DRAFT STATUTORY INSTRUMENTS

2019 No.

EXITING THE EUROPEAN UNION COMPETITION

The State Aid (EU Exit) Regulations 2019

Made - - - - ***
Coming into force in accordance with regulation 1(1)

THE STATE AID (EU EXIT) REGULATIONS 2019

PART 1

Introduction

- 1. Citation, commencement and extent
- 2. Interpretation

PART 2

Framework

- 3. State aid
- 4. Application and exemptions
- 5. Approval of aid under Article 107(3)
- 6. Approval of aid under Article 93, 106(2) or 107(2)

PART 3

Procedure

CHAPTER 1

Notified aid

- 7. Notification
- 8. Examination of notification
- 9. Failure to take decision
- 10. Publicity
- 11. Notified aid investigation
- 12. Publication of decision after notified aid investigation

- 13. Time limit for notified aid investigation
- 14. Withdrawal of notification

CHAPTER 2

Unlawful aid

- 15. Examination of alleged unlawful aid
- 16. Publicity
- 17. Unlawful aid investigation
- 18. Publication of decision after unlawful aid investigation

CHAPTER 3

Misuse of aid

- 19. Examination of alleged misuse of aid
- 20. Publicity
- 21. Misuse of aid investigation
- 22. Publication of decision after misuse of aid investigation

CHAPTER 4

Existing aid schemes

- 23. Review of existing aid scheme
- 24. Proposal for appropriate modifications
- 25. Consequences of proposal for appropriate modifications
- 26. Publicity
- 27. Existing aid scheme investigation
- 28. Publication of decision after existing aid scheme investigation
- 29. Time limit for existing aid scheme investigation

CHAPTER 5

Market information

- 30. Request for market information
- 31. Market information order
- 32. Enforcement of market information requests and orders

CHAPTER 6

General

- 33. Complaints
- 34. Decision based on incorrect information
- 35. Approvals
- 36. Timing for publication of decisions

PART 4

Enforcement

- 37. Interim suspension order
- 38. Interim recovery order
- 39. Termination order
- 40. Recovery order
- 41. Limitation period
- 42. Information provisions in enforcement order
- 43. Time to comply with enforcement order
- 44. Recovery of aid
- 45. Compliance with enforcement order

PART 5

Monitoring and reporting

- 46. Monitoring
- 47. Information requests for monitoring
- 48. Annual reports for existing aid schemes
- 49. Publication of CMA annual report
- 50. Monitoring and reporting of aid that is exempt from notification

PART 6

Statements of policy, notices and guidance

- 51. CMA statements of policy on exit day
- 52. Other CMA statements of policy
- 53. Amendments to CMA statements of policy
- 54. Consent
- 55. Notices
- 56. Secretary of State guidance

PART 7

General and final provisions

CHAPTER 1

General provisions

- 57. Application of state aid framework in urgent cases
- 58. Interest rate for recovery of aid
- 59. Method for applying interest rate
- 60. Variation of time periods
- 61. Service of documents
- 62. Further publicity requirements
- 63. Defamation
- 64. Confidential information

CHAPTER 2

Final provisions

- 65 Revocations etc.
- 66. Crown application
- Transitional and savings provisions 67.
- Amendments to legislation Signature

1. Agriculture and fisheries

SCHEDULE 1 — Agriculture and fisheries

SCHEDULE 2 — Specified EU projects

- Specified EU projects
- 2. Interpretation

SCHEDULE 3 — Aid granted by Act of Parliament

- Interpretation
- 2. Aid granted by Act of Parliament
- 3. Investigation
- Advisory opinion: proposals to grant aid
- 5. Advisory opinion: aid granted
- 6. **Publicity**

SCHEDULE 4 — Powers of entry in misuse of aid examinations

PART 1 — Interpretation and application

- 1. Interpretation
- 2. Application

PART 2 — Entry without a warrant

- Power to enter business premises without a warrant
- 4. Safeguards
- 5. Associated powers

