investment projects will start only after submission of the individual application for the aid to the granting authority:

2.4.3. In the case of individual investment aid: please describe the levels of intended activity in a scenario with aid and a counterfactual scenario without aid. Please provide supporting evidence, for example internal documentation relating to alternative activities considered by the beneficiary airport in its internal decision making:

2.4.4. In the case of individual investment aid: in the presence of a counterfactual scenario with alternative activities, please compare both scenarios to specify the additional activity that would only be undertaken with the aid (counterfactual analysis).

In the case of individual investment aid: In the absence of a counterfactual scenario with alternative activities, please specify the capital cost funding gap established on the basis of the beneficiary airport's *ex-ante* business plan. The capital cost funding gap is the difference between the positive and negative cash flows, including investment costs into fixed capital assets over the lifetime of the investment in net present value terms:

2.4.5. In the case of aid schemes: please confirm (a) that the granting authority will award individual aid under the aid scheme only after it has verified that there is an incentive effect, by comparing the levels of intended activity with aid and without aid (counterfactual analysis) or, in the absence of alternative activities without aid, by establishing the capital cost funding gap on the basis of the beneficiary airport's *ex-ante* business plan<sup>(245)</sup>; (b) describe all underlying input data, parameters and assumptions that the aid granting authority will assess for the purposes of the incentive effect analysis:

2.5. Proportionality of the aid

2.5.1. In the case of individual investment aid: in the presence of a counterfactual scenario with alternative activities, please (a) provide in the form of excel-tables the *ex-ante* business plans for the scenario with aid and the counterfactual scenario without aid; (b) on that basis specify the net extra costs, net of extra revenues, which result from undertaking the aided project or activity rather than the counterfactual project/activity; (c) explain all underlying input data, parameters and assumptions.

The business plans should cover the period of the economic lifetime of the investments:

2.5.2. In the case of individual investment aid: in the absence of a counterfactual scenario with alternative activities, please (a) provide in the form of an excel-table the *ex-ante* business plan of the beneficiary airport; (b) indicate on that basis the capital costs funding gap which is the net present value of the difference between the positive and

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

negative cash flows, including investment costs, over the economic lifetime of the investment; (c) explain all underlying input data, parameters and assumptions:

- 2.5.3. In the case of aid schemes: please commit (a) to investigate in each case the counterfactual scenario without aid, on the basis of *ex-ante* business plans; (b) to establish the extra costs, net of extra revenues, which result from undertaking the aided project or activity rather than the counterfactual project or activity in cases where a counterfactual scenario with alternative activities exists; (c) to establish the capital costs funding gap, which is the net present value of the difference between the positive and negative cash flows, including investment costs, over the economic lifetime of the investment, in cases where no alternative activities would have taken place.

Please describe all underlying input data, parameters and assumptions that the aid granting authority will assess for the purposes of the investigations and analysis:

- 2.5.4. Aid intensity:

Please indicate the maximum percentage of the eligible costs to be covered by investment aid ('aid intensity'); including any top-ups on the basic aid intensity:

Where an aid scheme applies to airports of various sizes, please indicate the maximum aid intensity applicable to the following groups of airports:

<b>Size of airport based on average passenger traffic (passengers per annum)</b>	<b>Maximum investment aid intensity</b>
> 3-5 million	
1-3 million	
< 1 million	

- 2.6. Avoidance of negative effects on competition and trade

2.6.1. Please confirm that the airport, including all infrastructure and equipment for which investment aid is granted, will be open to all potential users and not be dedicated to one specific user:

2.6.2. Please specify the provisions made to ensure that airport capacity will be allocated to users on the basis of pertinent, objective, transparent and non-discriminatory criteria:

- 2.7. Notification of individual aid under an investment aid scheme

2.7.1. The following individual aid measures under the investment aid scheme must be notified pursuant to Article 108(3) TFEU:

- (a) investment aid to airports with average annual traffic above 3 million passengers;
- (b) investment aid with an aid intensity exceeding 75 % to an airport with average annual traffic below 1 million passengers, with the exception of airports located in remote regions;
- (c) investment aid granted for the relocation of airports;
- (d) investment aid financing a mixed passenger and freight airport handling more than 200 000 tonnes of freight during the two financial years preceding that in which the aid is notified;

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (e) investment aid aimed at the creation of a new passenger airport (including the conversion of an existing airfield into a passenger airport);
- (f) investment aid aimed at the creation or development of an airport located within 100 kilometres distance or 60 minutes travelling time by car, bus, train or high-speed train from an existing airport.

### PART III.13.B

#### Supplementary Information Sheet on operating aid to airports

*It is recommended that this supplementary information sheet is completed, in addition to the 'General information' form, for the notification of any individual operating aid covered by the Guidelines on State aid to airports and airlines<sup>(246)</sup>.*

#### 1. Additional information on the beneficiary and its activities

##### 1.1. Beneficiary

##### 1.1.1. Is the aid awarded directly to the operator of the airport?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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1.1.2. If the answer to point 1.1.1 is no, please describe, if applicable, (i) the legal entity/-ies receiving the aid, and (ii) the legal entity/-ies responsible for transferring the aid as intermediary/-ies to the airport providing the services eligible for the aid.

1.1.3. If the answer to point 1.1.1 is 'no', please explain how the authorities ensure that that there is no advantage granted at the intermediary levels.

##### 1.1.4. Is the beneficiary of the aid also the owner of the airport?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

1.1.5. If the answer to point 1.1.4 is 'no': please specify who is/will be the owner of the airport and describe the ownership structure.

1.1.6. In the case of individual aid, please describe the legal, organisational and financial relationships between the recipient of the aid and (i) the undertakings with which it forms part of a group of undertakings; (ii) its subsidiaries; (iii) any other associated enterprises, including joint ventures.

In the case of aid schemes, please describe the method by which the aid granting authority will assess the legal, organisational and financial relationships referred to in points 1.1.1 to 1.1.5 above.

#### 1.2. General information about the airport operator

1.2.1. Where the airport or the airports are used by the national armed forces, the police force, non-economic air rescue services, or any other air service of a non-economic nature, please specify (a) the nature of the service(s); and (b) the rate of airport capacity utilisation (e.g. use of the runway and other airport facilities, expressed as a percentage of annual aircraft movements).

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

1.2.2. Please provide the following passenger traffic data of the airport(s) receiving the aid:

- (a) Airports with a commercial passenger traffic history of more than two financial years: average annual passenger traffic during the two financial years preceding the year in which the aid is notified or actually granted.
- (b) Airports with a commercial passenger traffic history of less than two financial years: forecasted average annual passenger traffic during the two financial years after the beginning of the operation of commercial passenger air traffic flows.

Please provide the data in the form of a table, as follows: [copied from page 188, point 2.2.3]

Year	Total number of passengers

Passenger numbers must be counted ‘one-way’ and for each individual route. For example: a passenger flying to the airport and back would be counted twice. If the airport is part of a group of airports, passenger traffic data must be established on the basis of each individual airport.

1.2.3. In the case of individual operating aid: please provide the business plan that the beneficiary has implemented in the period 2009–2013, and that it intends to implement in the subsequent 10-year period until 4 April 2024. Please describe the assumptions underlying that 10-year period.

The business plan must contain information on traffic and traffic forecasts; costs and cost forecasts; financial data and financial forecasts as regards the level of profitability and cash-flows (by reference to methodologies which are demonstrably used by the airport, e.g. using methods for evaluating the net present value of an investment (NPV), the internal rate of return (IRR), and the average return on capital employed (ROCE). The business plan must be provided in an excel format including explanations of all underlying formulas.

In the case of aid schemes, please specify in detail (a) the formal and material criteria to which business plans of eligible airports must conform; (b) the method the national authorities will use to assess the business plans.

1.2.4. In the case of individual operating aid, please provide a summary overview of operating losses<sup>(247)</sup> the beneficiary incurred in the period 2009–2013, as well as of forecasted operating losses in the period until 4 April 2024. Please provide the data in the form of a table, structured as follows:

Revenue				
...				
...				
Operating costs				
...				
...				
Other				

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

...				
Operating results				

In the case of aid schemes, please specify the method the authorities will use to establish the operating losses of eligible airports.

1.2.5. In the case of individual operating aid, please provide copies of the eligible airports' financial reports<sup>(248)</sup> for the 5 years preceding the year of application for operating aid.

In the case of aid schemes, please commit to include the above described financial reports in the assessment of individual aid.

1.2.6. Please specify the provisions made to avoid overcompensation and recover excess amounts from the beneficiary.

1.3. Airport service activities

1.3.1. Please specify the eligible airport services<sup>(249)</sup> and the categories of eligible operating costs<sup>(250)</sup> in respect of the provision of those services.

1.4. Activities falling within the public policy remit

1.4.1. Does the operating aid cover activities that fall under State responsibility in the exercise of its official powers as a public authority (e.g. air traffic control, police, customs, firefighting, activities necessary to safeguard civil aviation against acts of unlawful interference)? Operating costs relating to the infrastructure and equipment necessary to perform such activities are considered in general to be of a non-economic nature and thus do not fall within the scope of State aid rules.

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

1.4.2. Please provide the relevant national, regional or any other legal instrument concerning the notion of activities falling within the public policy remit and their financing. In absence of any such legal instrument, please clarify how those activities are usually financed by the relevant authorities.

1.4.3. Please provide evidence showing that the public financing of non-economic activities does not lead to undue discrimination between airports. Discrimination arises in situations where, under the relevant legal order, civil airports normally have to bear certain costs inherent to their non-economic activities, whereas certain civil airports do not have to cover such costs. Please specify the material and territorial applicability of the national rules applicable to the financing of non-economic activities of airports and, if applicable, the level of regional competences in that matter.

1.4.4. Please confirm, supported by relevant evidence, that the compensation of costs incurred in relation to non-economic activities will be strictly limited to such costs, and that any cross-subsidisation of economic activities through such compensation is effectively excluded.

1.4.5. Please confirm that the airport will maintain separate cost accounts for economic and non-economic activities.

2. **Compatibility assessment of the measure**

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

2.1. Was the aid granted before 4 April 2014?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

2.2. Contribution to a well-defined objective of common interest

2.2.1. Does the operating aid:

(a)  Increase the mobility of Union citizens and the connectivity of the regions by establishing access points for intra-Union flights?

(b)  Combat air traffic congestion at major Union hub airports?

(c)  Facilitate regional development?

Please specify how the operating aid contributes to the objective(s) chosen.

2.2.2. Does the notified measure concern the operator of a new airport?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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2.2.3. In the case of individual operating aid: Is the beneficiary airport located in the same catchment area<sup>(251)</sup> of another airport with spare capacity?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

2.2.4. In the case of individual operating aid: If the answer to point 2.2.3 is yes, please specify the size and shape of the catchment area. Please provide information, identifying the likely effect on the traffic of the other airport located in that catchment area. That information should be part of the beneficiary airport's business plan and should be based on sound passenger and freight traffic forecasts.

In the case of aid schemes: Please (a) confirm that the authorities are committed to assess the likely effect on the traffic of any other airport(s) located in the same catchment area as an eligible airport on the basis of information that is part of the beneficiary airport's business plan and is based on sound passenger and freight traffic forecasts; (b) explain the method and the criteria the national authorities will use to assess the likely effect on the traffic of that other airport or those other airports.

2.3. Need for State intervention

2.3.1. Please confirm that the annual traffic of the airport/eligible airports does not exceed 3 million passengers (see also question 1.2.2 above).

2.4. Appropriateness of the measure

2.4.1. Please demonstrate that the aid in question is appropriate to achieve the intended objective or resolve the problems which it intendeds to address. In particular, please explain how the authorities have established that the same objective cannot be reached, or the same problem cannot be resolved, through less distortive policy or aid instruments. For example, if the aid is granted in forms that provide a direct pecuniary advantage<sup>(252)</sup>, please demonstrate why other potentially less distortive

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

forms of aid such as repayable advances or forms of aid that are based on debt or equity instruments<sup>(253)</sup> are not appropriate:

- 2.4.2. In the case of individual operating aid: Has the aid amount been established *ex-ante* as a fixed sum covering the expected operating funding gap determined on the basis of the business plan of the beneficiary, during a 10-year transitional period starting on 4 April 2014?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

If yes, please provide relevant information in the business plan.

- 2.4.3. In the case of aid schemes: will the aid amount in each individual case be established *ex-ante* as a fixed sum covering the expected operating funding gap determined on the basis of the business plan of the beneficiary, during a 10-year transitional period starting on 4 April 2014?

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

If yes, the beneficiary should provide relevant information in the business plan.

- 2.4.4. If the answer to points 2.4.2 and 2.4.3 is 'no', please specify: (a) the degree of uncertainty of cost and revenue forecasts, (b) any information asymmetries that prevent the national authorities from calculating the aid amount *ex ante* on the basis of a business plan.
- 2.4.5. If the answer to points 2.4.2 and 2.4.3 is 'no', please confirm that the maximum amount of compatible operating aid was/will be established according to a model based on the average of the operating funding gaps<sup>(254)</sup> during the five years from 2009 to 2013.
- 2.4.6. Please confirm that the amount of operating aid will not be increased *ex-post*.

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

- 2.4.7. If the answer to the above question is 'no', please explain why in your opinion the possibility of an *ex-post* increase would not reduce incentives to manage the airport efficiently.

## 2.5. Incentive effect and proportionality of the aid

- 2.5.1. In the case of individual operating aid, please describe why there is the likelihood that in the absence of the aid the level of economic activity of the airport concerned would be significantly reduced. Please provide the necessary information on the basis of the business plan (see also point 1.2.3), comparing the levels of intended activity with aid and without aid (the counterfactual scenario), and taking into account the possible presence of investment aid and level of traffic.

In the case of aid schemes, please describe the method applied by the aid granting authority in order to assess the business plans as well as the likelihood that in the absence of aid the level of economic activity of the airport concerned would be significantly reduced, taking into account the possible presence of investment aid and level of traffic.



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

2.5.2. In the case of individual operating aid, please demonstrate that the business plan of the airport will result in full operating cost coverage by 4 April 2024. Please specify the relevant key parameters of the business plan.

In the case of aid schemes, please confirm that the aid granting authority will grant individual operating aid only if it has concluded that the business plan of the beneficiary airport will result in full operating cost coverage by 4 April 2024. Please specify which key parameters of the business plan the aid granting authorities will assess in order to reach that conclusion in each case.

2.5.3. Please indicate:

In the case of individual operating aid: The beneficiary airport's initial funding gap over 10 years, starting with the operating cost coverage on 4 April 2014 at the beginning of the transition period and reaching full operating cost coverage achievement by 4 April 2024, at the end of the transition period.

