

SCHEDULE 6

Regulation 50

Monitoring and reporting of aid that is exempt from notification

PART 1

Block exemption regulations

Summary reports

1.—(1) If an aid grantor grants aid that is exempt from the notification requirement in Article 108(3) of the TFEU by virtue of a block exemption regulation, the aid grantor must send the CMA—

- (a) the specified summary information about the aid; and
- (b) an internet link providing access to the full text of the aid.

(2) The aid grantor must send the information under sub-paragraph (1)—

- (a) in the specified form;
- (b) in relation to the GBER and the FBER, within a period of 20 working days starting with the first working day after the day on which the aid scheme enters into force or the ad hoc aid is granted (as appropriate); and
- (c) in relation to the ABER, at least 10 working days before the day the aid scheme enters into force or the ad hoc aid is granted (as appropriate).

(3) For summary information in relation to the ABER, the CMA must send the aid grantor a notice of receipt with an identification number of the aid within 10 working days starting with the first working day after receipt of the summary information under sub-paragraph (2)(c).

(4) In relation to the ABER and the FBER, the full text of the aid referred to in sub-paragraph (1) must include an explicit reference to the title and relevant provisions of the ABER or the FBER (as appropriate).

(5) In this paragraph, “specified” means specified by the CMA in a notice published under regulation 55.

High value awards of individual aid

2.—(1) An aid grantor must send the information in sub-paragraph (2) to the CMA if the aid grantor grants—

- (a) individual aid under the GBER that exceeds 500,000 Euros;
- (b) individual aid under the FBER that exceeds 30,000 Euros; or
- (c) individual aid under the ABER that exceeds—
 - (i) 60,000 Euros, for beneficiaries active in the primary agricultural production; or
 - (ii) 500,000 Euros, for beneficiaries active in the sectors of the processing of agricultural products, the marketing of agricultural products, the forestry sector or activities falling outside the scope of Article 42 of the TFEU (as it had effect immediately before exit day).

(2) The information referred to in sub-paragraph (1) is—

- (a) name of the beneficiary;
- (b) beneficiary’s identifier;
- (c) type of enterprise (SME or large) at the date of granting;

- (d) region in which the beneficiary is located, at NUTS level II;
- (e) sector of activity at NACE group level;
- (f) aid element, expressed as full amount in sterling;
- (g) aid instrument (grant or interest rate subsidy, loan or repayable advances, reimbursable grant, guarantee, tax advantage, tax exemption or other aid instrument);
- (h) date of granting;
- (i) objective of the aid;
- (j) granting authority;
- (k) reference or identification number of the aid (if applicable); and
- (l) for aid schemes under Article 16 or 21 of the GBER, the name of the entrusted entity and the names of the selected financial intermediaries.

(3) In relation to the GBER and the ABER, for aid schemes in the form of tax advantages and aid schemes covered by Article 16 or 21 of the GBER, the condition in sub-paragraph (2)(f) is satisfied if the aid grantor sends the required information on individual aid amounts in the following ranges (in millions of Euros)—

- (a) 0.06-0.5 for primary agricultural production under ABER only;
- (b) 0.5-1;
- (c) 1-2;
- (d) 2-5;
- (e) 5-10;
- (f) 10-30; and
- (g) 30 and more.

(4) In relation to the FBER, for aid schemes in the form of tax advantages, the condition in sub-paragraph (2)(f) is satisfied if the aid grantor sends the required information on individual aid amounts in the following ranges (in millions of Euros)—

- (a) 0.03-0.2;
- (b) 0.2-0.4;
- (c) 0.4-0.6;
- (d) 0.6-0.8; and
- (e) 0.8-1.

(5) The aid grantor must send the information required by this paragraph—

- (a) in the specified form; and
- (b) within a period of—
 - (i) 6 months starting with the date the aid was granted; or
 - (ii) in the case of aid given in the form of a tax advantage, 1 year from the date the tax declaration is due.