PART 3 — Entry with a warrant

- 6. Power to enter business premises with a warrant
- 7. Application for warrant
- Powers conferred by search warrant 8.
- 9. Warrants: further provision
- 10. Time period
- 11. Execution of warrants: notice
- 12. Execution of warrants: evidence of authority
- 13. Execution of warrants: securing premises after entry
- 14. Execution of warrants: seizure

PART 4 — Offences

15. Offences

PART 5 — General

- 16. Self-incrimination
- 17. Privileged communication

SCHEDULE 5 — Administrative penalties

1. Penalties

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

- 2. Secretary of State power to amend maximum amount of penalty
- 3. Main procedural requirements
- 4. Payments and interest by instalments
- 5. Grounds for appeal
- 6. Recovery of penalties
- 7. Statement of policy

SCHEDULE 6 — Monitoring and reporting of aid that is exempt from notification

PART 1 — Block exemption regulations

- 1. Summary reports
- 2. High value awards of individual aid
- 3. Annual reports
- 4. Monitoring
- 5. Publication of information

PART 2 — De minimis regulations, SGEI decision and road and rail

- 6. Monitoring of de minimis aid
- 7. Transparency of aid under the SGEI decision
- 8. Information under the SGEI decision
- 9. Reports under the SGEI decision
- 10. Road and rail regulation

SCHEDULE 7 — Guidelines, frameworks, notices and communications

SCHEDULE 8 — Transitional and savings provisions

- 1. Interpretation
- 2. Application
- 3. EU state aid decisions
- 4. Duration of EU state aid decisions
- 5. Categories of aid specified by the Council
- 6. Pre-exit aid that was exempt from notification requirement
- 7. CMA approval of pre-exit aid
- 8. Application to existing Acts of Parliament
- 9. Deemed authorisation before exit day
- 10. Savings

SCHEDULE 9 — Amendments to retained EU law

PART 1 — Amendments to the General Block Exemption Regulation

- 1. Amendments to the General Block Exemption Regulation
- 2. Article 1 (Scope)
- 3. Article 2 (definitions)
- 4. New Article 2A
- 5. Article 3 (Conditions for exemption)
- 6. Article 4 (Notification thresholds)
- 7. Article 5 (Transparency of aid)
- 8. Article 6 (Incentive effect)
- 9. Article 7 (Aid intensity and eligible costs)
- 10. Article 8 (Cumulation)
- 11. Article 9 (Publication and information)
- 12. Article 10 (Withdrawal of benefit of the block exemption)
- 13. Article 11 (Reporting)
- 14. Article 12 (Monitoring)
- 15. Article 13 (Scope of regional aid)
- 16. Article 14 (Regional investment aid)

