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 (Text with EEA relevance)

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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty[(1)], and in particular Article 27 thereof,

After consulting the Advisory Committee on State Aid,

Whereas:

(1) Following the adoption by the Commission of new Community guidelines for the examination of State aids to fisheries and aquaculture[(2)], the supplementary information sheet contained in Part III.14 of Annex I to 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[(3)] should be replaced by a new supplementary information sheet in line with the framework in force.

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

HAS ADOPTED THIS REGULATION:

Article 1

Part III.14 of Annex I to Regulation (EC) No 794/2004 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following 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.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 257/2009. 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*

Done at Brussels, 24 March 2009.

For the Commission

Joe BORG

Member of the Commission

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 257/2009. 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*

ANNEX

PART III.14

**SUPPLEMENTARY INFORMATION SHEET
FOR AID TO FISHERIES AND AQUACULTURE**

This supplementary information sheet must be used for the notification of any aid scheme or individual aid covered by Guidelines for the examination of State aid to fisheries and aquaculture (the Guidelines).
OBJECTIVES OF THE SCHEME or AID (*tick as appropriate and insert the required information*):

This Section follows the order of the subparagraphs of paragraph 4 of the Guidelines: "Aid which may be declared compatible".

Point 4.1 of the Guidelines: Aid for measures of the same kind as those covered by a block exemption Regulation
General remarks concerning this kind of aid

Two block exemption regulations are in force: Commission Regulation (EC) No 736/2008[(4)] which applies to the fisheries and aquaculture sector and Commission Regulation (EC) No 800/2008[(5)] which is the general exemption regulation applying to all sectors.

Therefore, such aid should not in principle be notified.

However, according to recital 6 of Regulation No 736/2008 and recital 7 of Regulation No 800/2008, these regulations should be without prejudice to the possibility for Member States of notifying State aid, the objectives of which correspond to objectives covered by these Regulations.

In addition, the following kinds of aid cannot benefit from the exemption provided by Regulations (EC) No 736/2008 and (EC) No 800/2008: aid exceeding specified ceilings, as referred to in Article 1(3) of Regulation (EC) No 736/2008 or in Article 6 of Regulation (EC) No 800/2008, or having specific characteristics, in particular aid granted to undertakings other than SMEs, aid to undertakings in difficulty, non-transparent aid, aid for an undertaking which is subject to an outstanding recovery order following a Commission decision declaring an aid incompatible with the common market.
Characteristics of the aid notified

Aid of the same kind as aid covered by Regulation (EC) No 736/2008
Aid of the same kind as aid covered by Regulation (EC) No 800/2008
Aid exceeding the ceiling specified
Aid granted to undertakings other than SMEs
Aid which is not transparent
Aid for an undertaking which is subject to an outstanding recovery
Other characteristics: specify it

Compatibility with the common market

The Member State is requested to provide detailed and reasoned justification as to why the aid can be considered compatible with the common market.

Point 4.2 of the Guidelines: Aid falling within the scope of certain horizontal Guidelines