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

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

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,

Whereas:

(1) 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[(2)] established a compulsory comprehensive State aid notification form.

(2) Following the adoption by the Commission of new guidelines on State aid for environmental protection[(3)] it is necessary to modify a part of the notification form annexed to Regulation (EC) No 794/2004.

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

HAS ADOPTED THIS REGULATION:

Article 1

Part III.10 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 day 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.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 1147/2008. 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, 31 October 2008.

For the Commission

Neelie KROES

Member of the Commission

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 1147/2008. 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.10

SUPPLEMENTARY INFORMATION SHEET ON STATE AID FOR ENVIRONMENTAL PROTECTION

1. Basic characteristics of the notified measure

Please fill in the relevant parts of the notification form corresponding to the character of the notified measure. Please find below a basic guidance.

(A) Please specify the type of aid and fill in the appropriate subsections of **Section 3** (Compatibility of aid under Article 87(3)(c) of the EC Treaty) of this supplementary information sheet:

Aid for undertakings which go beyond Community standards or which increase the level of environmental protection in the absence of Community standards, fill in Section 3.1

Aid for the acquisition of new transport vehicles which go beyond Community standards or which increase the level of environmental protection in the absence of Community standards, fill in Section 3.1

Aid for SMEs for early adaptation to future Community standards, fill in Section 3.2

Aid for environmental studies, fill in Section 3.3

Aid for energy saving, fill in Section 3.4

Aid for renewable energy sources, fill in Section 3.5

Aid for the cogeneration, fill in Section 3.6

Aid for energy-efficient district heating, fill in Section 3.7

Aid for waste management, fill in Section 3.8

Aid for the remediation of contaminated sites, fill in Section 3.9

Aid for the relocation of undertakings, fill in Section 3.10

Aid involved in tradable permit schemes, fill in Section 3.11

Aid in the form of reductions of or exemptions from environmental taxes, fill in Section 6.

Furthermore, please fill in: **Section 4** (Incentive effect and necessity of aid), **Section 7** (Criteria triggering a detailed assessment), **Section 8** (Additional information for detailed assessment)[(4)], and **Section 10** (Reporting and monitoring).

(B) Please explain the main characteristics (objective, likely effects of the aid, aid instrument, aid intensity, beneficiaries, budget etc.) of the notified measure.

(C) Can the aid be combined with other aid?

# yes	# no

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 1147/2008. 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*

If yes, fill in **Section 9** (Cumulation) of this supplementary information sheet.

(D) Is the aid granted in order to promote the execution of an important project of common European interest?

# yes	# no

If yes, please fill in **Section 5** (Compatibility of aid under Article 87(3)(b) of the EC Treaty) of this supplementary information sheet.

(E) In case the notified individual aid is based on an approved scheme, please provide details concerning that scheme (case number, title of the scheme, date of Commission approval):

…

…

(F) Please confirm that if the aid/bonus for small enterprises is granted, the beneficiaries comply with the definition for small enterprises as defined by the Community legislation:

yes

(G) Please confirm that if the aid/bonus for medium enterprises is granted, the beneficiaries comply with the definition for medium enterprises as defined by the Community legislation:

yes

(H) If applicable, please indicate the exchange rate which has been used for the purposes of the notification:

…

…

(I) Please number all documents provided by the Member States as annexes to the notification form and indicate the document numbers in the relevant parts of this supplementary information sheet.

2. Objective of the aid

(A) In the light of the objectives of common interest addressed by the Environmental aid guidelines (Section 1.2) please indicate the environmental objectives pursued by the notified measure. Please give a detailed description of each distinct type of aid to be granted under the notified measure:

…

…

(B) If the notified measure has already been applied in the past please indicate its results in terms of environmental protection (please indicate the relevant case number and date of Commission approval and, if possible, attach national evaluation reports on the measure):

…

…

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 1147/2008. 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*

(C) If the measure is new, please indicate the expected results and the period over which they will be achieved:

…

…

3. Compatibility of aid under Article 87(3)(c) of the EC Treaty

If there are several beneficiaries involved in the project notified as individual aid, please provide the information below for each of them.

3.1. Aid for undertakings which go beyond Community standards or which increase the level of environmental protection in the absence of Community standards[5]

3.1.1. *Nature of the supported investments, applicable standards*

(A) Please specify if the aid is granted for:

investments enabling the beneficiary to increase the level of environmental protection resulting from its activities by improving on the applicable Community standards[6], irrespective of the presence of mandatory national standards that are more stringent than the Community standard;

or

investments enabling the beneficiary to increase the level of environmental protection resulting from its activities in the absence of Community standards.

(B) Please provide details, including, where applicable, information on the relevant Community standards:

…

…

(C) If the aid is granted for reaching the national standard exceeding the Community standards, please indicate the applicable national standards and attach a copy:

…

…

3.1.2. *Aid intensities and bonuses*

In the case of aid schemes, the aid intensity must be calculated for each beneficiary of aid.

(A) What is the maximum aid intensity applicable to the notified measure[7]? …

(B) Is the aid granted in a genuinely competitive bidding process[8]?

# yes	# no

If yes, please provide details of the competitive process and attach a copy of the tender notice or its draft:

…