

*Status: Point in time view as at 02/05/2014.*

*Changes to legislation: There are currently no known outstanding effects for the  
Commission Regulation (EC) No 794/2004, Division 1.. (See end of Document for details)*

## ANNEX I

### [<sup>F1</sup>]<sup>X1</sup>PART III.12.Q

#### SUPPLEMENTARY INFORMATION SHEET FOR AID FOR CLOSING PRODUCTION, PROCESSING AND MARKETING CAPACITY

##### 1. Requirements

- 1.1. Does the planned scheme provide that,
- the aid must be in the general interest of the sector concerned
  - there must be a counterpart on the part of the beneficiary
  - the possibility of the aid being for rescue and restructuring must be excluded and that
  - there must be no over-compensation of loss of capital value and of future income?

#	yes	#	no
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*If no, please note that according to chapter V.C. of the Guidelines no aid can be granted if those conditions are not fulfilled.*

##### **'The aid must be in the general interest of the sector concerned'**

##### 1.2. What is/are the sector(s) covered by the scheme?

##### 1.3. Is/are that/those sector(s) subject to production limits or quotas?

#	yes	#	no
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If yes, please describe

##### 1.4. Can that sector those sectors be considered to be in excess of capacity either at regional or national level?

#	yes	#	no
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##### 1.4.1. If yes:

##### 1.4.1.1. Is the planned aid scheme coherent with any Community arrangements to reduce production capacity?

#	yes	#	no
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Please describe this arrangements and the measures taken to assure the coherence

##### 1.4.1.2. Is the planned aid scheme part of a programme for the restructuring of the sector which has defined objectives and a specific timetable?

#	yes	#	no
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*If yes, please describe the programme*

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1.4.1.3. What is the duration of the planned aid scheme? .....

*Please note that according to point 147(b) of the Guidelines the Commission can only authorised this type of aid when they provide for a limited duration. The duration of schemes aimed at reducing overcapacity should 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.*

1.4.2. If no, is the capacity being closed for sanitary or environmental reasons?

#	yes	#	no
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If yes, please describe:

1.5. Can it be assured that no aid may be paid which would interfere with the mechanisms of the common organisations of the market (OCM) concerned?

#	yes	#	no
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*If no, please note that according to point 147(e) of the Guidelines any aid interfering with the mechanisms of the OCM concerned cannot be authorised*

1.6. Is the aid scheme accessible to all economic operators in the sector concerned on the same conditions and a transparent system of calls for interest is used?

#	yes	#	no
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*If no, please note that according to point 147(k) of the Guidelines, to be authorised by the Commission the aid scheme must assure the respect of this condition.*

1.7. Are only enterprises fulfilling compulsory minimum standards eligible for aid?

#	yes	#	no
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*Please note that enterprises are excluded which do not fulfil these standards and which would be obliged to stop production anyway.*

1.8. In case of open farmland or orchards: Which measures have been taken in order to avoid erosion or other negative effects on the environment?

1.9. In case of installations covered by Council Directive 96/61<sup>(1)</sup>: which measures have been taken in order to avoid any pollution risk and ensure that the site of operation is returned to a satisfactory state?

**‘There must be a counterpart on the part of the beneficiary’**

1.10. What is the nature of the counterpart required to the beneficiary by the planned scheme?

1.11. Does it consist of a definitive and irrevocable decision to scrap or irrevocably close the production capacity concerned?

#	yes	#	no
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- 1.11.1. If yes,  
— can it be proved that these commitments are legally binding for the beneficiary?

#	yes	#	no
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Please justify:

- can it be assured that these commitments must also bind any future purchaser of the facility concerned?

#	yes	#	no
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Please justify:

- 1.11.2. If no, please describe the nature of the counterpart on the part of the beneficiary:

*Please note that according to point 147(g) of the guidelines where the production capacity has already closed definitively, or where such closure appears inevitable, there is no counterpart on the part of the beneficiary, and aid may not be paid.*

***‘The possibility of the aid being for rescue and restructuring must be excluded’***

- 1.12. Does the planned scheme provides that, when the beneficiary of the aid is in financial difficulty, the aid will be assessed in accordance with the Community guidelines on rescue and restructuring of firms in difficulty<sup>(2)</sup>?

#	yes	#	no
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*If no, please note that according to point 147(j) of the Guidelines, the Commission cannot authorise an aid for the abandonment of capacity of a company in difficulties and that the aid must be evaluated under the rescue and/or restructuring aid.*

***‘There must be no over-compensation of loss of capital value and of future income’***

- 1.13. Please specify what is the maximum amount of aid, if any, to be granted per beneficiary?

- 1.14. Is the amount of aid calculated on the basis of the loss of value of the assets plus an incentive payment which may not exceed 20 % of the value of the assets, and eventually, the obligatory social costs resulting from the implementation of the scheme?

#	yes	#	no
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*If no, please note that according to point 147(l) of the Guidelines, the amount of aid should be strictly limited to compensation for those items.*

- 1.15. Does the planned aid scheme provide that, where capacity is closed for other reasons than health or environmental, at least 50 % of the costs of these aids should be met by a contribution from the sector, either through voluntary contributions or by means of compulsory levies?.

#	yes	#	no
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*If no, please note that according to point 147(m) of the Guidelines, the Commission cannot authorise the aid.*

1.16. Does the planned scheme provide for the submission of an annual report on the implementation of the scheme?

#	yes	#	no]]
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**Editorial Information**

**X1** Substituted 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**

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- (1) <sup>[F1]</sup><sup>[X1]</sup>Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ L 257, 10.10.1996, p. 26).]]
- (2) <sup>[F1]</sup><sup>[X1]</sup>Community guidelines on State aid for rescuing and restructuring firms in difficulty (OJ C 244, 1.10.2004, p. 2).]]

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