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(Acts whose publication is obligatory)

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

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 Treaty [1], and in particular Article 27 thereof,

After consulting the Advisory Committee on State Aid,

Whereas:

(1) Commission Regulation (EC) No 794/2004 [2] has established a compulsory comprehensive State aid notification form. It has also laid down that the supplementary information needed for the assessment of a State aid measure has to be provided on the supplementary information sheets set out in the Annex to that Regulation.

(2) Following the adoption by the Commission of the Community guidelines for State aid in the agricultural and forestry sector 2007 to 2013 [3], the rules applied by the Commission in assessing the compatibility of State aid measures with the common market have changed. Since the notification form is a detailed questionnaire based on the applicable rules, it is necessary to amend parts of it.

(3) It is therefore necessary to amend Regulation (EC) No 794/2004 accordingly.

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1 OJ L 83, 27. 3. 1999, p. 1.

2 OJ L 140, 30. 4. 2004, p. 1. Regulation as amended by Regulation (EC) No 1627/2006 (OJ L 302, 1.11.2006, p. 10).

3 OJ C 314, 27.12.2006, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 794/2004 is amended in accordance with the Annex 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, 20 December 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

In the Annex I to Regulation (EC) No 794/2004, Parts III.12.A to III.12.Q, are replaced by the following:

PART III 12

INFORMATION SHEET FOR AGRICULTURE

Please note that this state aid notification form only applies to activities related to the production, processing and marketing of agricultural products as defined in point 6 of the Community Guidelines for State aid in the agriculture and forestry sector 2007 to 2013 [4]. *Please note that the specific state aid rules for agriculture do not apply to measures related to the processing of Annex I products into non-Annex I products. For such measures you should complete the relevant notification form.*

1. PRODUCTS COVERED

Does the measure apply to any of the following products which are not yet subject to a common market organisation:

☐ potatoes other than starch potatoes

☐ horsemeat

☐ coffee

☐ cork

☐ vinegars derived from alcohol

☐ The measure does not apply to any of these products

[4] OJ C 314, 27.12.2006, p. 1.

2. INCENTIVE EFFECT

A. Aid schemes

2.1. Will aid under an aid scheme only be granted in respect of activities undertaken or services received after the aid scheme has been set up and declared compatible with the EC Treaty by the Commission?

☐ yes ☐ no

If no, please refer to point 16 of the Guidelines.

2.2. If the aid scheme creates an automatic right to receive the aid, requiring no further administrative action at administrative level, may the aid itself only be granted for activities undertaken or services received after the aid scheme has been set up and declared compatible with the EC Treaty by the Commission?

☐ yes ☐ no

If no, please refer to point 16 of the Guidelines.

2.3. If the aid scheme requires an application to be submitted to the competent authority concerned, may the aid itself only be granted for activities undertaken or services received after the following conditions have been fulfilled:

a) the aid scheme must have been set up and declared compatible with the EC Treaty by the Commission;

b) an application for the aid must have been properly submitted to the competent authority concerned;

c) the application must have been accepted by the competent authority concerned in a manner which obliges that authority to grant the aid, clearly indicating the amount of aid to be granted or how this amount will be calculated; such acceptance by the competent authority may only be made if the budget available for the aid or aid scheme is not exhausted?