Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2015/2282. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commission Regulation (EU) 2015/2282 of 27 November 2015 amending Regulation (EC) No 794/2004 as regards the notification forms and information sheets (Text with EEA relevance)

COMMISSION REGULATION (EU) 2015/2282

of 27 November 2015

amending Regulation (EC) No 794/2004 as regards the notification forms and information sheets

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 33 thereof,

After consulting the Advisory Committee on State aid,

Whereas:

(1) The State aid modernisation initiative has focused on the identification of common principles for the assessment of the compatibility of all aid measures by the Commission. In that regard, the Commission considers an aid measure compatible with the Treaty only if it satisfies the criteria of contributing to a well-defined objective of common interest; the need for State intervention; appropriateness; incentive effect; proportionality; and avoidance of undue negative effects on competition and trade between Member States. The State aid guidelines have been revised and streamlined to reflect those common assessment principles. The State aid notification forms and information sheets contained in Commission Regulation (EC) No 794/2004[(2)] should therefore be adapted to ensure that the Commission receives all the information necessary for it to carry out its assessment under the modernised State aid rules.

(2) Aid measures should also comply with the transparency criteria set out in the Transparency Communication[(3)], which aim to promote compliance, reduce uncertainty and enable companies to check whether aid granted to competitors is legal. Transparency also facilitates enforcement for national and regional authorities by increasing awareness of aid granted at various levels, thus ensuring better monitoring and follow-up at national and local level. For that purpose, the notifying Member States should provide relevant information concerning the publication of information on the aid measures.

(3) In view of the potential impact on trade and competition of aid schemes with large aid budgets, or which have novel characteristics or involve significant market, technological or regulatory changes, Member States should carry out an evaluation of

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such schemes. In order to enable the Commission to assess the evaluation plan, Member States should submit to the Commission a draft evaluation plan at the same time as they notify the Commission of the aid scheme concerned. To that end, a new form for the evaluation plan, to be used by Member States, should be added to Regulation (EC) No 794/2004.

(4) Regulation (EC) No 794/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 794/2004 is amended as follows:

(1) the title is replaced by the following:
Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union;

(2) Annex I is amended in accordance with Annex I to this Regulation;

(3) Annexes III A and III B are replaced by the text in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 November 2015.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX I

Annex I is amended as follows:

(1) Part I is replaced by the following:

PART I.

GENERAL INFORMATION

1. **Status of the notification**

Does the information transmitted on this form concern:

(a) # a pre-notification? If so, you may not need to complete the entire form at this stage but to agree with the Commission services which information is required for a preliminary assessment of the proposed measure.

(b) # a notification pursuant to Article 108(3) of the Treaty on the Functioning of the European Union (TFEU)?

(c) # a simplified notification under Article 4(2) of Regulation (EC) No 794/2004[(4)]? If so, please complete only the Simplified Notification Form in Annex II.

(d) # a measure which does not constitute State aid within the meaning of Article 107(1) TFEU but is notified to the Commission for reasons of legal certainty?

If you have selected point (d) above, please indicate below why the notifying Member State considers that the measure does not constitute State aid within the meaning of Article 107(1) TFEU. Please provide a full assessment of the measure in light of each of following four criteria, stressing in particular the criteria that you consider not to be met in the planned measure:

Does the notified measure imply a transfer of public resources or is it imputable to the State?

…

Does the notified measure confer an advantage upon undertakings?

…

Is the measure discretionary, available only to a limited number of undertakings, in a limited number of sectors of the economy or does it entail any territorial restrictions?

…

Does the measure affect competition on the internal market or threaten to distort intra-Union trade?

…

2. **Identification of the aid grantor**

Member State concerned:

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…

Region(s) of the Member State concerned (at NUTS level 2); include information on their regional aid status:

…

Contact person(s):

Name:…
Address:…
Phone(s):…
E-mail(s):…

Please indicate the name, the address (including web address) and the e-mail contact of the granting authority:

Name:…
Address:…
Web address:…
E-mail:…

Contact person at the Permanent Representation

Name:…
Phone(s):…
E-mail:…

If you would like a copy of the official correspondence sent by the Commission to the Member State to be forwarded to other national authorities, please indicate here their name, address (including their web address) and e-mail contact:

Name:…
Address:…
Web address:…
E-mail:…

3. **Beneficiaries**

3.1. Location of the beneficiary(ies)

(a) # in (an) unassisted region(s):…

(b) # in region(s) eligible for assistance under Article 107(3)(a) TFEU (specify the region(s) at NUTS level 2):…

(c) # in region(s) eligible for assistance under Article 107(3)(c) TFEU (specify the region(s) at NUTS level 3 or lower):…

3.2. If applicable, location of the project(s)

(a) # in (an) unassisted region(s):…

(b) # in region(s) eligible for assistance under Article 107(3)(a) TFEU (specify the region(s) at NUTS level 2):…

(c) # in region(s) eligible for assistance under Article 107(3)(c) TFEU (specify the region(s) at NUTS level 3 or lower):…

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3.3. Sector(s) affected by the aid measure (i.e. in which the aid beneficiaries are active):

(a) # Open to all sectors

(b) # Sector specific. If so, please specify the sector(s) at NACE group level[(5)]:…

3.4. In the case of an aid scheme, please specify:

3.4.1. Type of beneficiaries:

(a) # large enterprises

(b) # small and medium-sized enterprises (SMEs)

(c) # medium-sized enterprises

(d) # small enterprises

(e) # micro enterprises

3.4.2. Estimated number of beneficiaries:

(a) # under 10

(b) # from 11 to 50

(c) # from 51 to 100

(d) # from 101 to 500

(e) # from 501 to 1 000

(f) # over 1 000

3.5. In the case of individual aid, either granted within the scope of a scheme or as ad hoc aid, please specify:

3.5.1. Name of the beneficiary(ies):

…

3.5.2. Type of beneficiary(ies):

…

SME

Number of employees:…

Annual turnover (full amount in national currency, in the last financial year):

…

Annual balance-sheet total (full amount in national currency, in the last financial year):

…

Existence of linked enterprise or partner enterprises (please attach a declaration according to Article 3(5) of the Commission Recommendation on SMEs[(6)] attesting to either the autonomous, linked or partner status of the beneficiary undertaking[(7)]):