

## SCHEDULE 9

### Amendments to retained EU law

## PART 4

### Amendments to the SGEI decision

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**82.** Commission [Decision 2012/21/EU](#) of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest is amended in accordance with this Part.

#### Article 1 (Subject matter)

**83.** In Article 1—

- (a) for “compatible with the internal market”, substitute “not prohibited by Article 107(1) of the Treaty”;
- (b) after “Treaty.”, insert “In this Decision, 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 (EU Exit) Regulations 2019. In this Decision, a reference to Article 106(2) of the Treaty is to be read in accordance with regulation 3(3)(b) of the State Aid (EU Exit) Regulations 2019.”.

#### Article 2 (Scope)

**84.** In Article 2(4), omit “and, respectively, Regulation ([EEC](#)) No 3577/92 where applicable”.

#### Article 3 (Compatibility and exemption from notification)

**85.** In Article 3—

- (a) for “be compatible with the internal market”, substitute “not be prohibited by Article 107(1) of the Treaty”;
- (b) for “the requirements flowing from the Treaty or from sectoral Union legislation”, substitute “any requirements in national law”.

#### Article 4 (Entrustment)

**86.** In Article 4, for “Member State”, substitute “aid grantor”.

#### Article 5 (Compensation)

**87.** In Article 5—

- (a) in paragraph 4—
  - (i) for “Article 107”, in each place it occurs, substitute “Article 107(1)”;
  - (ii) for “Member State”, substitute “aid grantor”;
- (b) in paragraph 6—
  - (i) for “Member States”, substitute “aid grantors”;

- (ii) for “the Member State”, substitute “the aid grantor”;
- (c) in paragraph 8—
  - (i) for “Member States”, substitute “aid grantors”;
  - (ii) after “discount rates”, insert “(as published by the Competition and Markets Authority as a statement of policy under Part 6 of the State Aid (EU Exit) Regulations 2019)”;
  - (iii) for “the Member State”, substitute “the aid grantor”;
  - (iv) for “the Commission upon”, substitute “the Competition and Markets Authority upon”;
- (d) in paragraph 10, for “Member States”, substitute “Aid grantors”.

**Article 6 (Control of overcompensation)**

- 88.** In Article 6—
- (a) in paragraph 1—
    - (i) for “Member States”, substitute “Aid grantors”;
    - (ii) for “Commission”, substitute “Competition and Markets Authority”;
  - (b) in paragraph 2, for “Member State”, substitute “aid grantor”.

**Article 7 (Transparency)**

- 89.** Omit Article 7.

**Article 8 (Availability of information)**

- 90.** Omit Article 8.

**Article 9 (Reports)**

- 91.** Omit Article 9.

**Article 13 (Addressees)**

- 92.** Omit Article 13.