

Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings active 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

CHAPTER I

COMMON PROVISIONS

Article 5

Transparency of aid

1 This Regulation shall apply only to aid in respect of which it is possible to calculate precisely the gross grant equivalent of the aid *ex ante* without any need to undertake a risk assessment ('transparent aid').

2 The following categories of aid shall be considered to be transparent:

- a aid comprised in grants and interest rate subsidies;
- b aid comprised in loans where the gross grant equivalent has been calculated on the basis of the reference rate prevailing at the time of the grant;
- c aid comprised in guarantees:
 - (i) where the gross grant equivalent has been calculated on the basis of safe-harbour premiums laid down in a Commission notice; or
 - (ii) where before the implementation of the measure, the methodology to calculate the gross grant equivalent of the guarantee has been accepted on the basis of the Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees⁽¹⁾, or any successor notice, following notification of that methodology to the Commission under any regulation adopted by the Commission in the State aid area applicable at the time, and the approved methodology explicitly addresses the type of guarantee and the type of underlying transaction at stake in the context of the application of this Regulation;
- d aid in the form of tax advantages, where the measure provides for a cap ensuring that the applicable threshold is not exceeded;
- e aid in the form of repayable advances, if the total nominal amount of the repayable advance does not exceed the thresholds applicable under this Regulation or if, before implementation of the measure, the methodology to calculate the gross grant equivalent of the repayable advance has been accepted following its notification to the Commission.

3 For the purposes of this Regulation, the following categories of aid shall not be considered to be transparent aid:

- a aid comprised in capital injections;
- b aid comprised in risk finance measures.

Status: Point in time view as at 16/12/2014. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 1388/2014, Article 5. (See end of Document for details)

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(1) [OJ C 155, 20.6.2008, p. 10.](#)

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