In the case of aid schemes: please commit (a) that the funding gap of eligible airports will be established using the method referred to in point 2.5.2; (b) that eligible airports must demonstrate that they will achieve full operating cost coverage by 4 April 2024.

The maximum permissible aid amount:

The percentage of the funding gap to be covered by the operating aid:

The period during which operating aid will be granted:

2.6. Avoidance of negative effects on competition and trade

2.6.1. Please demonstrate that all airports located in the same catchment area as the eligible airport or airports will be able to achieve full operating cost coverage by 4 April 2024.

2.6.2. Please confirm that the airport or airports, including any investment for which aid is granted, will be open to all potential users and not be dedicated to one specific user.

yes

no

2.6.3. Please specify the provisions made to ensure that airport capacity will be allocated to users on the basis of pertinent, objective, transparent and non-discriminatory criteria.

### PART III.13.C

#### Supplementary Information Sheet on start-up aid to airlines

*It is recommended that this supplementary information sheet is completed, in addition to the 'General information' form in Part I, for the notification of any start-up aid covered by the Guidelines on State aid to airports and airlines<sup>(255)</sup>.*

*This form applies both to the notification of aid schemes and individual aid.*

#### 1. Additional information on the beneficiary, project and aid

##### 1.1. Beneficiary

1.1.1. Is the aid awarded directly to the airline operating the new route?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

<input type="checkbox"/> yes	<input type="checkbox"/> no
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1.1.2. If the answer to point 1.1.1 is 'no': please describe, if applicable, the legal entity or entities (a) receiving the aid; (b) transferring the aid to an intermediate entity or to the airline that operates the new route.

1.1.3. If the answer to point 1.1.1 is 'no', please explain how the authorities ensure that the intermediary levels receive no advantage.

1.1.4. In the case of individual aid, please describe the legal, organisational and financial relationships between the recipient of the aid and (a) the undertakings with which it forms part of a group of undertakings; (b) its subsidiaries; (c) any other associated enterprises, including joint ventures.

In the case of aid schemes, please describe the method by which the aid granting authority will assess those legal, organisational and financial relationships:

1.1.5. Selection of the beneficiary: Please describe (a) the procedure by which the beneficiary will be chosen or has been chosen; (b) the medium and level of publicity of the selection procedure; (c) eligibility conditions; (d) operational requirements; (e) selection criteria.

## 2. **Compatibility assessment of the measure**

2.1. Contribution to a well-defined objective of common interest

2.1.1. Does the start-up aid:

(a)  Increase the mobility of Union citizens and the connectivity of the regions by opening new routes?

(b)  Facilitate regional development of remote regions?

Please explain how the aid contributes to the objective chosen.

2.1.2. In the case of individual aid, please demonstrate that the route or routes to be covered is or are not already covered by a high-speed rail service<sup>(256)</sup> or from another airport in the same catchment area<sup>(257)</sup> under comparable conditions. If conditions are considered not to be comparable, please explain why.

In the case of aid schemes, please explain how the aid granting authority will ensure that the condition in this point is met in each individual case of start-up aid.

2.2. Need for State intervention

2.2.1. Please indicate whether the start-up aid concerns:

(a)  Routes linking an airport with less than 3 million passengers *per annum*<sup>(258)</sup> to another airport within the Common European Aviation Area<sup>(259)</sup>;

(b)  Routes linking an airport located in a remote region to another airport (within or outside the Common European Aviation Area) irrespective of the size of the airports concerned;

(c)  Routes linking an airport with more than 3 million passengers *per annum* and less than 5 million passengers *per annum*, not located in remote regions. Please duly substantiate the specific circumstances in this case;

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- (d)  Other (Please specify).
- 2.2.2. In the case of individual aid, please indicate the location of the airports linked by eligible new routes.
- 2.2.3. In the case of individual aid where the start-up aid is for routes linking an airport **not** located in a remote region to another airport, please provide the following passenger traffic data of the airports linked by the new route(s):
- (a) concerning airports with a commercial passenger traffic history of more than 2 financial years: the average annual passenger traffic during the two financial years preceding the year in which the aid is notified or granted;
- (b) concerning airports with a commercial passenger traffic history of less than two financial years: the forecasted average annual passenger traffic during the two financial years after the beginning of the operation of commercial passenger air traffic;

Please provide the data in the form of a table, as follows:

<b>Year</b>	<b>Airport</b>	<b>Airport</b>
Year	Passenger number	Passenger number
Year	Passenger number	Passenger number

Passenger numbers must be counted ‘one-way’ and for each individual route; e.g. passengers flying to the airport and back have to be counted twice. If an airport is part of a group of airports, passenger traffic data must be established on the basis of the individual airport.

- 2.2.4. In the case of aid schemes, please explain how the aid granting authority will assess on the basis of airport location, passenger traffic data and routes whether there is a need for State intervention in each individual case of start-up aid.
- 2.3. Appropriateness of the measure
- 2.3.1. In the case of individual aid: please demonstrate that the aid in question is appropriate to achieve the intended objective or resolve the problems it intends to address. In particular, please explain how the authorities have established that the same objective cannot be reached and the same problem cannot be resolved, with less distortive policy or aid instruments. For example, if the aid is granted in forms that provide a direct pecuniary advantage<sup>(260)</sup>, please demonstrate that other potentially less distortive forms of aid such as repayable advances or forms of aid that are based on debt or equity instruments<sup>(260)</sup> are not appropriate.
- 2.3.2. In the case of individual aid where the beneficiary airline has prepared a business plan *ex-ante* for the route receiving the aid: please provide that business plan. That business plan must indicate whether that route has prospects of becoming profitable for the airline without public funding after 3 years.
- 2.3.3. In the case of individual aid in the absence of an *ex-ante* business plan for the route receiving the aid: please provide a document showing that the airline in question is irrevocably committed to operate the route for a period which is at least equal to the period during which it received start-up aid.
- 2.3.4. In the case of aid schemes, please explain how the aid granting authority will assess whether the measure is appropriate in each individual case of start-up aid.

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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2.4. Incentive effect and proportionality of the measure

- 2.4.1. In the case of individual aid, please explain why, if available on the basis of a business plan, there is the likelihood that in the absence of aid the level of economic activity of the airline at the airport concerned would not be expanded.

In the case of aid schemes, please describe the method applied by the aid granting authority in order to assess the likelihood that in the absence of aid the level of economic activity of the airline at the airport concerned would not be expanded.

- 2.4.2. In the case of individual aid, please confirm that the new route will start/started operating only after the application for aid was submitted to the granting authority and provide: (a) a copy of the aid application sent to the granting authority by the beneficiary; (b) documentary evidence of the start date of operations on the new route.

In the case of aid schemes, please confirm that eligible new routes will start operating only after the application for aid was submitted to the granting authority.

- 2.4.3. Please confirm that the aid will be granted for each route for a maximum period of three years.
- 2.4.4. Please specify the aid intensity, which is the total aid amount expressed as a percentage of eligible costs<sup>(261)</sup>. Both figures must be expressed in net present value terms at the moment the aid is granted and before any deduction of tax or other charges.
- 2.4.5. Please specify the provisions made to avoid overcompensation and recover excess amounts of aid from the beneficiary airline.
- 2.4.6. Please specify the measures taken to avoid cross-subsidisation of other routes of the beneficiary airline to and from the airport or airports in question.

2.5. Avoidance of undue negative effects on competition and trade

- 2.5.1. In the case of individual aid: please confirm that the connection (for example, city-pair) to be operated by the new air route is not already operated by a high-speed rail service or by another airport in the same catchment area under comparable conditions, notably in terms of length of journey. Please see also point 2.1.2.

In the case of aid schemes: Please explain how the aid granting authority will ensure that the condition in this point is satisfied in each individual case of start-up aid.

- 2.5.2. Please provide evidence that in planning to grant start-up aid to an airline for the new route, whether or not via an airport, the public authority's plans were made or will be made public in good time and with adequate publicity, to enable all interested airlines to offer their services.
- 2.5.3. Please confirm that the start-up aid in question cannot be combined with any other type of State aid granted for the operation of the same route.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

### PART III.13.D

#### **Supplementary Information Sheet on aid of a social character under Article 107(2)(a) of the Treaty, for air transport services**

*It is recommended that this supplementary information sheet is completed, in addition to the 'General information' form in Part I, for the notification of any social aid provision covered by the Guidelines on State aid to airports and airlines<sup>(262)</sup>.*

1. **Information on the beneficiary or beneficiaries, the project and the aid**
- 1.1. Please explain the social objective(s) of the notified measure and why you considered that the measure achieves that objective or those objectives.
- 1.2. Details on the aid envisaged
- 1.2.1. Please describe (a) the method of awarding and distributing the aid to final consumers; (b) where applicable, please describe the legal entity or entities receiving the aid or transferring the aid to an intermediate entity responsible of distributing it to eligible final consumers.
- 1.2.2. Please describe the categories of eligible final consumers, for instance passengers with particular needs like children, people with disabilities, people on low incomes, students and elderly people, etc.<sup>(263)</sup>.
- 1.2.3. Please confirm that the aid will effectively benefit eligible final consumers.
- 1.2.4. Please describe the routes eligible for aid.
- 1.2.5. Will the aid be granted for passenger transport on a route or on routes linking an airport or airports in a remote region<sup>(264)</sup> with another airport or other airports within the European Economic Area?

<input type="checkbox"/> yes	<input type="checkbox"/> no
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- 1.2.6. If the answer to point 1.2.5 is 'yes', please describe the eligible geographic areas and routes.
- 1.2.7. Please specify the costs which are to be compensated by the aid and confirm that eligible costs are limited to the price of a return ticket, including all taxes and charges, invoiced by the carrier to the eligible final consumer.
- 1.2.8. Please confirm that the aid will be granted without discrimination between distribution channels, such as travel agencies, airline ground services and websites.
- 1.2.9. Please describe (a) the procedure by which the air service operator(s) will be selected, has been or have been selected; (b) eligibility conditions and (c) the selection criteria.
- 1.2.10. Please confirm that the aid will be granted without discrimination as to the origin of the services, that is to say irrespective of the airline operating the services.

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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- 1.2.11. Please describe the controls and safeguards in force to ensure that the scheme is only used by eligible final consumers and that there is no overcompensation.

### PART III.13.E

#### Supplementary Information Sheet on aid for maritime transport

*It is recommended that this supplementary information sheet is completed, in addition to the 'General information' form in Part I, for the notification of any measure covered by the the Community guidelines on State aid to maritime transport<sup>(265)</sup> ('the Guidelines').*

#### 1. Information on the type of scheme

Does the scheme constitute or include:

- (a)  Tonnage Tax
- (b)  a reduction in social contributions
- (c)  a reduction in local taxes
- (d)  a reduction in registration fees
- (e)  aids for training
- (f)  aids for transferring lorries from roads to sea ways
- (g)  a public service contract or award procedure thereof
- (h)  aids of social character
- (i)  other, please describe:

#### 2. Information on eligibility

For categories (a) (b) (c) (d) (e) (f) under point 1, please reply to 2.2 to 2.7:

- 2.1. What are the eligibility criteria for companies?
- 2.2. What are the eligibility criteria for boats? In particular, is there an obligation in relation to the flag? What are the flag-related obligations for the fleet of companies entering tonnage taxation scheme after 17 January 2004? Do flag-related obligations apply to the entire fleet of the beneficiary company or only owned fleet and fleet chartered in on bare-boat terms?
- 2.3. What are the eligibility conditions for the fleet chartered out on bare-boat terms?
- 2.4. What are the eligibility conditions for time- or voyage-chartered fleet?
- 2.5. Where appropriate, what are the eligibility criteria for seafarers?
- 2.6. Describe the list of eligible activities. In particular, does the regime concern:

<input type="checkbox"/> tug activities?	<input type="checkbox"/> dredging activities?
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More generally, are shipping activities other than maritime transport of goods and passengers covered by the aid scheme?

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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- 2.7. What are the ring-fence measures to avoid spill-over into other activities of the same company?

For category (g) under point 1:

- 2.8. What are the public services obligations, the method for calculating the compensations, the different offers submitted in the tender and the reasons for the choice of the designated company?

For category (h) under point 1:

- 2.9. What are the routes concerned, the populations of users concerned and the conditions attached to the award of individual grants?

### 3. **Information on aid intensity**

- 3.1. What mechanisms are in place to ensure the respect of the aid ceiling specified in Chapter 11 of the Guidelines? How are the relevant records kept?

For category (a) under point 1, please reply to 3.2 to 3.7:

- 3.2. What are the rates used to calculate the taxable income per 100 NT?

Up to 1 000 NT...

Between 1 001 and 10 000 NT...

Between 10 001 and 20 000 NT...

More than 20 001 NT...

- 3.3. Are companies obliged to set up separate accounts when operating both eligible and non-eligible activities?
- 3.4. What treatment is applied to groups of companies and intra-group transactions?
- 3.5. To what extent are the revenues from ancillary activities covered by tonnage tax scheme?
- 3.6. Are there special taxation rules for ships entering tonnage taxation in a situation when their market value exceeds their tax value?
- 3.7. Is the normal tax level under Member States' general tax rules applied to remuneration of directors and shareholders of the shipping companies?

For categories (b) (c) and (d) under point 1, please reply to 3.8 to 3.10:

- 3.8. What is the aid intensity in terms of percentage of the social/fiscal contributions or of the tax or fees that the seafarer or the shipowner should have normally been subject to?
- 3.9. Or to what level in absolute terms have the contributions, fees or taxes referred to in point 3.8 been limited?
- 3.10. In case of dredgers and tugboats, is the aid strictly limited to maritime transport part of activities?
- 3.11. For category (e) under point 1: What is the aid intensity in terms of the cost of the training or the salary of the trainee?
- 3.12. For category (f) under point 1: What is the amount of aid per tonne kilometre transferred?
- 3.13. For category (h) under point 1: What is the amount of individual grants?]

