

## SCHEDULE 9

### Amendments to retained EU law

## PART 3

### Amendments to the SGEI de minimis regulation

#### Amendments to the SGEI de minimis regulation

**76.** [Commission Regulation \(EU\) No 360/2012](#) of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest is amended in accordance with this Part.

#### Article 1 (Scope and definitions)

**77.** In Article 1—

(a) after paragraph 1, insert—

“**1A.** In this Regulation, a reference to Article 106(2) of the Treaty is to be read in accordance with regulation 3(3)(b) of the state aid regulations.

**1B.** 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.”;

(b) in paragraph 2—

(i) in point (a), for “Council Regulation [\(EC\) No 104/2000](#)”, substitute “Regulation (EU) No 1379/2013 of the European Parliament and of the Council”;

(ii) in point (d), omit “or Member States”;

(iii) in point (f), after “2010/787/EU”, insert “, as it had effect immediately before exit day”;

(iv) in the final subparagraph, for “Member States”, substitute “aid grantors”;

(c) after paragraph 3(c), insert—

“(d) ‘state aid regulations’ means the State Aid (EU Exit) Regulations 2019;

(e) ‘CMA’ means the Competition and Markets Authority.”.

#### Article 2 (De minimis aid)

**78.** In Article 2—

(a) in paragraph 2—

(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”;

(b) in paragraph 4(d)(i), for “Commission under a regulation adopted by the Commission in the State aid area”, substitute “CMA under the state aid regulations”;

(c) in paragraph 6, for “Commission”, substitute “CMA”.

### **Article 3 (Monitoring)**

**79.** In Article 3—

(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 each place 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) omit paragraph 3.

### **Article 4 (Transitional provisions)**

**80.** In Article 4, omit from “Any aid for the provision” to the end.

### **Article 5 (Entry into force and period of validity)**

**81.**—(1) In Article 5, omit from “It shall” to the end.

(2) In the words after Article 5, omit “This Regulation shall be Binding in its entirety and directly applicable in all Member States.”.