(6) In this paragraph—

- “NACE” has the meaning given in Article 2A of the GBER⁽¹⁾;
- “NUTS” has the meaning given in Article 2A of the GBER; and
- “specified” means specified by the CMA in a notice published under regulation 55.

(1) Article 2A of the GBER is inserted by paragraph 4 of Schedule 9 to these Regulations.

Annual reports

3.—(1) If an aid grantor grants aid that is exempt from the notification requirement in Article 108(3) of the TFEU by virtue of a block exemption regulation in a year, the aid grantor must, by the specified date, send the CMA an annual report for the year on the application of the block exemption regulation.

(2) The annual report must—

- (a) contain the specified information in respect of each whole year or each part year during which the block exemption regulation has been used by the aid grantor; and
- (b) be sent in the specified form.

(3) If the annual report relates to the ABER, the report must, if relevant, also contain information concerning the following—

- (a) animal diseases or plant pest as referred to in Article 26 of the ABER; and
- (b) meteorological information on the type, timing, relative magnitude and location of climatic events which can be assimilated to a natural disaster as referred to in Article 25 of the ABER or natural disasters in the agricultural sector as referred to in Article 30 of the ABER.

(4) In this paragraph, “specified” means specified by the CMA in a notice published under regulation 55.

Monitoring

4.—(1) If an aid grantor grants aid that is exempt from the notification requirement in Article 108(3) of the TFEU by virtue of a block exemption regulation, the aid grantor must maintain detailed records with the information and supporting documentation necessary to establish that the conditions in the block exemption regulation are fulfilled.

(2) An aid grantor must keep the records for 10 years from the date on which ad hoc aid was granted or the last aid was granted under an aid scheme.

(3) If an aid scheme under the GBER grants aid automatically and there is no ex ante verification that all compatibility conditions are met for each beneficiary, such as a scheme based on tax declarations of the beneficiaries—

- (a) the aid grantor must regularly verify, at least ex post and on a sample basis, that all compatibility conditions of the scheme are met; and
- (b) the aid grantor must maintain detailed records of the verifications for a period of at least 10 years from the date on which the last aid was granted under the scheme.

(4) The CMA may request an aid grantor to send any information and supporting documentation that the CMA considers necessary to monitor compliance with the conditions of a block exemption regulation.

(5) If the CMA makes a request under sub-paragraph (4), the aid grantor must send the requested information to the CMA within a period of 20 working days from the date the request was received or such longer period as may be set in the request.

(6) The CMA may take into account any information provided, or a failure to comply with a request, for the purpose of taking any relevant decision under Part 3 or 4 of these Regulations.

Publication of information

5.—(1) An aid grantor must publish on a website—

- (a) any summary information provided by the aid grantor to the CMA under paragraph 1, or an internet link to a website that contains the information; and

- (b) any internet links to the full text of aid provided by the aid grantor to the CMA under paragraph 1.
- (2) The CMA must publish on a website—
 - (a) any summary information received by the CMA under paragraph 1, or an internet link to a website that contains the information;
 - (b) any internet links to the full text of aid received by the CMA under paragraph 1; and
 - (c) any information on high value awards of aid received by the CMA under paragraph 2.
- (3) The publication requirements in sub-paragraphs (1) and (2) do not apply in relation to final consumers for schemes under Article 51 of the GBER.
- (4) The publication requirements in sub-paragraph (1) do not apply to individual aid under the ABER if—
 - (a) the aid falls within scope of Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005;
 - (b) the aid is either—
 - (i) support for rural development; or
 - (ii) granted as additional national financing for rural development under Article 82 of Regulation (EU) No 1305/2013; and
 - (c) the aid award has already been published in accordance with Articles 111, 112 and 113 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008.
- (5) If sub-paragraph (4) applies, the aid grantor must include a reference to the website referred to in Article 111 of Regulation (EU) No 1306/2013 on the website referred to in sub-paragraph (1).
- (6) In this paragraph, “support for rural development” means financial support granted under Title III of Regulation (EU) No 1305/2013 or Title III, Chapter 2 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006.