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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## PART III.14

### **SUPPLEMENTARY INFORMATION SHEET FOR STATE AID TO THE FISHERY AND AQUACULTURE SECTOR**

*This supplementary information sheet must be used in the case of the notification of an aid measure which is covered by the Guidelines for the Examination of State Aid to the Fishery and Aquaculture Sector<sup>(266)</sup> ('the Guidelines').*

#### 1. Common assessment principles

1.1. Does the aid measure satisfy the following common assessment principles? If yes, or if the aid measure is not required to satisfy the principle of incentive effect set out in Section 3.6 of the Guidelines, please tick the appropriate box:

- the aid measure contributes to a well-defined objective of common interest;
- need for State intervention: the State aid measure is targeted towards a situation where aid can bring about a material improvement that the market cannot deliver itself, for example, by remedying a market failure;
- appropriateness of the aid measure: the aid measure is an appropriate policy instrument to address the objective of common interest;
- incentive effect: the aid changes the behaviour of the undertaking(s) concerned in such a way that it engages in additional activity which it would not carry out without the aid or it would carry out in a restricted or different manner or location; or the aid is not required to have an incentive effect under point (52) of the Guidelines;
- proportionality of the aid (aid limited to the minimum necessary): the aid amount is limited to the minimum needed to induce the additional investment or activity in the area concerned;
- avoidance of undue negative effects on competition and trade between Member States: the negative effects of the aid are sufficiently limited, so that the overall balance of the measure is positive;
- transparency of the aid: Member States, the Commission, economic operators, and the public have easy access to all relevant acts and to pertinent information about the aid awarded thereunder.

1.2. Does the aid measure or any condition attached to it, including its financing method when that method constitutes a non-severable part of the measure, entail a violation of Union law?

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Yes

No

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1.3. Is the aid for export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network, or to other costs linked to the export activity or is the aid contingent upon the use of domestic over imported goods?

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Yes

No

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

*Please note that, if the answer to the questions set out in points 1.2 and 1.3 is yes, the aid is incompatible with the internal market, as set out in points (26) and (27) of the Guidelines.*

- 1.4. Is the aid granted to an undertaking which is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market?

*Please note that this does not apply to aid to make good the damage caused by natural disasters under Article 107(2)(b) of the Treaty.*

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, please indicate the relevant Commission decision:

## 2. Specific principles for the fishery and aquaculture sector

- 2.1. In the case of an aid scheme, are the applications inadmissible if they are from operators that have committed one or more of the infringements or offences set out in Article 10(1) of Regulation (EU) No 508/2014 of the European Parliament and the Council<sup>(267)</sup> or a fraud as set out in Article 10(3) of that Regulation during the period set out in the delegated acts adopted on the basis of Article 10(4) of that Regulation?

*Please note that this principle does not apply in the case of aid that meets the specific conditions set out in Sections 4, 5.3, and 5.4 of the Guidelines.*

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, please indicate the specific provisions on inadmissibility:

- 2.2. In the case of individual aid, please confirm that the operator concerned has not committed one or more of the infringements or offences set out in Article 10(1) of Regulation (EU) No 508/2014 or a fraud as set out in Article 10(3) of that Regulation during the period set out in the delegated acts adopted on the basis of Article 10(4) of that Regulation?

*Please note that this principle does not apply in the case of aid that meets the specific conditions set out in Sections 4, 5.3, and 5.4 of the Guidelines.*

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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- 2.3. Does the aid measure explicitly provide that each undertaking must comply with the rules of the common fisheries policy (CFP) throughout the period of implementation of the project and for a period of five years after the final payment to the beneficiary?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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- 2.4. Please confirm that a beneficiary that has committed one or more of the infringements set out in Article 10(1) of Regulation (EU) No 508/2014 throughout the period of

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

implementation of the project and for a period of five years after the final payment to the beneficiary must reimburse the aid.

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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2.5. Please confirm that no aid is granted for activities that correspond to ineligible operations under Article 11 of Regulation (EU) No 508/2014.

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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2.6. If the answer to the questions set out in Sections 2.3, 2.4 and 2.5 of this Supplementary Information Sheet is yes, please indicate the specific provisions of the relevant national legal act or acts that set out the conditions referred to in those questions:

2.7. If the aid measure is of the same kind as an operation that is eligible for funding under Regulation (EU) No 508/2014, does it comply with the relevant provisions in that Regulation for that kind of operation, in particular, with the provisions on the intensity of public aid?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If no, please demonstrate the justification for and the indispensability of the aid:

### 3. Contribution to a common objective

3.1. Does the aid measure fall under Sections 4, 5.1, 5.3 or 5.4 of the Guidelines and fulfil the specific conditions set out in the relevant Section?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*If the answer is yes, please note that the Commission considers that the aid measure contributes to achieving an objective of common interest and disregard Sections 3.2 and 3.3.*

3.2. Please identify the objective or objectives of common interest set out in Article 107(3) of the Treaty which the aid measure contributes towards achieving:

3.3. Please identify the objective or objectives of the CFP which the aid measure contributes towards achieving and clearly demonstrate how the aid measure contributes to achieving this objective or these objectives without negatively affecting other CFP objectives<sup>(268)</sup>:

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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#### 4. **Need for state intervention**

4.1. Does the aid measure fall under Sections 4, 5.1, 5.3 or 5.4 of the Guidelines and fulfil the specific conditions set out in the relevant Section?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*If the answer is yes, please note that the Commission considers that there is a need for State intervention and disregard Sections 4.2, 4.3 and 4.4.*

4.2. Please describe the problem to be addressed with the aid measure and explain how the aid is targeted towards situations where it can bring about a material improvement that the market cannot deliver on its own:

4.3. Please explain whether and how the aid measure corrects market failures and thereby contributes to the efficient functioning of markets and to enhancing competitiveness or whether and how, in the case of market outcomes which are unsatisfactory from an equity or cohesion point of view, the aid is used to obtain a more desirable, equitable market outcome:

4.4. Please explain whether and how the aid promotes the rationalisation and efficiency of the fishery and aquaculture sector and aims at permanent improvements in order for the sector to function on the basis of market factors:

#### 5. **Appropriateness of aid**

5.1. Does the aid fall under Sections 4, 5.1, 5.3 or 5.4 of the Guidelines and fulfil the specific conditions set out in the relevant Section?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*If the answer is yes, please note that the Commission considers that the aid measure is an appropriate policy instrument and disregard Sections 5.2 to 5.5.*

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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5.2. Please demonstrate why no other less distortive policy instruments exist that would make the same positive contribution to achieving the objectives of the CFP and why other policy options have been discarded:

5.3. Has an impact assessment of the notified aid measure been made?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, please summarise its main conclusions:

5.4. Please indicate the form of aid and explain why that form is likely to generate the least distortion of competition and trade?

5.5. Where the aid is granted in forms that provide a direct pecuniary advantage (for example, direct grants, exemptions or reductions in taxes, social security or other compulsory charges), please demonstrate why other potentially less distortive forms of aid such as repayable advances or forms of aid that are based on debt or equity instruments (for example, low-interest loans or interest rebates, state guarantees, or an alternative provision of capital on favourable terms) are less appropriate:

## 6. Incentive effect

6.1. Is the aid compensatory in nature, such as aid that falls under Section 4, 5.3 or 5.4, and does it fulfil the specific conditions set out in the relevant Section, or does the aid fall under Section 5.6 of the Guidelines and meet the conditions set out in that Section?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*If the answer is yes, please note that the aid is not required to have an incentive effect and disregard Sections 6.2 to 6.6.*

6.2. Please demonstrate how the aid changes the behaviour of an undertaking in such a way that it engages in additional activity which it would not have carried out without the aid or would have carried out in a restrictive or different manner:

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 6.3. Does the aid subsidise the costs of an activity that the beneficiary would have incurred in any event or does it compensate for the normal business risk of an economic activity?

Yes

No

*If the answer is yes, please note that the aid cannot be considered to have an incentive effect (point (49) of the Guidelines).*

- 6.4. Is the aid granted in respect of an operation that the beneficiary has already begun to implement before the aid application was submitted by the beneficiary to the national authorities?

Yes

No

*If the answer is yes, please note that under point (51) of the Guidelines the aid cannot be considered to have an incentive effect.*

- 6.5. Is the aid operating aid<sup>(269)</sup> or aid intended to facilitate the achievement of obligatory standards?

Yes

No

*If the answer is yes, please note that under point (50) of the Guidelines such aid is in principle incompatible with the internal market, unless exceptions are expressly provided for in Union legislation or in the Guidelines or in duly justified other cases.*

If the answer is yes, please mention the provisions which expressly authorise such aid or provide detailed justification for such aid:

- 6.6. If the aid is in the form of tax advantages, does the aid measure establish a right to the aid in accordance with objective criteria and without further exercise of discretion by the Member State?

*Please note that the latter requirement does not apply in the case of fiscal successor schemes, if the measure was already covered by the previous schemes in the form of tax advantages.*

Yes

No

## 7. Proportionality of aid

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 7.1. Is the aid compensatory in nature, such as aid that falls under Section 4, 5.3 or 5.4, and does it fulfil the specific conditions set out in the relevant Section, or does the aid fall under Section 5.6 of the Guidelines and meet the conditions set out in that Section?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*If the answer is yes, please note that the aid is deemed to be proportionate and disregard points 7.2 to 7.4.*

- 7.2. Please demonstrate whether and how the aid amount corresponds to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual in the absence of aid:

- 7.3. If the aid measure is of the same kind as an operation that is eligible for funding under Regulation (EU) No 508/2014, does the amount of aid exceed the applicable maximum intensity of public aid set out in Article 95 of and Annex I to that Regulation?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, please demonstrate the justification for and the indispensability of the aid:

- 7.4. Will the aid be granted concurrently under several schemes or cumulated with ad hoc aid?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, does the total amount of public funding for an activity exceed the relevant maximum aid intensities referred to in the Guidelines?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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## 8. Effects on competition and trade

- 8.1. Does the aid fall under Section 4, 5.1, 5.3 or 5.4 of the Guidelines and fulfil the conditions set out in the relevant Section?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*If the answer is yes, please note that the Commission considers that the negative effects on competition and trade are limited to the minimum and disregard Sections 8.2 and 8.3.*

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 8.2. Please demonstrate how the negative effects of the aid measure in terms of distortions of competition and impact on trade between Member States are limited to the minimum and outweighed by the positive effects in terms of its contribution to achieving the objective of common interest. In the case of an aid scheme, please take into account the levels of distortions on a cumulative basis rather than on an individual level only as well as the size of the projects concerned, the individual and cumulative aid amounts, the expected beneficiaries, as well as the characteristics of the targeted sector. In the case of individual aid, please address the negative effects linked to the prevention of exit from the market and substantial market power and provide evidence permitting the identification of the relevant product market, the geographical market, the competitors, as well as the customers and consumers concerned:

- 8.3. Has an impact assessment of the notified aid measure been made?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, please summarise its main conclusions:

## 9. Transparency

- 9.1. Will the Member State publish at least the following information on a comprehensive State aid website at national or regional level?
- (a) the full text of the aid scheme and its implementing provisions or the legal basis for individual aid, or a link to it;
  - (b) the granting authority or authorities;
  - (c) the identity of the individual beneficiaries, the form and amount of aid granted to each beneficiary, the date of granting the aid, the type of undertaking (SME/large enterprise), the region in which the beneficiary is located (at NUTS level II), and the principal economic sector in which the beneficiary has its activities (at NACE group level). (Such publication requirement can be waived with respect to individual aid awards not exceeding EUR 30 000. In the case of aid schemes in the form of tax advantages the information can be provided in the following ranges (in EUR million): 0,03 to 0,5; above 0,5 to 1; above 1 to 2; above 2.)

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 9.2. Please confirm that such information will be:
- (a) published after the decision to grant the aid has been taken;
  - (b) kept for at least 10 years;
  - (c) available for the general public without restrictions<sup>(270)</sup>.

Yes

No

*Please note that Member States are not required to publish the information before 1 July 2017<sup>(271)</sup>.*

## 10. Categories of aid

10.1. Please choose the Section of the Guidelines under which the aid should be assessed and provide detailed information for the chosen option in Sections 11 to 18 of this Supplementary Information Sheet:

- Section 4.1 of the Guidelines: Aid to make good the damage caused by natural disasters and exceptional occurrences
- Section 5.1 of the Guidelines: Aid for categories of measures covered by a block exemption Regulation
- Section 5.2 of the Guidelines: Aid falling within the scope of certain horizontal guidelines
- Section 5.3 of the Guidelines: Aid to make good the damage caused by adverse climatic events
- Section 5.4 of the Guidelines: Aid for the costs of prevention, control and eradication of animal diseases in aquaculture
- Section 5.5 of the Guidelines: Aid financed through parafiscal charges
- Section 5.6 of the Guidelines: Operating aid in outermost regions
- Section 5.7 of the Guidelines: Aid for other measures

## 11. Aid to make good the damage caused by natural disasters and exceptional occurrences

*This Section must be filled out in the case of the notification of an aid measure which is designed to make good the damage caused by natural disasters or exceptional occurrences, as set out in Section 4.1 of the Guidelines.*

11.1. Is the aid measure an *ex ante* framework scheme to compensate for the damage caused by earthquakes, avalanches, landslides, floods, tornadoes, hurricanes, volcanic eruptions and wild fires of natural origin?

Yes

No

*(If the answer is yes, please disregard Sections 11.3., 11.4, 11.5, 11.7 and 11.8.)*



*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

11.2. Which type of natural disaster or exceptional occurrence caused (or, in the case of an *ex ante* framework aid scheme, could cause) the damage for which compensation is provided for?

11.3. When did the event referred to in Section 11.1 occur?

11.4. Please indicate the last date on which aid may be paid out.

11.5. Has the competent authority of the Member State formally recognised the character of the event as a natural disaster or as an exceptional occurrence?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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11.6. Is the aid paid directly to the undertaking concerned?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

11.7. Please demonstrate the direct causal link between the natural disaster or the exceptional occurrence and the damage suffered by the undertaking:

11.8. Please submit an assessment as precise as possible of the damage incurred by the undertaking:

11.9. Please specify which type of damage is compensated (for example, material damage to assets, loss of income):

11.10. Are only the costs of the damage incurred as a direct consequence of the natural disaster or exceptional occurrence eligible for aid?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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11.11. Are the costs of the damage assessed by a public authority, by an independent expert recognised by the granting authority, or by an insurance undertaking?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

If the answer is yes, please specify which body assesses the costs.

11.12. Please describe how the damage is calculated:

11.13. In the case of material damage to assets, is it calculated on the basis of the repair costs or the economic value of the affected asset before the natural disaster or exceptional occurrence?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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11.14. In the case of material damage to assets, does it exceed the repair cost or the decrease in fair market value caused by the natural disaster or the exceptional occurrence?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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11.15. In the case of a loss of income, is it calculated by subtracting:

- (a) the result of multiplying the quantity of the fishery and aquaculture products produced in the year of the natural disaster or exceptional occurrence, or in each following year affected by the full or partial destruction of the means of production, by the average selling price obtained during that year, from
- (b) the result of multiplying the average annual quantity of fishery and aquaculture products produced in the three-year period preceding the natural disaster or exceptional occurrence or a three-year average based on the five-year period preceding the natural disaster or exceptional occurrence, excluding the highest and lowest entry, by the average selling price obtained?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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11.16. Is the damage calculated at the level of the individual beneficiary?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

11.17. Is the aid, taken together with any other payments received to compensate the damage, including payments under insurance policies, limited to 100 % of the eligible costs?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

11.18. In the case of *ex ante* framework schemes, please confirm that the Member State will comply with the reporting obligation set out in point (130) of the Guidelines.

