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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The State Aid (Agriculture and Fisheries)  
(Amendment) (EU Exit) Regulations 2019**

**PART 3**

Amendments to [Commission Regulation \(EU\) No 1408/2013](#)

**Amendments to the agricultural de minimis regulation**

**50.** [Commission Regulation \(EU\) No 1408/2013](#) on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the agriculture sector is amended in accordance with this Part.

**Article 1 (Scope)**

**51.** In Article 1—

- (a) in paragraph 1(b), omit “towards third countries or Member States”;
- (b) in paragraph 2, for “Member State” substitute “aid grantor”;
- (c) in paragraph 3—
  - (i) for “Regulation (EC) No 875/2007” substitute “[Commission Regulation \(EU\) No 717/2014](#)”;
  - (ii) for “Member State” substitute “aid grantor”.

**Article 2 (Definitions)**

**52.** In Article 2—

- (a) in paragraph 1, for “Council Regulation (EC) No 104/2000” substitute “Regulation (EU) No 1379/2013 of the European Parliament and of the Council”;
- (b) after paragraph 1, insert—
  - 1A.** ‘State aid regulations’ means the State Aid (EU Exit) Regulations 2019.
  - 1B.** ‘CMA’ means the Competition and Markets Authority.
  - 1C.** ‘Aid grantor’ means a person who plans to grant, or who has granted, aid.”;
- (c) in paragraph 4, omit “granted per Member State”;
- (d) after paragraph 4, insert—

“**5.** 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)**

**53.** In Article 3—

- (a) in paragraph 2, omit “per Member State”;
- (b) in paragraph 3—
  - (i) omit “per Member State”;
  - (ii) omit “national”;
- (c) in paragraph 3a—
  - (i) for “a Member State” substitute “the Secretary of State”;
  - (ii) omit “national”;
  - (iii) in point (b)—
    - (aa) for “the Member State” substitute “the United Kingdom”;
    - (bb) omit “national”;
- (d) in paragraph 4, omit “under the applicable national legal regime”;
- (e) in paragraph 5—
  - (i) in the first sentence—
    - (aa) omit “national and sector”;
    - (bb) omit the words from “and regardless” to the end;
  - (ii) in the second sentence, for “Member State concerned” substitute “United Kingdom”;
- (f) in paragraph 6, omit “national and sector”;
- (g) in paragraph 7—
  - (i) omit “national”;
  - (ii) omit “or the sector cap”;
- (h) in paragraph 8, for “national cap or the sector cap” substitute “cap referred to in paragraph 3 or the sector cap referred to in paragraph 3a”.

### **Article 4 (Calculation of gross grant equivalent)**

**54.** In Article 4—

- (a) in paragraph 3(a), omit “under its domestic law”;
- (b) in paragraph 6—
  - (i) in point (a), omit “under its domestic law”;
  - (ii) in point (c), for “Commission notice” substitute “CMA statement of policy”;
  - (iii) in point (d)(i), for the words from “Commission” in the first place it occurs until the end substitute “CMA under the state aid regulations and accepted by the 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; and”.

### **Article 5 (Cumulation)**

**55.** In Article 5—

- (a) in paragraph 1, for “Member State” substitute “aid grantor”;
- (b) in paragraph 2—

- (i) for “Regulation (EC) No 875/2007” in both places it occurs substitute “Commission Regulation (EU) No 717/2014”;
- (ii) for “Member State” substitute “aid grantor”;
- (c) in paragraph 3, for “Commission” in both places it occurs substitute “CMA”.

#### **Article 6 (Monitoring)**

##### **56.** In Article 6—

- (a) in paragraph 1—
  - (i) in the first sentence—
    - (aa) for “a Member State” substitute “an aid grantor”;
    - (bb) omit “and publication reference in the *Official Journal of the European Union*”;
  - (ii) in the second and fourth sentences, for “Member State” substitute “aid grantor”;
  - (iii) in the third sentence, omit “national”;
- (b) in paragraph 2—
  - (i) for “a Member State”, in both places it occurs, substitute “the United Kingdom”;
  - (ii) for “that Member State”, in both places it occurs, substitute “the United Kingdom”;
- (c) in paragraph 3—
  - (i) for “A Member State” substitute “An aid grantor”;
  - (ii) omit “national”.

#### **Article 7 (Transitional provisions)**

##### **57.** In Article 7—

- (a) in paragraph 1, omit the second sentence;
- (b) omit paragraph 4.

#### **Article 8 (Entry into force and period of application)**

**58.**—(1) In Article 8, omit “It shall apply until 31 December 2027”.

(2) After Article 8, omit the words from “This Regulation” to “Member States.”.

#### **Annexes**

##### **59.** In Annexes I and II—

- (a) in the heading, omit “per Member State”;
- (b) in the table—
  - (i) in the heading of the first column, for “Member State” substitute “Country”;
  - (ii) omit all the entries except for the entry for the United Kingdom.