
DRAFT STATUTORY INSTRUMENTS

2019 No.

The State Aid (EU Exit) Regulations 2019

PART 4

Enforcement

Interim recovery order

38.—(1) The CMA may make an interim recovery order requiring the aid grantor to take all necessary measures to provisionally recover alleged unlawful aid and interest payable on the aid if—

- (a) the CMA opens an investigation under regulation 15(5)(c) (unlawful aid);
- (b) the CMA considers that—
 - (i) according to established practice, the measure concerned constitutes aid;
 - (ii) there is an urgency to act; and
 - (iii) there is a serious risk of substantial and irreparable damage to a competitor of the aid beneficiary; and
- (c) the limitation period for the aid has not expired.

(2) After the aid grantor recovers the aid and interest, regulation 13 applies as if references to regulation 11 were references to regulation 17.

(3) The CMA must give the aid grantor an opportunity to send comments before making an interim recovery order.