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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11.19. Please provide other information considered relevant for assessing the aid measure under this Section:

## 12. Aid for categories of measures covered by a block exemption Regulation

*This Section must be filled out in the case of the notification of an aid measure which is of the same kind as aid falling within a category of aid that can be considered compatible with the internal market under one of the Regulations on group exemptions referred to in point (19)(a) of the Guidelines, as set out in Section 5.1 of the Guidelines. In the case of an aid measure which is of the same kind as aid falling within the category of aid to make good the damage caused by natural disasters referred to in Article 44 of Commission Regulation (EU) No 1388/2014<sup>(272)</sup>, please fill out Section 11.*

12.1. Is the aid of the same kind as aid falling within a category of aid that can be considered compatible with the internal market under one of the Regulations on group exemptions referred to in point 19(a) of the Guidelines?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Please indicate the applicable Regulation and the relevant Articles of that Regulation:

12.2. Does the aid fulfil all the criteria set out in the relevant Articles of the applicable Regulation?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is no, please demonstrate the justification for and the indispensability of the aid:

12.3. Please provide other information considered relevant for assessing the aid measure under this Section:

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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### 13. Aid falling within the scope of certain horizontal guidelines

*This Section must be filled out in the case of the notification of an aid measure which falls within the scope of certain horizontal guidelines or other instruments adopted by the Commission, as set out in Section 5.2 of the Guidelines.*

- 13.1. Does the aid fall within the scope of certain horizontal guidelines or other instruments adopted by the Commission<sup>(273)</sup>?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, please indicate the relevant horizontal guidelines or instruments and the relevant provisions of those acts and demonstrate that the aid fulfils all the criteria set out in the relevant provisions of those acts.

- 13.2. Please provide other information considered relevant for assessing the aid measure under this Section:

### 14. Aid to make good the damage caused by adverse climatic events

*This Section must be filled out in the case of the notification of an aid measure which is designed to make good the damage caused by adverse climatic events, as set out in Section 5.3 of the Guidelines. In the case of aid of the same kind as aid falling within the category of aid to mutual funds for adverse climatic events referred to in Article 20 of Regulation (EU) No 1388/2014, please fill out Section 12.*

- 14.1. Is the aid measure an *ex ante* framework scheme to compensate for the damage caused by adverse climatic events?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*(If the answer is yes, please disregard Sections 14.3 to 14.6 and 14.9.)*

- 14.2. Which type of adverse climatic event caused (or, in the case of an *ex ante* framework aid scheme, could cause) the damage for which compensation is provided for?

- 14.3. When did the event referred to in Section 14.1 occur?

- 14.4. Please indicate the last date on which aid may be paid out.

- 14.5. Does the damage caused by the adverse climatic event amount to more than 30 % of the average annual turnover, calculated on the basis of the preceding three calendar years

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

or a three-year average based on the five-year period preceding the adverse climatic event, excluding the highest and the lowest entry?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, please provide detailed information showing that the condition set out in Section 14.5 is met:

14.6. Please demonstrate the direct causal link between the adverse climatic event and the damage suffered by the undertaking:

14.7. In the case of losses caused by adverse climatic events referred to in Article 35(1) of Regulation (EU) No 508/2014, please justify why the Member State intends to grant aid rather than financial compensation being paid through mutual funds for adverse climatic events under Article 35 of that Regulation:

14.8. Is the aid paid directly to the undertaking concerned?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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14.9. Please submit an assessment as precise as possible of the damage incurred by the potential beneficiaries:

14.10. Please specify which type of damage is compensated (for example, material damage to assets, loss of income):

14.11. Are only the costs of the damage incurred as a direct consequence of the adverse climatic event eligible for aid?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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14.12. Is the damage assessed by a public authority, by an independent expert recognised by the granting authority, or by an insurance undertaking?

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

Yes

No

If the answer is yes, please specify which body assesses the costs:

14.13. Please describe how the damage is calculated:

14.14. In the case of material damage to assets, is it calculated on the basis of the repair costs or economic value of the affected asset before the adverse climatic event?

Yes

No

14.15. In the case of material damage to assets, does it exceed the repair cost or the decrease in fair market value caused by adverse climatic event?

Yes

No

14.16. In the case of material damage to assets, has the damage resulted in a loss of production that amounts to more than 30 % of the average turnover, calculated on the basis of the preceding three calendar years or a three-year average based on the five-year period preceding the adverse climatic event, excluding the highest and lowest entry?

Yes

No

If the answer is yes, please provide detailed information showing that the condition set out in point 14.15 is met:

14.17. In the case of a loss of income, is it calculated by subtracting:

- (a) the result of multiplying the quantity of the fishery and aquaculture products produced in the year of the adverse climatic event, or in each following year affected by the full or partial destruction of the means of production, by the average selling price obtained during that year, from
- (b) the result of multiplying the average annual quantity of fishery and aquaculture products produced in the three-year period preceding the adverse climatic event or a three year average based on the five-year period preceding the adverse climatic event, excluding the highest and lowest entry, by the average selling price obtained?

Yes

No

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

14.18. Is the damage calculated at the level of the individual beneficiary?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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14.19. Is the aid, taken together with any other payments received to compensate the damage, including payments under insurance policies, limited to 100 % of the eligible costs?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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14.20. In the case of *ex ante* framework schemes, please confirm that the Member State will comply with the reporting obligation set out in point (130) of the Guidelines.

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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14.21. Please provide other information considered relevant for assessing the aid measure under this Section:

**15. Aid for the costs of prevention, control and eradication of animal diseases in aquaculture**

*This Section must be filled out in the case of the notification of an aid measure which aims to support costs relating to the prevention, control and eradication of animal diseases in aquaculture, as set out in Section 5.4 of the Guidelines. In the case of aid of the same kind as aid falling within the category of aid for animal health and welfare measures referred to in Article 39 of Regulation (EU) No 1388/2014, please fill out Section 12.*

15.1. Is the aid measure an *ex ante* framework scheme to support costs relating to the prevention, control and eradication of animal diseases in aquaculture?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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*(If the answer is yes, please disregard Sections 15.5, 15.6 and 15.9.)*

15.2. Please indicate in respect of which disease(s) included in the list of animal diseases of the World Organization for Animal Health, Annex II to Regulation (EU) No 652/2014 of the European Parliament and of the Council<sup>(274)</sup> or Part II of Annex IV to Council Directive 2006/88/EC<sup>(275)</sup>, the aid is granted:

*Please note that in the case of a disease or diseases included in the list of animal diseases of the World Organization for Animal Health, the version of the list in force at the time of the notification of the aid measure applies. If the aid has already been granted or paid, in the case of individual aid, the version of the list published at the time of granting or payment of the aid applies and, in the case of an aid scheme, the list published at the time of the commencement of the scheme applies.*

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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15.3. Is the aid granted as a part of a programme at Union, national, or regional level for the prevention, control, or eradication of animal diseases?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, please indicate the relevant programme and specific provisions:

15.4. Is the aid granted as a part of emergency measures imposed by the competent national authority?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, please indicate the relevant measure and specific provisions:

15.5. When did the costs relating to the prevention, control and eradication of animal diseases in aquaculture occur?

15.6. Please indicate the last date on which aid may be paid out.

15.7. Is the aid paid directly to the undertaking concerned?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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15.8. Please confirm that no aid is granted if it is established that the beneficiary caused the disease deliberately or by negligence:

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, please indicate the provisions that set out the condition referred to in Section 15.8:

15.9. Please submit an assessment as precise as possible of the damage incurred by the potential beneficiaries:

15.10. Please indicate which of the following costs are eligible for compensation. Costs related to:

(a)  health checks, analyses, tests, and other screening measures;



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- (b)  the purchase, storage, administration or distribution of vaccines, medicines, and substances for the treatment of animals;
- (c)  the slaughtering, culling, and destruction of animals;
- (d)  the destruction of animal products and of products linked to them;
- (e)  the cleaning and disinfection of the holding and equipment;
- (f)  the damage incurred due to the slaughtering, culling, or destruction of animals, animal products, and products linked to them, limited to the market value of such animals and products if they had not been affected by the disease;
- (g)  loss of income due to difficulties in restocking;
- (h)  other costs incurred due to animal diseases in aquaculture.

In the case of (h), please specify the costs and justify why such costs should be eligible.

*Please note that under point (110)(h) of the Guidelines, costs other than those referred to in (a) to (g), are only eligible in exceptional and duly justified cases.*

- 15.11. Is the aid, taken together with any other payments received to compensate the damage, including payments under insurance policies, limited to 100 % of the eligible costs?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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- 15.12. In the case of *ex ante* framework schemes, please confirm that the Member State will comply with the reporting obligation set out in point (130) of the Guidelines.

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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- 15.13. Please provide other information considered relevant for assessing the aid measure under this Section:

## 16. Aid financed through parafiscal charges

*This Section must be filled out in the case of the notification of an aid measure which is financed by special charges imposed on certain fishery or aquaculture products irrespective of their origin, in particular, parafiscal charges, as set out in Section 5.5 of the Guidelines.*

- 16.1. Is the aid scheme financed by special charges imposed on certain fishery or aquaculture products irrespective of their origin, in particular parafiscal charges?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If the answer is yes, please provide details on how the aid scheme is financed:

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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16.2. Does the aid equally benefit domestic and imported products?

Yes

No

If the answer is yes, please show how the scheme benefits both domestic and imported products:

16.3. Please indicate how the funds acquired through parafiscal charges are used:

16.4. Please provide other information considered relevant for assessing the aid measure under this Section:

**17. Operating aid in outermost regions**

*This Section must be filled out in the case of the notification of an aid measure which constitutes operating aid granted in outermost regions with a view to alleviating the specific constraints in those regions as a result of their isolation, insularity, and extreme remoteness, as set out in Section 5.6 of the Guidelines.*

17.1. Does the aid constitute operating aid granted in outermost regions with a view to alleviate the specific constraints in those regions as a result of their isolation, insularity, and extreme remoteness?

Yes

No

If the answer is yes, please describe the kind of operating aid that is granted and indicate the target region or regions:

17.2. Please indicate the specific constraints in the region or regions which the aid aims to alleviate and describe how the aid intends to achieve this goal.

*Please note that under point (113) of the Guidelines only constraints resulting from the isolation, insularity, and extreme remoteness of outermost regions, may be taken into account.*

17.3. Please determine the additional costs that result from the specific constraints and the method of their calculation and show that the aid does not go beyond what is necessary to alleviate the specific constraints in the outermost regions.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

- 17.4. In order to avoid overcompensation, does the Member State take into account other types of public intervention, including, if applicable, the compensation of additional costs in outermost regions for fishery and aquaculture products under Articles 70, 71 and 72 of Regulation (EU) No 508/2014 and aid for implementing compensation plans under Article 73 of that Regulation?

Yes

No

If the answer is yes, please specify how overcompensation is avoided:

- 17.5. Please provide other information considered relevant for assessing the aid measure under this Section:

**18. Aid for other measures**

*This Section must be filled out in the case of the notification of an aid measure which does not correspond to one of the types of aid referred to in Sections 4 or 5.1 to 5.6 of the Guidelines, but which the Member State nevertheless intends to provide or provides, as set out in Section 5.7 of the Guidelines.*

- 18.1. Does the Member State intend to provide or does it provide an aid which does not correspond to one of the types of aid referred to in Sections 4 or 5.1 to 5.6 of the Guidelines?

Yes

No

- 18.2. Please describe the aid measure and its objectives in detail:

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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- 18.3. In addition to the information provided for in Sections 1 to 9, please provide any other information which clearly demonstrates that the aid complies with the principles set out in Section 3 of the Guidelines:

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**Textual Amendments**

- F8** Substituted by [Commission Regulation \(EU\) 2016/2105](#) of 1 December 2016 amending Annex I to Regulation (EC) No 794/2004 as regards the form to be used for the notification of State aid to the fishery and aquaculture sector.

*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

## [<sup>F2</sup>ANNEX II

### SIMPLIFIED NOTIFICATION FORM]

This form may be used for the simplified notification pursuant to Article 4(2) of Commission Regulation (EC) No 794/2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty <sup>(1)</sup>.

1. **Prior approved aid scheme** <sup>(2)</sup>.

- 1.1. Aid number allocated by the Commission: .....
- 1.2. Title: .....
- 1.3. Date of approval [by reference to the letter of the Commission SG(..)D/...]: .....
- 1.4. Publication in the *Official Journal of the European Union*: .....
- 1.5. Primary objective (please specify one): .....
- 1.6. Legal basis: .....
- 1.7. Overall budget: .....
- 1.8. Duration: .....

2. **Instrument subject to notification**

- New budget (please specify the overall as well as the annual budget in the respective national currency): .....
- New duration (please specify the starting date from which the aid may be granted and the last date until which the aid may be granted): .....
- Tightening of criteria (please indicate if the amendment concerns a reduction of aid intensity or eligible expenses and specify details): .....

3. **Validity of commitments**

- Please confirm that the commitments provided by the Member State for the purposes of the prior approved aid scheme are valid in their entirety also for the new notified measure.

Please attach a copy (or a web link) of the relevant extracts of the final text(s) of the legal basis.

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<sup>(1)</sup> Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 140, 20.4.2004, p. 1). Regulation as last amended by Regulation No 1935/2006 (OJ L 407, 30.12.2006, p. 1).

<sup>(2)</sup> If the aid scheme has been notified to the Commission on more than one occasion, please provide details for the latest complete notification that has been approved by the Commission.

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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## [<sup>F1</sup>ANNEX III A

### **Standardised reporting format for existing State aid** (This format covers all sectors except agriculture)

In order to further simplify and improve the annual reporting of State aid, the Commission provides Member States, by 1 March each year, with a pre-formatted online and access based platform, containing detailed information on all existing aid schemes and individual aid. Member States must check and complete that information by 30 June of the same year. That will enable the Commission to publish State aid data in year  $t^{(276)}$  for the reporting period  $t-1$ .

The bulk of the information in the platform is pre-completed by the Commission on the basis of data provided at the time of approval of the aid. Member States will be required to check and, where necessary, modify the details for each scheme or individual aid, and to add the annual expenditure for the latest year ( $t-1$ ).

Information such as the objective of the aid and the sector to which the aid is directed must refer to the time at which the aid is approved and relate to the legal instrument which forms the basis for the approval of the aid.

The following information must be included.

