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

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

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) 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 national regional aid for 2007 to 2013[(3)] it is necessary to modify parts of the notification form.

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

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 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.

Done at Brussels, 24 October 2006.

For the Commission

Neelie KROES

Member of the Commission

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 1627/2006. 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*

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ANNEX

In Part III of Annex I to Regulation (EC) No 794/2004, Supplementary Information sheets 4 and 5 are replaced by the following:

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 1627/2006. 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*

'*PART III.4*

SUPPLEMENTARY INFORMATION SHEET ON REGIONAL AID

This supplementary information sheet must be used for the notification of any aid scheme or ad hoc aid covered by the guidelines on national regional aid for 2007-2013 (RAG) (1). The present annex cannot be used for the particular purpose of notification of new regional aid maps for the period 2007-2013. Transparent investment aid schemes falling under the scope of the exemption regulation on regional investment aid are exempted from the notification obligation. Therefore, Member States are invited to clarify the scope of their notification; in the particular case that a scheme covers both transparent and non-transparent forms of investment aid, they are invited to limit the scope of the notification only to the second category.

In the case of ad hoc aid (i.e. aid granted outside existing aid schemes), Member States will have to demonstrate that the project contributes towards a coherent regional development strategy and that, having regard to the nature and size of the project, it will not result in unacceptable distortions of competition. Moreover, Member States will have to demonstrate that the aid will not be unduly concentrated on a particular sector of activity and that it creates no adverse sectoral effects.

Another supplementary information sheet (Part III.5) must be submitted in case of notification of regional investment aid to large investment projects in the accordance with section 4.3 of the RAG.

1. **Scheme or ad hoc aid**

The scheme or the ad hoc aid relates to

1.1. ☐ initial investment

☐ The aid is calculated as a percentage of the investment's eligible material and immaterial costs

☐ The aid is calculated as a percentage of the expected wage costs of the persons to be hired

☐ operating aid

☐ aid for newly-created small enterprises

☐ combination of any above

1.2. The aid is granted:

☐ automatically, should the conditions of the scheme be fulfilled

☐ on a discretionary basis, following a decision of the authorities

Should the aid be granted on a discretionary basis, please provide a short description of the criteria followed and attach a copy of the administrative provisions applicable for the awarding of aid:

.....

.....

1.3. Does the aid respect the regional aid ceilings determined in the regional aid map in force at the time of awarding the aid, including those resulting from the provisions applicable to aid for large investment projects (section 4.3 of RAG)?

☐ yes ☐ no

Does the scheme include a reference to the regional aid map in force?

☐ yes ☐ no

(1) Guidelines on national regional aid for 2007-2013 (OJ C 54, 4.3.2006, p. 13).

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 1627/2006. 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*

2. **Initial investment aid**

2.1. Does the scheme cover investment in fixed capital or job creation linked to initial investment relating to:

☐ the setting-up of a new establishment?

☐ the extension of an existing establishment?

☐ diversification of the output of an establishment into new, additional products?

☐ a fundamental change in the overall production process of an existing establishment?

☐ the acquisition by an independent investor of capital assets directly linked to an establishment which has closed or which would have closed had it not been purchased?

2.2. Where the aid is calculated on the basis of material or immaterial investment costs, or of acquisition costs in the case of a takeover, does the aid include a clause stipulating that the beneficiary makes a financial contribution of at least 25 % of the total eligible costs and that this contribution will be free of any public support, including *de minimis* aid?

☐ yes ☐ no

2.3. Where the aid is granted automatically on the basis of objective criteria under a legal basis giving rights to the beneficiaries to receive the aid, does the scheme exclude the award of aid to projects which have started before the entry into force of the legal basis?

☐ yes ☐ no

Where the aid is not granted automatically, does the scheme provide that the application for aid must be submitted before work is started on the project and the competent authorities must have confirmed in writing that, subject to the final outcome of a detailed verification, the project meets the conditions of eligibility laid down by the scheme (see p. 38 of the RAG)?

☐ yes ☐ no

In the case of ad hoc aid, did the competent authority issue a letter of intent to award aid before work started on the project, which was conditional on the Commission approval of the measure?

☐ yes ☐ no

If any of the previous points mentioned above under 2.3 are not fulfilled, please explain why and how the authorities intend to comply with these necessary conditions:

.....

2.4. What are the aid intensities under the scheme or ad hoc aid expressed in gross terms?

.....

What are the parameters enabling the calculation of aid intensities?

.....

2.4.1. ☐ *Grants*

☐ in nominal amount

.....

☐ in present (discounted) value

.....