
DRAFT STATUTORY INSTRUMENTS

2022 No.

**The Subsidy Control (Subsidies and Schemes of
Interest or Particular Interest) Regulations 2022**

Sensitive sectors

- 6.—(1) This regulation applies for the purposes of regulation 3(3)(c).
- (2) A subsidy concerns a sensitive sector if—
- (a) it is given to an enterprise which is engaged in a specified economic activity or an input activity, and
 - (b) it confers, directly or indirectly, an economic advantage on an enterprise which is engaged in a specified economic activity in relation to that activity.
- (3) But a subsidy does not concern a sensitive sector if—
- (a) the subsidy is given under a subsidy scheme, and
 - (b) the criteria or conditions which determine whether an enterprise is eligible to receive a subsidy under that scheme are based on objective factors which do not favour enterprises engaged in specified economic activities or input activities over others.
- (4) The objective factors referred to in paragraph (3)(b) may (among other things) include—
- (a) size of enterprise;
 - (b) number of employees;
 - (c) geographical location.