- (1) Title
- (2) Aid number
- (3) Previous aid numbers (e.g., following the renewal of a scheme)
- (4) Sector  
The sectoral classification shall be based largely on NACE<sup>(277)</sup> at the [three-digit level.]
- (5) Objective
- (6) Region(s)  
Aid may, at the time of approval, be exclusively earmarked for a specific region or group of regions according to subparagraphs (a) or (c) of Article 107(3) TFEU.
- (7) Category of aid instrument(s)  
A distinction must be made between several categories (Grant, Subsidised services, Interest rate subsidy, Loan, Guarantee, Tax advantage, Repayable advances, Equity participation, Other)
- (8) Type of aid  
A distinction must be made between three categories: Scheme, Individual application of a scheme, Individual aid awarded outside of a scheme (ad hoc aid)
- (9) Expenditure  
As a general rule, figures should be expressed in terms of actual expenditure (or actual revenue foregone in the case of tax advantages). Where payments are not available, commitments or budget appropriations must be provided and flagged accordingly. Separate figures must be provided for each aid instrument within a scheme or individual aid for example grant and loans. Figures must be expressed in the national

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 794/2004. (See end of Document for details)*

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currency in application at the time of the reporting period. Expenditure must be provided for t-1, t-2, t-3, t-4 and t-5.

## ANNEX III B

### **Standardised reporting format for existing State aid**

(This format covers the agricultural sector)

In order to further simplify and improve the annual reporting of State aid, the Commission provides Member States, by 1 March each year, with a pre-formatted online and access based platform containing detailed information on all existing aid schemes and individual aid. Member States must check and complete that information by 30 June of the same year. That will enable the Commission to publish State aid data in year t<sup>(278)</sup> for the reporting period t-1.

The bulk of the information in the platform will be pre-completed by the Commission on the basis of data provided at the time of approval of the aid. Member States will be required to check and, where necessary, modify the details for each scheme or individual aid, and to add the annual expenditure for the most recent year, that is to say t-1.

Information such as the objective of the aid and the sector to which the aid is directed must refer to the time at which the aid is approved and relate to the legal instrument which forms the basis for the approval of the aid.

The following information must be included.

- (1) Title
- (2) Aid number
- (3) Previous aid numbers (e.g., following the renewal of a scheme)
- (4) Sector

The sectoral classification shall be based largely on NACE<sup>(279)</sup> at the [three-digit level.]

- (5) Objective
- (6) Region(s)

Aid may, at the time of approval, be exclusively earmarked for a specific region or group of regions according to subparagraphs (a) or (c) of Article 107(3) TFEU.

- (7) Category of aid instrument(s)

A distinction must be made between several categories (Grant, Subsidised services, Interest rate subsidy, Loan, Guarantee, Tax advantage, Repayable advances, Equity participation, Other).

- (8) Type of aid

A distinction must be made between three categories: Scheme, Individual application of a scheme, Individual aid awarded outside of a scheme (ad hoc aid).

- (9) Expenditure

As a general rule, figures should be expressed in terms of actual expenditure (or actual revenue foregone in the case of tax advantages). Where payments are not available,

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commitments or budget appropriations must be provided and flagged accordingly. Separate figures must be provided for each aid instrument within a scheme or individual aid for example grant and loans. Figures must be expressed in the national currency in application at the time of the reporting period. Expenditure must be provided for t-1, t-2, t-3, t-4 and t-5.

(10) Aid intensity and beneficiaries

Member States must indicate:

- the effective aid intensity of the support actually granted per type of aid and of region;
- the number of beneficiaries;
- the average amount of aid per beneficiary.]

## ANNEX III C

### INFORMATION TO BE CONTAINED IN THE ANNUAL REPORT TO BE PROVIDED TO THE COMMISSION

The reports shall be provided in computerised form. They shall contain the following information:

1. Title of aid scheme, Commission aid number and reference of the Commission decision
2. Expenditure. The figures have to be expressed in euros or, if applicable, national currency. In the case of tax expenditure, annual tax losses have to be reported. If precise figures are not available, such losses may be estimated. For the year under review indicate separately for each aid instrument within the scheme (e.g. grant, soft loan, guarantee, etc.):
  - 2.1. amounts committed, (estimated) tax losses or other revenue forgone, data on guarantees, etc. for new assisted projects. In the case of guarantee schemes, the total amount of new guarantees handed out should be provided;
  - 2.2. actual payments, (estimated) tax losses or other revenue forgone, data on guarantees, etc. for new and current projects. In the case of guarantee schemes, the following should be provided: total amount of outstanding guarantees, premium income, recoveries, indemnities paid out, operating result of the scheme under the year under review;
  - 2.3. number of assisted projects and/or enterprises;
  - 2.4. estimated overall amount of:
    - aid granted for the permanent withdrawal of fishing vessels through their transfer to third countries;
    - aid granted for the temporary cessation of fishing activities;
    - aid granted for the renewal of fishing vessels;
    - aid granted for modernisation of fishing vessels;
    - aid granted for the purchase of used vessels;
    - aid granted for socio-economic measures;



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- aid granted to make good damage caused by natural disasters or exceptional occurrences;
  - aid granted to outermost regions;
  - aid granted through parafiscal charges;
- 2.5. regional breakdown of amounts under point 2.1. by regions defined as Objective 1 regions and other areas;
3. Other information and remarks.

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[<sup>F4</sup>ANNEX IV]

**FORM FOR THE SUBMISSION OF COMPLAINTS CONCERNING ALLEGED UNLAWFUL STATE AID  
OR MISUSE OF AID**

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**The mandatory fields are marked with a star “\*”.**

**1. Information regarding the complainant**

First name:\*

Surname:\*

Address line 1:\*

Address line 2:

Town/City:\*

County/State/Province:

Postcode:\*

Country:\*

Telephone:

Mobile Telephone:

E-mail address:\*

Fax

**2. I am submitting the complaint on behalf of somebody (a person or a firm)**

Yes\* No\*

If yes, please also provide the following information

Name of the person/firm you represent\*:

Registration nr. of the entity:

Address line 1:\*

Address line 2:

Town/City:\*

County/State/Province:

Postcode:\*

Country:\*

Telephone 1:

Telephone 2:

E-mail address:\*

Fax

Please attach proof that the representative is authorised to act on behalf of this person/firm.\*

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**3. Please select one of the following options, describing your identity\***

- (a) Competitor of the beneficiary or beneficiaries
- (b) Trade association representing the interests of competitors
- (c) Non-governmental organisation
- (d) Trade union
- (e) EU citizen
- (f) Other, please specify

Please explain why and to what extent the alleged State aid affects your competitive position/the competitive position of the person/firm you represent. Provide as much concrete evidence as possible.

*Please be aware that, by virtue of Article 20(2) of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, only interested parties within the meaning of Article 1(h) of that Regulation may submit formal complaints. Therefore, in the absence of a demonstration that you are an interested party, the present form will not be registered as a complaint, and the information provided therein will be kept as general market information.*

**4. Please select one of the following two options\***

- Yes, you may reveal my identity
- No, you may not reveal my identity

If not, please specify the reasons:

**Confidentiality:** If you do not wish your identity or certain documents or information to be disclosed, please indicate this clearly, identify the confidential parts of any documents and give your reasons. In the absence of any indication about confidentiality of your identity or certain documents or information, those elements will be treated as non-confidential and may be shared with the Member State allegedly granting the State aid. The information contained in points **5** and **6** cannot be designated as confidential.

**5. Information regarding the Member State granting the aid\***

*Please be aware: the information provided under this point is regarded as non-confidential.*

- (a) Country:
- (b) If known, specify which institution or body granted the alleged unlawful State aid:
  - Central government:
  - Region (please specify):
  - Other (please specify):

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## 6. Information regarding the alleged aid measure\*

*Please be aware: the information provided under this point is regarded as non-confidential.*

- (a) Please provide a description of the alleged aid, and indicate in what form it was granted (loans, grants, guarantees, tax incentives or exemptions etc.).

- (b) For what purpose was the alleged aid given (if known)?

- (c) What is the amount of the alleged aid (if known)? If you do not have the exact figure, please provide an estimate and as much justifying evidence as possible.

- (d) Who is the beneficiary? Please give as much information as possible, including a description of the main activities of the beneficiary/firm(s) concerned.

- (e) To your knowledge, when was the alleged aid granted?

- (f) Please select one of the following options:

- According to my knowledge, the State aid was not notified to the Commission.
- According to my knowledge, the State aid was notified, but it was granted before the decision of the Commission. If known, please indicate the notification reference number or indicate when the aid was notified.

- According to my knowledge, the State aid was notified and approved by the Commission, but its implementation did not respect the applicable conditions. If known, please indicate the notification reference number or indicate when the aid was notified and approved.

- According to my knowledge, the State aid was granted under a block exemption regulation, but its implementation did not respect the applicable conditions.

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## 7. Grounds of complaint\*

*Please note that, for a measure to qualify as State aid under Article 107(1) TFEU, the alleged aid has to be granted by a Member State or through State resources, it has to distort or threaten to distort competition by favouring certain undertakings or the production of certain goods, and affect trade between Member States.*

- (a) Please explain to what extent public resources are involved (if known) and, if the measure was not adopted by a public authority (but for instance by a public undertaking), please explain why, in your view, it is imputable to public authorities of a Member State.

- (b) Please explain why, in your opinion, the alleged State aid is selective (i.e. favours certain commercial undertakings or the production of certain goods).

- (c) Please explain how, in your opinion, the alleged State aid provides an economic advantage for the beneficiary or beneficiaries.

- (d) Please explain why, in your view, the alleged State aid distorts or threatens to distort competition.

- (e) Please explain why, in your view, the alleged aid affects trade between Member States.

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#### 8. Compatibility of the aid

Please indicate the reasons why in your view the alleged aid is not compatible with the internal market.

#### 9. Information on alleged infringement of other rules of European Union law and on other procedures

- (a) If known, please indicate what other rules of European Union law you think have been infringed by the granting of the alleged aid. Please be aware that this does not imply necessarily that those potential infringements will be dealt with within the State aid investigation.

- (b) Have you already approached the Commission's services or any other European institution concerning the same issue? \*

Yes No

If yes, please attach copies of correspondence.

- (c) Have you already approached national authorities or national courts concerning the same issue? \*

Yes No

If yes, please indicate which authorities or courts; also, if there has already been a decision or judgement, please attach a copy (if available); if, on the contrary, the case is still pending, please indicate its reference (if available).

- (d) Please provide any other information that may be relevant for the assessment of this case.

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#### 10. Supporting documents

Please list any *documents and evidence* which are submitted in support of the complaint and add annexes if necessary

- Whenever possible, a copy of the national law or other measure which provides the legal basis for the payment of the alleged aid should be provided.
- Whenever possible, please attach any available evidence that the State aid was granted (e.g. press release, published accounts).
- If the complaint is submitted on behalf of someone else (a natural person or a firm) please attach proof that you as a representative are authorised to act.
- Where applicable, please attach copies of all previous correspondence with the European Commission or any other European or national institution concerning the same issue.
- If the issue has already been dealt with by a national court/authority, please attach a copy of the judgement/decision, if available.

***I hereby declare that all the information in this form and annexes is provided in good faith.***

Place, date and signature of complainant'

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- (1) [OJ L 83, 27.3.1999, p. 1](#). Regulation as amended by the 2003 Act of Accession.
- (2) [OJ L 124, 8.6.1971, p. 1](#).
- (3) [OJ L 300, 5.11.2002, p. 42](#).
- (4) [<sup>F1</sup>Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union ([OJ L 140, 30.4.2004, p. 1](#)).]
- (5) [<sup>F1</sup>NACE Rev. 2, or subsequent legislation amending or replacing it; NACE is the statistical classification of economic activities in the European Union as laid down in Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains ([OJ L 393, 30.12.2006, p. 1](#)).]
- (6) [<sup>F1</sup>Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises ([OJ L 124, 20.5.2003, p. 36](#)).]
- (7) [<sup>F1</sup>In the case of partner and linked enterprises, please note that the amounts reported for the aid beneficiary should take into account the number of employees and the financial data of the linked enterprises and/or partner enterprises.]
- (8) [<sup>F1</sup>As defined in the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty ([OJ C 249, 31.7.2014, p. 1](#)).]
- (9) [<sup>F1</sup>Regulation (EU) 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 — the European Fund for Strategic Investments ([OJ L 169, 1.7.2015, p. 1](#)).]
- (10) [<sup>F1</sup>Commission's registration number of the authorised or block-exempted scheme.]
- (11) [<sup>F1</sup>According to Article 1(e) of Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union ([OJ L 248, 24.9.2015, p. 9](#)), individual aid means aid that is not awarded on the basis of an aid scheme and notifiable award of aid on the basis of a scheme.]
- (12) [<sup>F1</sup>The date of the legally binding commitment to award the aid.]
- (13) [<sup>F1</sup>In the case of aid to the agriculture sector or fishery and aquaculture sector information on compliance with the common assessment principles is requested in Parts III.12 (Supplementary information sheet for aid to the agriculture and forestry sectors and in rural areas sector) and III.14 (Supplementary information sheet for aid to the fishery and aquaculture sector).]
- (14) [<sup>F1</sup>Communication from the Commission amending the Communications from the Commission on EU Guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks, on Guidelines on regional State aid for 2014–2020, on State aid for films and other audiovisual works, on Guidelines on State aid to promote risk finance investments and on Guidelines on State aid to airports and airlines ([OJ C 198, 27.6.2014, p. 30](#)).]
- (15) [<sup>F1</sup>Grant/Interest rate subsidy, Loan/Repayable advances/Reimbursable grant, Guarantee, Tax advantage or tax exemption, Risk finance, Other (please specify). If the aid is granted through multiple aid instruments, the aid amount must be provided by instrument.]
- (16) [<sup>F1</sup>Such a requirement can be waived with respect to individual aid awards below EUR 500 000. For schemes in the form of tax advantages, the information on individual aid can be provided in the following ranges (in EUR million): [0.5-1]; [1-2];[2-5]; [5-10]; [10-30]; [30 and more].]
- (17) [<sup>F1</sup>Overall amount of aid planned, expressed in full national currency amounts. For tax measures, estimated overall revenue loss due to tax concessions. If the average annual State aid budget of the scheme exceeds EUR 150 million, please fill in the section on evaluation.]
- (18) [<sup>F1</sup>In case of an average annual State aid budget of the scheme above EUR 150 million, please fill in the section on Evaluation of this notification form. The Evaluation requirement does not apply to aid schemes covered by the Supplementary information sheet on Agriculture aid.]



