

SCHEDULE 9

Amendments to retained EU law

PART 2

Amendments to the general de minimis regulation

Amendments to the general de minimis regulation

67. Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid is amended in accordance with this Part.

Article 1 (Scope)

68. In Article 1—

- (a) in paragraph 1(a), for “Council Regulation (EC) No 104/2000”, substitute “Regulation (EU) No 1379/2013 of the European Parliament and of the Council”;
- (b) in paragraph 1(d), omit “or Member States”;
- (c) in paragraph 2, for “Member State”, substitute “aid grantor”.

Article 2 (Definitions)

69. In Article 2—

- (a) in paragraph 1(a), for “Regulation (EC) No 104/2000”, substitute “Regulation (EU) No 1379/2013 of the European Parliament and of the Council”;
- (b) after paragraph 1(c), insert—
 - “(d) ‘state aid regulations’ means the State Aid (EU Exit) Regulations 2019;
 - (e) ‘CMA’ means the Competition and Markets Authority.”;
- (c) after paragraph 2, insert—

“**3.** In this Regulation, a reference to Article 107(1) or 108(3) of the Treaty is a reference to that Article as it has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the state aid regulations.”.

Article 3 (De minimis aid)

70. In Article 3—

- (a) in paragraph 2, omit “per Member State” in both places it occurs;
- (b) in paragraph 3, for “Member State”, substitute “aid grantor”;
- (c) in paragraph 5—
 - (i) omit “and regardless of whether the aid granted by the Member State is financed entirely or partly by resources of Union origin”;
 - (ii) for “Member State concerned”, substitute “United Kingdom”.

Article 4 (Calculation of gross grant equivalent)

71. In Article 4—

- (a) in paragraph 6(c), for “Commission notice”, substitute “CMA statement of policy”;
- (b) in paragraph 6(d)(i)—
 - (i) for “Commission under another Commission Regulation in the State aid area applicable at that time”, substitute “CMA under the state aid regulations”;
 - (ii) for “Commission as being in line with the Guarantee Notice, or any successor Notice”, substitute “CMA as being in line with the CMA statement of policy on State aid in the form of guarantees, or any successor statement of policy”.

Article 5 (Cumulation)

72. In Article 5(2), for “Commission”, in both places it occurs, substitute “CMA”.

Article 6 (Monitoring)

73. In Article 6—

- (a) in paragraph 1—
 - (i) for “a Member State”, substitute “an aid grantor”;
 - (ii) omit “and publication reference in the *Official Journal of the European Union*”;
 - (iii) for “the Member State”, in both places it occurs, substitute “the aid grantor”;
- (b) in paragraph 2—
 - (i) for “a Member State”, substitute “the United Kingdom”;
 - (ii) for “that Member State”, substitute “the United Kingdom”;
- (c) in paragraph 3, for “A Member State”, substitute “An aid grantor”;
- (d) omit paragraph 4;
- (e) omit paragraph 5.

Article 7 (Transitional provisions)

74. In Article 7—

- (a) in paragraph 1, omit “Any aid which does not fulfil those conditions will be assessed by the Commission in accordance with the relevant frameworks, guidelines, communications and notices.”;
- (b) omit paragraph 4.

Article 8 (Entry into force and period of application)

75.—(1) In Article 8, omit “It shall apply until 31 December 2020.”.

(2) In the words after Article 8, omit “This Regulation shall be Binding in its entirety and directly applicable in all Member States.”.