
STATUTORY INSTRUMENTS

2020 No. 1470

The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020

Citation, commencement and extent

1.—(1) These Regulations may be cited as the State Aid (Revocations and Amendments) (EU Exit) Regulations 2020.

(2) Subject to paragraphs (3) and (4), these Regulations come into force on IP completion day⁽¹⁾.

(3) Paragraphs 3(3), 7(8)(b) and (c), 7(9) and 8 of Schedule 1 come into force immediately after IP completion day.

(4) Paragraphs 17 and 18 of Schedule 2 come into force immediately before IP completion day.

(5) Paragraph 2 of Schedule 1 does not extend to Northern Ireland.

Commencement Information

II [Reg. 1](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Interpretation

2. In these Regulations—

“TFEU” means the Treaty on the Functioning of the European Union;

“Withdrawal Act” means the European Union (Withdrawal) Act 2018.

Commencement Information

I2 [Reg. 2](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Cessation of Treaty rights

3. Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

(a) continue to be recognised and available in domestic law by virtue of section 4(1) of the Withdrawal Act; and

(b) are derived from—

(i) Article 107(1) or 108(3) of the TFEU;

(ii) Article 346(1) of the TFEU, so far as Article 346(1) relates to Article 107(1) or Article 108(3) of the TFEU;

(1) For the meaning of “IP completion day”, see Schedule 1 to the Interpretation Act [1978 \(c. 30\)](#).

- (iii) Article 61(1) or 62(1) of the EEA agreement⁽²⁾; or
- (iv) Article 123 of the EEA agreement, so far as Article 123 relates to Article 61(1) or 62(1) of the EEA agreement;

cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

Commencement Information

- I3** [Reg. 3](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Revocation of Annex to the EEA Agreement

4. Annex 15 of the EEA agreement, so far as it forms part of domestic law by virtue of section 3(1) of the Withdrawal Act, is omitted.

Commencement Information

- I4** [Reg. 4](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Revocation of EU regulations

5. The following Regulations, so far as they form part of domestic law by virtue of section 3(1) of the Withdrawal Act, are revoked—

- (a) [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;
- (b) [Commission Regulation \(EC\) No 1627/2006](#) of 24 October 2006 amending Regulation (EC) No 794/2004 as regards the standard forms for notification of aid;
- (c) [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;
- (d) [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;
- (e) [Commission Regulation \(EC\) No 1147/2008](#) of 31 October 2008 amending 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, as regards Part III.10 of its Annex 1;
- (f) [Commission Regulation \(EC\) No 257/2009](#) of 24 March 2009 amending Regulation (EC) No 794/2004 as regards the supplementary information sheet for notification of aid to fisheries and aquaculture;
- (g) [Commission Regulation \(EC\) No 1125/2009](#) of 23 November 2009 amending Regulation (EC) No 794/2004 implementing Council Regulation (EC) No 659/1999 laying down

(2) For the meaning of “EEA Agreement”, see Schedule 1 to the Interpretation Act [1978 \(c. 30\)](#).

detailed rules for the application of Article 93 of the EC Treaty, as regards Part III.2, Part III.3 and Part III.7 of its Annex I;

- (h) [Commission Regulation \(EU\) No 360/2012](#) of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest;
- (i) [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;
- (j) [Commission Regulation \(EU\) No 1408/2013](#) 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 in the agriculture sector;
- (k) [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;
- (l) [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;
- (m) [Commission Regulation \(EU\) No 702/2014](#) of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union;
- (n) [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;
- (o) [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;
- (p) Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid;
- (q) 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;
- (r) Commission Regulation (EU) 2015/2282 of 27 November 2015 amending Regulation (EC) No 794/2004 as regards the notification forms and information sheets;
- (s) 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;
- (t) 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;
- (u) Commission Regulation (EU) 2017/1084 of 14 June 2017 amending Regulation (EU) No 651/2014 as regards aid for port and airport infrastructure, notification thresholds for aid for culture and heritage conservation and for aid for sport and multifunctional recreational infrastructures, and regional operating aid schemes for outermost regions and amending Regulation (EU) No 702/2014 as regards the calculation of eligible costs;

- (v) Council Regulation (EU) 2018/1911 of 26 November 2018 amending Regulation (EU) 2015/1588 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid;
- (w) Commission Regulation (EU) 2018/1923 of 7 December 2018 amending Regulation (EU) No 360/2012 as regards its period of application;
- (x) Commission Regulation (EU) 2019/289 of 19 February 2019 amending Regulation (EU) No 702/2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union; and
- (y) Commission Regulation (EU) 2020/972 of 2 July 2020 amending Regulation (EU) No 1407/2013 as regards its prolongation and amending Regulation (EU) No 651/2014 as regards its prolongation and relevant adjustments.

Commencement Information

I5 [Reg. 5](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Revocation of EU decisions

6.—(1) The following decisions, so far as they form part of domestic law by virtue of section 3(1) of the Withdrawal Act, are revoked—

- (a) Council Decision (2010/787/EU) of 10 December 2010 on State aid to facilitate the closure of uncompetitive coal mines;
- (b) Commission [Decision 2012/21/EU](#) of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest; and
- (c) any other EU decision which forms part of domestic law on and after IP completion day by virtue of section 3(1) of the European Union (Withdrawal) Act 2018 and is made under—
 - (i) the procedural regulation or predecessor legislation; or
 - (ii) Article 108(2) of the TFEU or Article 88(2) of the Treaty establishing the European Community.

(2) In this regulation—

“predecessor legislation” means—

- (a) Council Regulation [\(EC\) No 994/98](#) of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid; and
- (b) Council Regulation [\(EC\) No 659/1999](#) of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty;

“procedural regulation” means 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.

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Commencement Information

I6 Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Amendments to legislation

7.—(1) Schedule 1, which makes amendments to retained EU law, has effect.

(2) Schedule 2, which makes amendments to other legislation, has effect.

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Commencement Information

I7 Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Transitional and savings provisions

8. Schedule 3, which contains transitional and savings provisions, has effect.

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Commencement Information

I8 Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy

4th December 2020

Paul Scully
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial
Strategy

Changes to legislation:

There are currently no known outstanding effects for the The State Aid (Revocations and Amendments) (EU Exit) Regulations 2020.