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- (19) [F1Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (OJ L 352, 24.12.2013, p. 1) and Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the fishery and aquaculture sector (OJ L 190, 28.6.2014, p. 45).]
- (20) [F1Union funding centrally managed by the Commission that is not directly or indirectly under the control of the Member State does not constitute State aid. Where such Union funding is combined with other public funding, only the latter will be considered for determining whether notification thresholds and maximum aid intensities are respected, provided that the total amount of public funding granted in relation to the same eligible costs does not exceed the maximum funding rates laid down in the applicable Union legislation.]
- (21) [F1The Evaluation requirement does not apply to aid schemes covered by the Supplementary information sheet on Agriculture aid.]
- (22) [F1For guidance, see the Commission Staff Working Document ‘Common methodology for State aid evaluation’, SWD(2014)179 final of 28.5.2014 under [http://ec.europa.eu/competition/state\\_aid/modernisation/state\\_aid\\_evaluation\\_methodology\\_en.pdf](http://ec.europa.eu/competition/state_aid/modernisation/state_aid_evaluation_methodology_en.pdf).]
- (23) [F1Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 248, 24.9.2015, p. 9).]
- (24) [F1For guidance see Article 339 TFEU that refers to ‘information about undertakings, their business relations or their cost components’. The Union courts have generally defined ‘business secrets’ as information ‘of which not only disclosure to the public but also mere transmission to a person other than the one that provided the information may seriously harm the latter’s interest’ in Case T-353/94 *Postbank v Commission* ECLI:EU:T:1996:119, paragraph 87'.]
- (25) [F1Communication from the Commission to the Member States on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance (OJ C 392, 19.12.2012, p. 1).]
- (26) [F1Guidelines on certain State aid measures in the context of the greenhouse gas emission allowance trading scheme post 2012 (OJ C 158, 5.6.2012, p. 4).]
- (27) [F1Communication from the Commission on the application, from 1 August 2013, of State aid rules to support measures in favour of banks in the context of the financial crisis (OJ C 216, 30.7.2013, p. 1).]
- (28) [F1Communication from the Commission — Criteria for the analysis of the compatibility with the internal market of State aid to promote the execution of important projects of common European interest (OJ C 188, 20.6.2014, p. 4).]
- (29) [F1Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest (OJ C 8, 11.1.2012, p. 4).]
- (30) [F1Guidelines on regional State aid for 2014-2020 (OJ C 209, 23.7.2013, p. 1).]
- (31) [F1‘The same or a similar activity’ means an activity falling under the same class (four-digit numerical code) of the NACE Rev. 2 statistical classification of economic activities.]
- (32) [F1As defined in the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, (OJ C 249, 31.7.2014, p. 1).]
- (33) [F1OJ C 25, 26.1.2013, p. 1.]
- (34) [F1As defined in Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) (OJ L 206, 8.8.2009, p. 1).]
- (35) [F1‘SMEs’ means undertakings that fulfil the conditions laid down in the Commission recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).]
- (36) [F1The sole acquisition of the shares of an undertaking does not qualify as initial investment.]

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- (37) [<sup>F1</sup>‘The same or a similar activity’ means an activity falling under the same class (four-digit numerical code) of the NACE Rev. 2 statistical classification of economic activities.]
- (38) [<sup>F1</sup>Paragraph 94 RAG does not apply to SMEs or in the case of the acquisition of an establishment.]
- (39) [<sup>F1</sup>Paragraph 101 RAG provides that intangible assets which are eligible for the calculation of the investments costs must remain associated with the assisted area concerned and must not be transferred to other regions. To that end, the intangible assets must fulfil the following conditions:
- they must be used exclusively in the establishment receiving the aid;
  - they must be amortisable;
  - they must be purchased under market conditions from third parties unrelated to the buyer.
- Paragraph 102 RAG provides that the intangible assets must be included in the assets of the undertaking receiving the aid and must remain associated with the project for which the aid is awarded for at least five years (three years for small and medium enterprises).]
- (40) [<sup>F1</sup>For the methodology, refer to Commission notice on current State aid recovery interest rates and reference/discount rates for 25 Member States applicable as from 1 January 2007 (OJ C 317, 23.12.2006, p. 2) and the Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6).]
- (41) [<sup>F1</sup>The aid amount(s) and eligible costs should be provided both in nominal and discounted values.]
- (42) [<sup>F1</sup>In order to do so, you could, for example, refer to the criteria enumerated in paragraph 40 RAG and/or to the business plan of the beneficiary.]
- (43) [<sup>F1</sup>This question does not apply to subsidised loans, public equity-capital loans or public participations which do not meet the market investor principle, State guarantees containing elements of aid, or public support granted within the scope of *de minimis* rule.]
- (44) [<sup>F1</sup>For example, direct grants, exemptions or reductions in taxes, social security or other compulsory charges, or the supply of land, goods or services at favourable prices, etc.]
- (45) [<sup>F1</sup>For example, low-interest loans or interest rebates, state guarantees, the purchase of a shareholding or an alternative provision of capital on favourable terms.]
- (46) [<sup>F1</sup>The time period considered for the calculation of the IRR should correspond to timeframes usually considered by the industry for similar projects.]
- (47) [<sup>F1</sup>All relevant costs and benefits must be taken into account, including for example administrative costs, transport costs, training costs not covered by training aid and also wage differences. However, where the alternative location is in the EEA, subsidies granted in that other location are not to be taken into account.]
- (48) [<sup>F1</sup>Details of all classifications are available in the Eurostat classifications database, currently under the link <http://ec.europa.eu/eurostat/data/classifications>.]
- (49) [<sup>F1</sup>Underperformance of the market will normally be measured compared to the EEA GDP over the last three years before the start of the project (benchmark rate); it can also be established on the basis of projected growth rates in the coming three to five years. Indicators may include the foreseeable future growth of the market concerned and the resulting expected capacity utilisation rates, as well as the likely impact of the capacity increase on competitors through its effects on prices and profit margins.]
- (50) [<sup>F1</sup>Guidelines on regional State aid for 2014–2020 (OJ C 209, 23.7.2013, p. 1).]
- (51) [<sup>F1</sup>Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).]
- (52) [<sup>F1</sup>Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (OJ L 352, 24.12.2013, p. 1).]
- (53) [<sup>F1</sup>‘The same or a similar activity’ means an activity falling under the same class (four-digit numerical code) of the NACE Rev. 2 statistical classification of economic activities.]

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- (54) [<sup>F1</sup>Communication from the Commission, EU Guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks (OJ C 25, 26.1.2013, p. 1).]
- (55) [<sup>F1</sup>‘SMEs’ means undertakings that fulfil the conditions laid down in Commission recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).]
- (56) [<sup>F1</sup>The sole acquisition of the shares of an undertaking does not qualify as initial investment.]
- (57) [<sup>F1</sup>‘The same or a similar activity’ means an activity falling under the same class (four-digit numerical code) of the NACE Rev. 2 statistical classification of economic activities.]
- (58) [<sup>F1</sup>The notification threshold is defined in paragraph 20(n) RAG.]
- (59) [<sup>F1</sup>In the transport sector, expenditure on the purchase of transport equipment cannot be included in the uniform set of items of expenditure. Such expenditure is not eligible for initial investment.]
- (60) [<sup>F1</sup>That provision does not have to apply for SMEs or in case of acquisition of an establishment.]
- (61) [<sup>F1</sup>Paragraph 101 RAG provides that intangible assets which are eligible for the calculation of the investments costs must remain associated with the assisted area concerned and must not be transferred to other regions. To this end, the intangible assets must fulfil the following conditions:
- they must be used exclusively in the establishment receiving the aid;
  - they must be amortisable;
  - they must be purchased under market conditions from third parties unrelated to the buyer.
- Paragraph 102 RAG provides that the intangible assets must be included in the assets of the undertaking receiving the aid and must remain associated with the project for which the aid is awarded for at least five years (three years for SMEs).]
- (62) [<sup>F1</sup>Operating Programme or development programme defined in the context of the European Regional Development Fund (ERDF), the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development or the European Maritime and Fisheries Fund (EMFF).]
- (63) [<sup>F1</sup>This question does not apply to subsidised loans, public equity-capital loans or public participations which do not meet the market investor principle, State guarantees containing elements of aid, or public support granted within the scope of *de minimis* rule.]
- (64) [<sup>F1</sup>For that purpose reference can be made, among others, to impact assessments of the proposed scheme or *ex post* evaluations of similar schemes.]
- (65) [<sup>F1</sup>For example, direct grants, exemptions or reductions in taxes, social security or other compulsory charges, or the supply of land, goods or services at favourable prices, etc.]
- (66) [<sup>F1</sup>For example, low-interest loans or interest rebates, State guarantees, the purchase of a shareholding or an alternative provision of capital on favourable terms.]
- (67) [<sup>F1</sup>A counterfactual is credible if it is genuine and relates to the decision-making factors prevalent at the time of the decision by the beneficiary regarding the investment.]
- (68) [<sup>F1</sup>In order to enable the Commission to assess the likely negative effects the Member State could submit any impact assessment at its disposal as well as *ex-post* evaluations carried out for similar predecessor schemes (as specified in paragraph 125 RAG).]
- (69) [<sup>F1</sup>Guidelines on regional State aid for 2014-2020 (OJ C 209, 23.7.2013, p. 1).]
- (70) [<sup>F1</sup>‘SMEs’ means undertakings that fulfil the conditions laid down in Commission recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).]
- (71) [<sup>F1</sup>In that respect please note that operating aid to compensate for additional transport costs of goods which have been produced in areas eligible for operating aid can only be granted in compliance with the General Block Exemption Regulation (‘GBER’) in force at the moment of the granting.]
- (72) [<sup>F1</sup>OJ C 198, 27.6.2014, p. 1.]

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- (73) [<sup>F1</sup>Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).]
- (74) [<sup>F1</sup>OJ C 249, 31.7.2014, p. 1.]
- (75) [<sup>F1</sup>Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65), and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).]
- (76) [<sup>F1</sup>Without prejudice to procedures that cover both the development and the subsequent purchase of unique or specialised products or services.]
- (77) [<sup>F1</sup>If the aid application is for an R & D project, it is not excluded that the potential beneficiary would have already carried out feasibility studies which are not covered by the request for aid.]
- (78) [<sup>F1</sup>OJ C 14, 19.1.2008, p. 6.]
- (79) [<sup>F1</sup>OJ C 249, 31.7.2014, p. 1.]
- (80) [<sup>F1</sup>This refers in particular to the types of company mentioned in Annex I to Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).]
- (81) [<sup>F1</sup>This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital.]
- (82) [<sup>F1</sup>This refers in particular to the types of company mentioned in Annex II to Directive 2013/34/EU.]
- (83) [<sup>F1</sup>Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6) or any future communication which might replace it.]
- (84) [<sup>F1</sup>Including any such aid granted before the date on which the Commission began to apply the Guidelines, i.e. before 1.8.2014.]
- (85) [<sup>F1</sup>Please note that where less than 10 years have elapsed since the rescue aid or temporary restructuring support was granted or the restructuring period came to an end or implementation of the restructuring plan was halted (whichever occurred the latest), further rescue aid, restructuring aid or temporary restructuring support can be only granted: (a) where temporary restructuring support follows the granting of rescue aid as part of a single restructuring operation; (b) where restructuring aid follows the granting of rescue aid or temporary restructuring support as part of a single restructuring operation; (c) where rescue aid or temporary restructuring support has been granted in accordance with these guidelines and that aid was not followed by restructuring aid, if: (i) it could reasonably have been believed that the beneficiary would be viable in the long term when the aid pursuant to these guidelines was granted, and (ii) new rescue or restructuring aid or temporary restructuring support becomes necessary after at least five years due to unforeseeable circumstances for which the beneficiary is not responsible; (d) in exceptional and unforeseeable circumstances for which the beneficiary is not responsible.]
- (86) [<sup>F1</sup>OJ C 249, 31.7.2014, p. 1.]
- (87) [<sup>F1</sup>This refers in particular to the types of company mentioned in Annex I to Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).]
- (88) [<sup>F1</sup>This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital.]
- (89) [<sup>F1</sup>This refers in particular to the types of company mentioned in Annex II to Directive 2013/34/EU.]

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- (90) [<sup>F1</sup>Restructuring may involve one or more of the following elements: the reorganisation and rationalisation of the beneficiary's activities to a more efficient basis, typically involving withdrawal from loss-making activities, restructuring of those existing activities that can be made competitive again and, possibly, diversification towards new and viable activities. It typically also involves financial restructuring in the form of capital injections by new or existing shareholders and debt reduction by existing creditors.]
- (91) [<sup>F1</sup>Long-term viability is achieved when an undertaking is able to provide an appropriate projected return on capital after having covered all its costs including depreciation and financial charges. The restructured undertaking should be able to compete in the marketplace on its own merits.]
- (92) [<sup>F1</sup>The alternative scenario may concern, for example: debt reorganisation, asset disposal, private capital raising, sale to a competitor or break-up, in each case either through entry into an insolvency or reorganisation procedure or otherwise.]
- (93) [<sup>F1</sup>Please also see point 56 of the Guidelines.]
- (94) [<sup>F1</sup>Please also see point 64 of the Guidelines.]
- (95) [<sup>F1</sup>For example, where the aid to be granted enhances the beneficiary's equity position, the own contribution should similarly include measures that are equity-enhancing, such as raising fresh equity from incumbent shareholders, the write-down of existing debt and capital notes or the conversion of existing debt to equity, or the raising of new external equity on market terms.]
- (96) [<sup>F1</sup>For example where the State provides grants, injects capital or writes off debt.]
- (97) [<sup>F1</sup>Including any such aid granted before the date on which the Commission began to apply the Guidelines, i.e. before 1.8.2014.]
- (98) [<sup>F1</sup>Please note that where less than 10 years have elapsed since the rescue aid or temporary restructuring support was granted or the restructuring period came to an end or implementation of the restructuring plan was halted (whichever occurred the latest), further rescue aid, restructuring aid or temporary restructuring support can only be granted: (a) where temporary restructuring support follows the granting of rescue aid as part of a single restructuring operation; (b) where restructuring aid follows the granting of rescue aid or temporary restructuring support as part of a single restructuring operation; (c) where rescue aid or temporary restructuring support has been granted in accordance with these guidelines and that aid was not followed by restructuring aid, if: (i) it could reasonably have been believed that the beneficiary would be viable in the long term when the aid pursuant to these guidelines was granted, and (ii) new rescue or restructuring aid or temporary restructuring support becomes necessary after at least five years due to unforeseeable circumstances for which the beneficiary is not responsible; (d) in exceptional and unforeseeable circumstances for which the beneficiary is not responsible.]
- (99) [<sup>F1</sup>Divestments to limit distortions of competition should take place without undue delay, taking into account the type of asset being divested and any obstacles to its disposal, and in any case within the duration of the restructuring plan.]
- (100) [<sup>F1</sup>This could in particular include measures to open up certain markets directly or indirectly linked to the beneficiary's activities to other Union operators, in compliance with Union law. Such initiatives may replace other measures to limit distortions of competition that would normally be required of the beneficiary.]
- (101) [<sup>F1</sup>Please see points 32 to 35 of the Guidelines for the types of measures covered by the notion of 'aid to cover the social costs of restructuring'.]
- (102) [<sup>F1</sup>[OJ C 249, 31.7.2014, p. 1.](#)]
- (103) [<sup>F1</sup>As defined in Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises ([OJ L 124, 20.5.2003, p. 36.](#))]
- (104) [<sup>F1</sup>'Smaller State-owned undertakings' are economic units with an independent power of decision that would qualify as small or medium-sized enterprises under Recommendation 2003/361/EC but for the fact that 25 % or more of the capital or voting rights are directly or indirectly controlled, jointly or individually, by one or more public bodies.]
- (105) [<sup>F1</sup>This refers in particular to the types of company mentioned in Annex I to Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial

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statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).]