PART 2

De minimis regulations, SGEI decision and road and rail

Monitoring of de minimis aid

6.—(1) If an aid grantor grants aid that is exempt from the notification requirement in Article 108(3) of the TFEU by virtue of a de minimis regulation, the aid grantor must maintain detailed records with the information and supporting documentation necessary to establish that the conditions in the de minimis regulation are fulfilled.

(2) An aid grantor must keep the records for 10 years from the date on which the individual aid was granted or the last aid was granted under an aid scheme.

(3) The CMA may request an aid grantor to send any information and supporting documentation that the CMA considers necessary to monitor compliance with the conditions of a de minimis regulation.

(4) If the CMA makes a request under sub-paragraph (3), the aid grantor must send the requested information to the CMA within a period of 20 working days from the date the request was received or such longer period as may be set in the request.

(5) The CMA may take into account any information provided, or a failure to comply with a request, for the purpose of taking any relevant decision under Part 3 or 4 of these Regulations.

Transparency of aid under the SGEI decision

7.—(1) This paragraph applies if—

- (a) an aid grantor grants aid that is exempt from the notification requirement in Article 108(3) of the TFEU by virtue of the SGEI decision;
- (b) the compensation is above 15 million Euros; and
- (c) the compensation is granted to an undertaking that also has activities outside the scope of the service of general economic interest.

(2) The aid grantor concerned must publish—

- (a) the entrustment act or a summary which includes the elements listed in Article 4 of the SGEI decision; and
- (b) the amounts of aid granted to the undertaking on a yearly basis.

Information under the SGEI decision

8.—(1) If an aid grantor grants aid that is exempt from the notification requirement in Article 108(3) of the TFEU by virtue of the SGEI decision, the aid grantor must keep available all the information necessary to determine whether the compensation granted is compatible with the SGEI decision.

(2) An aid grantor must keep the information during the period of entrustment and for at least 10 years from the end of the period of entrustment.

(3) The CMA may request an aid grantor to send, within a set period, any information that the CMA considers necessary to monitor compliance with the conditions of the SGEI decision.

(4) If the CMA makes a request under sub-paragraph (3), the aid grantor must send the requested information to the CMA within the set period.

(5) The CMA may take into account any information provided, or a failure to comply with a request, for the purpose of taking any relevant decision under Part 3 or 4 of these Regulations.

Reports under the SGEI decision

9.—(1) If an aid grantor grants aid that is exempt from the notification requirement in Article 108(3) of the TFEU by virtue of the SGEI decision, the aid grantor must send a report to the CMA every 2 years on any aid granted under the SGEI decision.

(2) The report must provide a detailed overview of the application of the decision for the different categories of services referred to in Article 2(1) of the decision, including—

- (a) a description of the application of the decision to the services falling within its scope, including in-house activities;
- (b) the total amount of aid granted in accordance with the decision, with a breakdown by the economic sector of the beneficiaries;

- (c) an indication of whether, for a particular type of service, the application of the decision has given rise to difficulties or complaints by third parties; and
 - (d) any other information concerning the application of the decision required by the CMA and that has been notified to the aid grantor in due time before the report is to be sent.
- (3) The first report must be sent within 2 years of the aid grantor granting aid on or after exit day that is exempt from the notification requirement by virtue of the SGEI decision and further reports must be sent at intervals of no more than 2 years.

Road and rail regulation

10.—(1) The CMA may request an aid grantor to send any information that the CMA considers necessary to monitor whether aid has been granted in accordance with the road and rail regulation.

(2) If the CMA makes a request under sub-paragraph (1), the aid grantor must send the requested information to the CMA within a period of three months or any longer period as may be specified in the request.

(3) The CMA may take into account any information provided, or a failure to comply with a request, for the purpose of taking any relevant decision under Part 3 or 4 of these Regulations.