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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The State Aid (EU Exit) Regulations 2019**

**PART 6**

Statements of policy, notices and guidance

**CMA statements of policy on exit day**

**51.**—(1) The CMA must, on or before exit day, publish as statements of policy the English language versions of the guidance listed in the Table in Schedule 7 (as that guidance had effect immediately before exit day).

(2) However, if any guidance listed in the Table in Schedule 7 ceases to have effect before exit day, any references to that guidance in the Table are to be read as references to any successor guidance that does have effect immediately before exit day.

(3) The CMA may, before publishing a statement of policy under paragraph (1), make amendments in accordance with regulations 53 and 54 as if the statement of policy had already been published.

(4) In this regulation, “guidance” means guidelines, frameworks, notices and communications.

**Other CMA statements of policy**

**52.** The CMA may publish a statement of policy on—

- (a) the CMA’s discretion to approve aid under Article 107(3) of the TFEU;
- (b) the application of Articles 93, 106(2) and 107(2) of the TFEU; and
- (c) the method for setting reference and discount rates.

**Amendments to CMA statements of policy**

**53.**—(1) The CMA may amend or revoke a statement of policy published under this Part.

(2) The CMA must publish the amended version of the statement of policy or a notice that the statement of policy has been revoked.

(3) However, the CMA may not revoke the statement of policy on the revision of the method for setting the reference and discount rates unless the CMA publishes a successor statement of policy.

**Consent**

**54.**—(1) Before publishing a statement of policy under regulation 52 or amending or revoking a statement of policy under regulation 53, the CMA must obtain the consent of the Secretary of State.

(2) Any consent provided by the Secretary of State before exit day may be treated by the CMA and the Secretary of State as having been given under this regulation for the purposes of paragraph (1).

## **Notices**

**55.**—(1) The CMA must, on or before exit day, publish a notice on—

- (a) the form and content of notifications for the purposes of regulation 7;
- (b) the form and content of complaints for the purposes of regulation 33;
- (c) the form, content and date for the submission of annual reports under regulation 48;
- (d) the form and summary information for the purposes of paragraph 1 of Schedule 6; and
- (e) the form, information and date for submission of annual reports under paragraph 3 of Schedule 6.

(2) Before publishing a notice under paragraph (1)(c), the CMA must consult the Secretary of State.

(3) Any consultation with the Secretary of State carried out by the CMA before exit day may be treated by the CMA and the Secretary of State as consultation carried out under this regulation for the purposes of paragraph (2).

## **Secretary of State guidance**

**56.**—(1) The Secretary of State must publish guidance relating to the approval of aid by the CMA under Article 107(3) of the TFEU.

(2) Before publishing guidance under paragraph (1), the Secretary of State must consult the devolved authorities and the CMA.

(3) Any consultation with the devolved authorities or the CMA carried out by the Secretary of State before exit day may be treated by the Secretary of State, the devolved authorities and the CMA as consultation carried out under this regulation for the purposes of paragraph (2).