- (106) [F1This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital.]
- (107) [F1This refers in particular to the types of company mentioned in Annex II to Directive 2013/34/EU.]
- (108) [F1Restructuring may involve one or more of the following elements: the reorganisation and rationalisation of the beneficiary's activities to a more efficient basis, typically involving withdrawal from loss-making activities, restructuring of those existing activities that can be made competitive again and, possibly, diversification towards new and viable activities. It typically also involves financial restructuring in the form of capital injections by new or existing shareholders and debt reduction by existing creditors.]
- (109) [F1Long-term viability is achieved when an undertaking is able to provide an appropriate projected return on capital after having covered all its costs including depreciation and financial charges. The restructured undertaking should be able to compete in the marketplace on its own merits.]
- (110) [F1The alternative scenario should not involve State aid. It may concern, for example: debt reorganisation, asset disposal, private capital raising, sale to a competitor or break-up, in each case either through entry into an insolvency or reorganisation procedure or otherwise.]
- (111) [F1Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6) or any future communication which might replace it.]
- (112) [F1In line with point 115(e) of the Guidelines, that plan need not contain all the elements set out in points 47 to 52 of the Guidelines, but must, as a minimum, identify the actions that the beneficiary must take to restore its long-term viability without State support.]
- (113) [F1For example, where the aid to be granted enhances the beneficiary's equity position, the own contribution should similarly include measures that are equity-enhancing, such as raising fresh equity from incumbent shareholders, the write-down of existing debt and capital notes or the conversion of existing debt to equity, or the raising of new external equity on market terms.]
- (114) [F1For example where the State provides grants, injects capital or writes off debt.]
- (115) [F1Please note where less than 10 years have elapsed since the rescue aid or temporary restructuring support was granted or the restructuring period came to an end or implementation of the restructuring plan was halted (whichever occurred the latest), further rescue aid, restructuring aid or temporary restructuring support can be only granted: (a) where temporary restructuring support follows the granting of rescue aid as part of a single restructuring operation; (b) where restructuring aid follows the granting of rescue aid or temporary restructuring support as part of a single restructuring operation; (c) where rescue aid or temporary restructuring support has been granted in accordance with these guidelines and that aid was not followed by restructuring aid, if: (i) it could reasonably have been believed that the beneficiary would be viable in the long term when the aid pursuant to these guidelines was granted, and (ii) new rescue or restructuring aid or temporary restructuring support becomes necessary after at least five years due to unforeseeable circumstances for which the beneficiary is not responsible; (d) in exceptional and unforeseeable circumstances for which the beneficiary is not responsible.]
- (116) [F1Including any such aid granted before the date from when the Commission applies the Guidelines, i.e. before 1.8.2014.]
- (117) [F1Member States are not obliged to require such measures from small enterprises, except where otherwise provided by rules on State aid in a particular sector. However, small enterprises should not normally increase their capacity during a restructuring period.]
- (118) [F1Divestments, write-offs and closure of loss-making activities which would at any rate be necessary to restore long-term viability will generally not be considered sufficient.]
- (119) [F1Such measures should take place in the market(s) where the beneficiary will have a significant market position after the restructuring, in particular those where there is significant excess capacity.]

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- (120) <sup>[F1]</sup>Divestments to limit distortions of competition should take place without undue delay, taking into account the type of asset being divested and any obstacles to its disposal, and in any case within the duration of the restructuring plan.]
- (121) <sup>[F1]</sup>This could in particular include measures to open up certain markets directly or indirectly linked to the beneficiary's activities to other Union operators, in compliance with Union law. Such initiatives may replace other measures to limit distortions of competition that would normally be required of the beneficiary.]
- (122) <sup>[F1]</sup>Communication from the Commission on State aid for films and other audiovisual works (OJ C 332, 15.11.2013, p. 1).]
- (123) <sup>[F1]</sup>EU Guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks (OJ C 25, 26.1.2013, p. 1).]
- (124) <sup>[F1]</sup>EUROPE 2020 — A strategy for smart, sustainable and inclusive growth, COM(2010) 2020.]
- (125) <sup>[F1]</sup>For details see points 56 to 60 of the Broadband Guidelines.]
- (126) <sup>[F1]</sup>For details see points 82 to 85 of the Broadband Guidelines.]
- (127) <sup>[F1]</sup>See for an example the Commission Guide to high speed broadband investment ([http://ec.europa.eu/regional\\_policy/sources/docgener/presenta/broadband2011/broadband2011\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docgener/presenta/broadband2011/broadband2011_en.pdf).)]
- (128) <sup>[F1]</sup>Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1), Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65) and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC, (OJ L 94, 28.3.2014, p. 243).]
- (129) <sup>[F1]</sup>For instance, investment and business model selected, size and characteristics of the geographic intervention areas or measures to control projects costs.]
- (130) <sup>[F1]</sup>The list of Commission decisions on State aid to broadband are available on DG Competition's homepage: [http://ec.europa.eu/competition/sectors/telecommunications/broadband\\_decisions.pdf](http://ec.europa.eu/competition/sectors/telecommunications/broadband_decisions.pdf).]
- (131) <sup>[F1]</sup>OJ C 200, 28.6.2014, p. 1. For some details concerning the use of this supplementary notification sheet in agriculture and the fishery and aquaculture sectors see point 14 of the EEAG.]
- (132) <sup>[F1]</sup>Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).]
- (133) <sup>[F1]</sup>Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (OJ L 352, 24.12.2013, p. 1).]
- (134) <sup>[F1]</sup>See section 3.7 of EEAG, aid in the form of reductions in or exemptions from environmental taxes and in the form of reductions in funding support for electricity from renewable sources.]
- (135) <sup>[F1]</sup>When introducing a measure co-financed by the European Structural and Investments Funds, Member States may rely on the reasoning in the relevant Operational Programmes in indicating the environmental or energy objectives pursued.]
- (136) <sup>[F1]</sup>The European Network of Transmission System Operators for Electricity.]
- (137) <sup>[F1]</sup>For the purpose of demonstrating the appropriateness of schemes, the Member State can also rely on the results of past evaluations as described in Chapter 4 of the EEAG.]
- (138) <sup>[F1]</sup>'Start of works' is defined in point 19(44) of the EEAG.]
- (139) <sup>[F1]</sup>That requirement is not applicable to SMEs and is without prejudice to the assessment of the incentive effect of State aid for energy-efficiency measure prescribed by or carried out as a result of the energy audit or those resulting from other tools (see points 56 and 57 of the EEAG).]

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- (140) [F1For details see points 72 to 76 of the EEAG.]
- (141) [F1The correct counterfactual is the cost of a technically comparable investment that provides a lower degree of environmental protection (corresponding to mandatory Union standards in force) which could possibly be carried out without aid. See point 73(b) of the EEAG. For instance see list provided in Annex 2 to the EEAG. In case the reference investment is not the one listed in Annex 2, please explain and justify its appropriateness.]
- (142) [F1Please note that this condition does not apply if the intangible asset is technically out of date.]
- (143) [F1See Annex 2 to the EEAG: The extra investment costs consist of the additional investment costs necessary to go beyond the level of environmental protection required by the Union standards.]
- (144) [F1Please note that the cost of investments needed to reach the level of protection required by the Union standards is not eligible.]
- (145) [F1See point 78(a) of the EEAG.]
- (146) [F1See point 78(b) of the EEAG.]
- (147) [F1See point 78(c) of the EEAG. ‘Eco-innovation’ is defined in point 19(4) of the EEAG.]
- (148) [F1For details of the genuinely competitive bidding process required, see the definition in point 19(43) of the EEAG.]
- (149) [F1Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).]
- (150) [F1Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).]
- (151) [F1For aid schemes the information can be provided in the form of atypical calculation (or several examples).]
- (152) [F1Please note that the Commission can authorise such notified measures for a period of 10 years.]
- (153) [F1The decision as to whether the aid is necessary will take account of the costs and revenue resulting from the production and sale of the electric power or heat.]
- (154) [F1The production cost may include the plant's normal return on capital, but any gains by the undertaking in terms of heat production must be deducted from production costs.]
- (155) [F1Please note that any investment aid granted to the undertaking in respect of the new plant must be deducted from production costs.]
- (156) [F1Please note that the duration must be limited to maximum 5 years.]
- (157) [F1See section 3.7.1 of the EEAG.]
- (158) [F1As set out in point 19(16) of the EEAG, ‘Union minimum tax level’ means the minimum level of taxation provided for in Union legislation. For energy products and electricity, the Union minimum tax level means the minimum level of taxation laid down in Annex I to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51).]
- (159) [F1In this respect, Member States may provide estimations of, inter alia, the product price elasticity of the sector concerned in the relevant geographic market as well as estimates of lost sales and/or reduced profits for the companies in the sector/category concerned.]
- (160) [F1Guidelines on certain State aid measures in the context of the greenhouse gas emission allowance trading scheme post 2012 (OJ C 158, 5.6.2012, p. 4).]
- (161) [F1The most direct way to demonstrate the causal link is by reference to a charge or levy on top of the electricity price, which is dedicated to the funding of energy from renewable sources. An indirect way to demonstrate the additional costs would be to calculate the impact of higher net costs



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- for the electricity suppliers from green certificates and calculate the impact on the electricity price assuming the higher net costs are passed on by the supplier.]
- (162) [<sup>F1</sup>Guidelines on State aid to promote risk finance investments (OJ C 19, 22.1.2014, p. 4).]
- (163) [<sup>F1</sup>Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).]
- (164) [<sup>F1</sup>Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (OJ L 352, 24.12.2013, p. 1).]
- (165) [<sup>F1</sup>Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6).]
- (166) [<sup>F1</sup>Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (OJ C 155, 20.6.2008, p. 10).]
- (167) [<sup>F1</sup>The RFG (paragraphs 46 – 49) require that an *ex-ante* assessment be carried out and submitted for all notifiable risk finance measures.]
- (168) [<sup>F1</sup>Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).]
- (169) [<sup>F1</sup>Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).]
- (170) [<sup>F1</sup>SWD(2014)179 final of 28.5.2014.]
- (171) [<sup>F1</sup>Beyond providing a general description of the objectives and eligibility rules of the scheme, the aim of this section is to assess how the eligibility and exclusion rules of the scheme may be used to identify the effect of aid. In some cases, the precise eligibility rules may not be known in advance. In those cases the best available expectations should be provided.]
- (172) [<sup>F1</sup>Examples of negative effects are regional and sectorial biases or crowding out of private investments induced by the aid scheme.]
- (173) [<sup>F1</sup>Aid schemes defined in Article 1(2)(a) of Regulation (EU) No 651/2014 are excluded from the scope of the Regulation six months after their entry into force. After having assessed the evaluation plan, the Commission may decide to extend the application of the Regulation to such schemes for a longer period. Member States are invited to precisely indicate the intended duration of the scheme.]
- (174) [<sup>F1</sup>Please make reference to SWD(2014)179 final of 28.5.2014.]
- (175) [<sup>F1</sup>Please note that the evaluation might require sourcing of both historical data and data that will become progressively available during the deployment of the aid scheme. Please identify the sources for both types of information. Both types of data should preferably be collected from the same source as to guarantee consistency across time.]
- (176) [<sup>F6</sup>OJ C 204, 1.7.2014, p. 1, as modified by OJ C 390, 24.11.2015, p. 4.]
- (177) [<sup>F6</sup>However, a requirement to have an establishment or branch in the Member State granting the aid at the time of payment of the aid is permitted.]
- (178) [<sup>F6</sup>Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).]
- (179) [<sup>F6</sup>Please note that this second requirement does not apply in the case of fiscal successor schemes provided the activity was already covered by the previous schemes in the form of tax advantages.]

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- (180) [<sup>F6</sup>Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1) ('the Water framework directive').]
- (181) [<sup>F6</sup>Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).]
- (182) [<sup>F6</sup>This information must be published within six months from the date of granting the aid (or, for aid in the form of tax advantage, within one year from the date of the tax declaration). In the case of unlawful aid, Member States will be required to ensure the publication of this information *ex post*, at least within a period of six months from the date of the Commission decision. The information must be available in a format which allows data to be searched, extracted, and easily published on the internet, for instance in CSV or XML format.]
- (183) [<sup>F6</sup>Publication of information on aid awards granted before 1 July 2016 and, for fiscal aid, publication for aid claimed or granted before 1 July 2016, will not be required.]
- (184) [<sup>F6</sup>Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).]
- (185) [<sup>F6</sup>Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).]
- (186) [<sup>F6</sup>OJ C 200, 28.6.2014, p. 1.]
- (187) [<sup>F6</sup>Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).]
- (188) [<sup>F6</sup>Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).]
- (189) [<sup>F6</sup>Please note that for the purposes of this point, the pure replacement of an existing building or facilities by a new up-to-date building or facilities without fundamentally changing the production or the technology involved is not be considered to be related to the modernisation.]
- (190) [<sup>F6</sup>'processing of agricultural products' means any operation on an agricultural product resulting in a product which is also an agricultural product, except on-farm activities necessary for preparing an animal or plant product for first sale.]
- (191) [<sup>F6</sup>'marketing of agricultural products' means the holding or display with a view to sale, offering for sale, delivery or any other manner of placing on the market, except the first sale by a primary producer to resellers or processors and any activity preparing a product for such first sale; a sale by a primary producer to final consumers is considered as marketing of agricultural products if it takes place in separate premises reserved for that purpose.]
- (192) [<sup>F6</sup>Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).]
- (193) [<sup>F6</sup>OJ C 209, 23.7.2013, p. 1.]
- (194) [<sup>F6</sup>Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 140, 30.4.2004, p. 1).]
- (195) [<sup>F6</sup>OJ L 302, 1.11.2006, p. 10.]
- (196) [<sup>F6</sup>Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union (OJ L 328, 15.12.2009, p. 27).]

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- (197) <sup>F6</sup>Commission Implementing Regulation (EU) 2015/220 of 3 February 2015 laying down rules for the application of Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union (OJ L 46, 19.2.2015, p. 1).]
- (198) <sup>F6</sup>See the definition of SME's in point (35).13 of the Guidelines.]
- (199) <sup>F6</sup>Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).]
- (200) <sup>F6</sup>Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).]
- (201) <sup>F6</sup>Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).]
- (202) <sup>F6</sup>Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(OJ L 277, 21.10.2005, p. 1).]
- (203) <sup>F6</sup>Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).]
- (204) <sup>F6</sup>Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).]
- (205) <sup>F6</sup>Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).]
- (206) <sup>F6</sup>Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).]
- (207) <sup>F6</sup>Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).]
- (208) <sup>F6</sup>OJ C 341, 16.12.2010, p. 5.]
- (209) <sup>F6</sup>Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).]
- (210) <sup>F6</sup>Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71).]
- (211) <sup>F6</sup>This applies to cooperation relating to the production of energy from renewable sources or the production of biofuels on holdings, provided that the conditions laid down in Section 1.1.1.1 of Part II of the Guidelines are complied with.]
- (212) <sup>F6</sup>Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).]
- (213) <sup>F6</sup>In the case of *ex-ante* framework aid schemes, questions 2, 3, 4 and 8 are not applicable.]
- (214) <sup>F6</sup>Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).]

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- (215) [<sup>F6</sup>Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71).]
- (216) [<sup>F6</sup>Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).]
- (217) [<sup>F6</sup>OJ L 189, 27.6.2014, p. 1.]
- (218) [<sup>F6</sup>OJ L 189, 27.6.2014, p. 1.]
- (219) [<sup>F6</sup>OJ L 347, 20.12.2013, p. 549.]
- (220) [<sup>F6</sup>Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)(OJ L 334, 17.12.2010, p. 17).]
- (221) [<sup>F6</sup>Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).]
- (222) [<sup>F6</sup>The description must reflect how the Member State intends to ensure that the aid is given only in respect of the extra cost of the transport of goods inside national borders, and is calculated on the basis of the most economical form of transport and the shortest route between the place of production of the agricultural products or processing of the agricultural products and commercial outlets, and cannot be given towards the costs of the transport of the agricultural products of businesses with an alternative location.]
- (223) [<sup>F6</sup>Please note that only measures falling with the definition of State aid and the rules concerning the interpretation of that definition set out in the Commission Notice on the notion of aid must be notified. In the case of uncertainty whether a measure complies with the conditions of State aid, it may be notified for the assessment of the European Commission. Forestry measures in Regulation (EU) No 1305/2013, in principle, are considered to meet all the criteria of State aid.]
- (224) [<sup>F6</sup>Regulation (EU) No 1305/2013 of 17.12.2013 (OJ L 347, 20.12.2013, p. 487).]
- (225) [<sup>F6</sup>In accordance with point (495) of the Guidelines, this exception is included in application of Article 5(5)(c), Article 21(1)(e) and Article 26 of Regulation (UE) No 1305/2013.]
- (226) [<sup>F6</sup>Communication from the Commission — Guidelines on State aid for environmental protection and energy 2014-2020 (OJ C 200, 28.6.2014, p. 1).]
- (227) [<sup>F6</sup>Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands and repealing Council Regulation (EC) No 1405/2006 (OJ L 78, 20.3.2013, p. 41–50).]
- (228) [<sup>F6</sup>Second Ministerial Conference on the protection of Forests in Europe, 1617 June 1993, Helsinki/Finland, ‘Resolution H1- General Guidelines for the Sustainable Management of Forests in Europe’.]
- (229) [<sup>F6</sup>For aid as to setting up advisory services and training of advisors in the rural areas, please fill in the forms related to Sections 3.3 and 3.6 of Part II of the Guidelines.]
- (230) [<sup>F6</sup>Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, (OJ L 309 24.11.2009, p. 1).]
- (231) [<sup>F6</sup>Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71).]
- (232) [<sup>F7</sup>[<sup>X1</sup>OJ C 319, 27.12.2006, p. 1.]]

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- (233) <sup>[F7]</sup><sup>[X1]</sup>Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p. 1).]]
- (234) <sup>[F7]</sup><sup>[X1]</sup>OJ L 109, 6.5.2000, p. 29.]]
- (235) <sup>[F7]</sup><sup>[X1]</sup>Council Regulation (EC) No 2702/1999 of 14 December 1999 on measures to provide information on, and to promote, agricultural products in third countries (OJ L 327, 21.12.1999, p. 7)]
- (236) <sup>[F7]</sup><sup>[X1]</sup>Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51).]]
- (237) <sup>[F7]</sup><sup>[X1]</sup>OJ C 319, 27.12.2006, p. 1.]]
- (238) <sup>[F7]</sup><sup>[X1]</sup>Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p. 1).]]
- (239) <sup>[F1]</sup>Guidelines on State aid to airports and airlines (OJ C 99, 4.4.2014, p. 3).]
- (240) <sup>[F1]</sup>The costs relating to the investments in airport infrastructure, including planning costs, ground handling infrastructure (such as baggage belts, etc.) and airport equipment can be eligible as investment aid to airports. Investment costs relating to non-aeronautical activities (in particular parking, hotels, restaurants, and offices) are ineligible. The investment costs relating to the provision of ground handling services (such as buses, vehicles, etc.) are ineligible, insofar as they are not part of ground handling infrastructure.]
- (241) <sup>[F1]</sup>‘Catchment area of an airport’ means a geographic market boundary that is normally set at around 100 kilometres or around 60 minutes travelling time by car, bus, train or high-speed train; however, the catchment area of a given airport may be different and needs to take into account the specificities of each particular airport. The size and shape of the catchment area varies from airport to airport, and depends on various characteristics of the airport, including its business model, location and the destinations it serves.]
- (242) <sup>[F1]</sup>Please use the following categories of sizes: airports with annual passenger traffic up to 200 000 passengers; airports with annual passenger traffic of between 200 000 and 1 million; airports with annual passenger traffic of 1–3 million.]
- (243) <sup>[F1]</sup>For example, direct grants, exemptions or reductions in taxes, social security or other compulsory charges, or the supply of land, goods or services at favourable prices, etc.]
- (244) <sup>[F1]</sup>For example, low-interest loans or interest rebates, state guarantees, the purchase of a shareholding or an alternative provision of capital on favourable terms.]
- (245) <sup>[F1]</sup>The capital cost funding gap is the difference between the positive and negative cash flows including investment costs into fixed capital assets over the lifetime of the investment in net present value terms.]
- (246) <sup>[F1]</sup>Guidelines on State aid to airports and airlines (OJ C 99, 4.4.2014, p. 3).]
- (247) <sup>[F1]</sup>‘Operating funding gap’ means the operating losses of an airport over the relevant period, discounted to their current value using the cost of capital, that is to say the shortfall (in Net Present Value terms) between airport revenues and operating costs of the airport.]
- (248) <sup>[F1]</sup>Balance sheet, profit and loss statement, statement of chartered accountant or audit firm.]
- (249) <sup>[F1]</sup>Services provided by an airport or any of its subsidiaries, to ensure the handling of aircraft, from landing to take-off, and of passengers and freight, so as to enable airlines to provide air transport services, including the provision of ground handling services and the provision of centralised ground handling infrastructure.]
- (250) <sup>[F1]</sup>Underlying costs of an airport in respect of the provision of airport services, including cost categories such as cost of personnel, contracted services, communications, waste, energy, maintenance, rent and administration, but excluding the capital costs, marketing support or any other incentives granted to airlines by the airport, and costs falling within a public policy remit.]

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- (251) <sup>[F1]</sup>‘Catchment area of an airport’ means a geographic market boundary that is normally set at around 100 kilometres or around 60 minutes travelling time by car, bus, train or high-speed train; however, the catchment area of a given airport may be different and needs to take into account the specificities of each particular airport. The size and shape of the catchment area varies from airport to airport, and depends on various characteristics of the airport, including its business model, location and the destinations it serves.]
- (252) <sup>[F1]</sup>For example, direct grants, exemptions or reductions in taxes, social security or other compulsory charges, or the supply of land, goods or services at favourable prices, etc.]
- (253) <sup>[F1]</sup>For example, low-interest loans or interest rebates, State guarantees, the purchase of a shareholding or an alternative provision of capital on favourable terms.]
- (254) <sup>[F1]</sup>‘Operating funding gap’ means the operating losses of an airport over the relevant period, discounted to their current value using the cost of capital, that is to say the shortfall (in Net Present Value terms) between airport revenues and operating costs of the airport.]
- (255) <sup>[F1]</sup>Guidelines on State aid to airports and airlines (OJ C 99, 4.4.2014, p. 3).]
- (256) <sup>[F1]</sup>‘High-speed rail service’ is a service provided with trains capable of reaching speeds of over 200 km/h.]
- (257) <sup>[F1]</sup>‘Catchment area of an airport’ means a geographic market boundary that is normally set at around 100 kilometres or around 60 minutes travelling time by car, bus, train or high-speed train; however, the catchment area of a given airport may be different and needs to take into account the specificities of each particular airport. The size and shape of the catchment area varies from airport to airport, and depends on various characteristics of the airport, including its business model, location and the destinations it serves.]
- (258) <sup>[F1]</sup>Actual average annual passenger traffic during the two financial years preceding that in which the aid is notified or actually granted or paid in the case of non-notified aid. In the case of a newly created passenger airport, the forecasted average annual passenger traffic during the two financial years after the beginning of the operation of commercial passenger air traffic should be considered. These thresholds refer to a one-way count. As a result a passenger flying for example to the airport and back would be counted twice; the count applies to individual routes.]
- (259) <sup>[F1]</sup>Decision 2006/682/EC of the Council and of the Representatives of the Member States of the European Union meeting within the Council on the signature and provisional application of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the Establishment of a European Common Aviation Area (ECAA) (OJ L 285, 16.10.2006, p. 1).]
- (260) <sup>[F1]</sup>For example, low-interest loans or interest rebates, State guarantees, the purchase of a shareholding or an alternative provision of capital on favourable terms.]
- (261) <sup>[F1]</sup>Eligible costs are the airport charges in respect of the route.]
- (262) <sup>[F1]</sup>Guidelines on State aid to airports and airlines (OJ C 99, 4.4.2014, p. 3).]
- (263) <sup>[F1]</sup>Where the route concerned links remote regions, such as outermost regions, islands, and sparsely populated areas, the aid could cover the entire population of that region.]
- (264) <sup>[F1]</sup>Such as outermost regions, islands and sparsely populated areas.]
- (265) <sup>[F1]</sup>Community guidelines on State aid to maritime transport (OJ C 13, 17.1.2004, p. 3).]
- (266) <sup>[F8(1)]\*</sup> Communication from the Commission — Guidelines for the examination of State aid to the fishery and aquaculture sector (OJ C 217, 2.7.2015, p. 1).
- (267) <sup>[F8(2)]\*</sup> Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No

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1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

- (268) <sup>F8(3)</sup>\* The objectives of the CFP are set out in Article 2 of Regulation (EU) No 1380/2013 of the European Parliament and the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).
- (269) <sup>F8(4)</sup>\* Point (22)(l) of the Guidelines defines operating aid.
- (270) <sup>F8(5)</sup>\* The information must be published within six months from the date of granting the aid (or, for aid in the form of tax advantage, within one year from the date when the tax declaration is due). In the case of unlawful aid, Member State must publish the information ex post, at least within a period of six months from the date of the Commission decision. The information must be available in a format which allows data to be searched, extracted, and easily published on the internet, for instance in CSV or XML format.
- (271) <sup>F8(6)</sup>\* Publication will not be required for aid awards granted before 1 July 2017 and, for fiscal aid, publication will not be required for aid claimed or granted before 1 July 2017.
- (272) <sup>F8(7)</sup>\* Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 369 24.12.2014, p. 37).
- (273) <sup>F8(8)</sup>\* Horizontal guidelines and other instruments include, amongst others, Communication from the Commission — Criteria for the analysis of the compatibility of State aid for training subject to individual notification (OJ C 188, 11.8.2009, p. 1); Communication from the Commission — Guidelines on State aid to promote risk finance investments (OJ C 19, 22.1.2014, p. 4); the Communication from the Commission — Framework for State aid for research and development and innovation (OJ C 198, 27.6.2014, p. 1); Communication from the Commission — Guidelines on State aid for environmental protection and energy 2014-2020 (OJ C 200, 28.6.2014, p. 1); the Communication from the Commission — Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).
- (274) <sup>F8(9)</sup>\* Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (OJ L 189, 27.6.2014, p. 1).
- (275) <sup>F8(10)</sup>\* Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p. 14).
- (276) <sup>F1</sup>t is the year in which the data are requested.]
- (277) <sup>F1</sup>NACE Rev. 2, or subsequent legislation amending or replacing it; NACE is the statistical classification of economic activities in the European Union as laid down in Regulation (EC) No

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1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).]

(278) [<sup>F1</sup>t is the year in which the data are requested.]

(279) [<sup>F1</sup>NACE Rev. 2, or subsequent legislation amending or replacing it; NACE is the statistical classification of economic activities in the European Union as laid down in Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).]

#### Editorial Information

- X1** Inserted by [Corrigendum to Commission Regulation \(EC\) No 1935/2006 of 20 December 2006 amending Regulation \(EC\) No 794/2004 implementing Council Regulation \(EC\) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty \(Official Journal of the European Union L 407 of 30 December 2006\)](#).

#### Textual Amendments

- F1** Substituted by [Commission Regulation \(EU\) 2015/2282 of 27 November 2015 amending Regulation \(EC\) No 794/2004 as regards the notification forms and information sheets \(Text with EEA relevance\)](#).
- F6** Substituted by [Commission Regulation \(EU\) 2016/246 of 3 February 2016 amending Annex I to Regulation \(EC\) No 794/2004 as regards the forms to be used for the notification of State aid in the agricultural and forestry sectors and in rural areas](#).
- F7** Inserted by [Commission Regulation \(EC\) No 1935/2006 of 20 December 2006 amending Regulation \(EC\) No 794/2004 implementing Council Regulation \(EC\) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty](#).
- F8** Substituted by [Commission Regulation \(EU\) 2016/2105 of 1 December 2016 amending Annex I to Regulation \(EC\) No 794/2004 as regards the form to be used for the notification of State aid to the fishery and aquaculture sector](#).



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