- 17. Article 15 (Regional operating aid)
- 18. Article 16 (Regional urban development aid)
- 19. Article 17 (Investment aid to SMEs)
- 20. Article 18 (Aid for consultancy in favour of SMEs)
- 21. Article 19 (Aid to SMEs for participation in fairs)
- 22. Article 20 (Aid for cooperation costs incurred by SMEs participating in European Territorial Cooperation projects)
- 23. Article 21 (Risk finance aid)
- 24. Article 22 (Aid for start-ups)
- 25. Article 23 (Aid to alternative trading platforms specialised in SMEs)
- 26. Article 24 (Aid for scouting costs)
- 27. Article 25 (Aid for research and development projects)
- 28. Article 26 (Investment aid for research infrastructures)
- 29. Article 27 (Aid for innovation clusters)
- 30. Article 28 (Innovation aid for SMEs)
- 31. Article 29 (Aid for process and organisational innovation)
- 32. Article 30 (Aid for research and development in the fishery and aquaculture sector)
- 33. Article 31 (Training aid)
- 34. Article 32 (Aid for the recruitment of disadvantaged workers in the form of wage subsidies)
- 35. Article 33 (Aid for the employment of workers with disabilities in the form of wage subsidies)
- 36. Article 34 (Aid for compensating the additional costs of employing workers with disabilities)
- 37. Article 35 (Aid for compensating the costs of assistance provided to disadvantaged workers)
- 38. Article 36 (Investment aid enabling undertakings to go beyond Union standards for environmental protection or to increase the level of environmental protection in the absence of Union standards)
- 39. Article 37 (Investment aid for early adaptation to future Union standards)
- 40. Article 38 (Investment aid for energy efficiency measures)
- 41. Article 39 (Investment aid for energy efficiency projects in buildings)
- 42. Article 40 (Investment aid for high-efficiency cogeneration)
- 43. Article 41 (Investment aid for the promotion of energy from renewable sources)
- 44. Article 42 (Operating aid for the promotion of electricity from renewable sources)
- 45. Article 43 (Operating aid for the promotion of energy from renewable sources in small scale installations)
- 46. Article 44 (Aid in the form of reductions in environmental taxes under Directive 2003/96/EC)
- 47. Article 45 (Investment aid for remediation of contaminated sites)
- 48. Article 46 (Investment aid for energy efficient district heating and cooling)
- 49. Article 47 (Investment aid for waste recycling and re-utilisation)
- 50. Article 48 (Investment aid for energy infrastructure)
- 51. Article 49 (Aid for environmental studies)
- 52. Article 50 (Aid schemes to make good the damage caused by certain natural disasters)
- 53. Article 51 (Social aid for transport for residents of remote regions)
- 54. Article 52 (Aid for broadband infrastructures)
- 55. Article 53 (Aid for culture and heritage conservation)
- 56. Article 54 (Aid schemes for audiovisual works)

- 57. Article 55 (Aid for sport and multifunctional recreational infrastructures)
- 58. Article 56 (Investment aid for local infrastructures)
- 59. Article 56a (Aid for regional airports)
- 60. Article 56b (Aid for maritime ports)
- 61. Article 56c (Aid for inland ports)
- 62. Article 58 (Transitional provisions)
- 63. Article 59
- 64. Annex I
- 65. Annex II
- 66. Annex III

PART 2 — Amendments to the general de minimis regulation

- 67. Amendments to the general de minimis regulation
- 68. Article 1 (Scope)
- 69. Article 2 (Definitions)
- 70. Article 3 (De minimis aid)
- 71. Article 4 (Calculation of gross grant equivalent)
- 72. Article 5 (Cumulation)
- 73. Article 6 (Monitoring)
- 74. Article 7 (Transitional provisions)
- 75. Article 8 (Entry into force and period of application)

PART 3 — Amendments to the SGEI de minimis regulation

- 76. Amendments to the SGEI de minimis regulation
- 77. Article 1 (Scope and definitions)
- 78. Article 2 (De minimis aid)
- 79. Article 3 (Monitoring)
- 80. Article 4 (Transitional provisions)
- 81. Article 5 (Entry into force and period of validity)
 PART 4 Amendments to the SGEI decision
- 82. Amendments to the SGEI decision
- 83. Article 1 (Subject matter)
- 84. Article 2 (Scope)
- 85. Article 3 (Compatibility and exemption from notification)
- 86. Article 4 (Entrustment)
- 87. Article 5 (Compensation)
- 88. Article 6 (Control of overcompensation)
- 89. Article 7 (Transparency)
- 90. Article 8 (Availability of information)
- 91. Article 9 (Reports)
- 92. Article 13 (Addressees)

PART 5 — Amendments to the financial transparency regulations

- 93. Amendments to the financial transparency regulations
 - PART 6 Amendments to other retained EU law
- 94. Amendments to the Agricultural Block Exemption Regulation
- 95. Amendments to the Fisheries Block Exemption Regulation
- 96. Amendments to the agricultural de minimis regulation
- 97. Amendments to the fisheries de minimis regulation
- 98. Amendments to the maritime and fisheries fund regulation

SCHEDULE 10 — Amendments to legislation

PART 1 — Amendments to UK primary legislation

- 1. Criminal Justice and Police Act 2001
- 2. Enterprise Act 2002
- 3. Banking Act 2009

- 4. Enterprise and Regulatory Reform Act 2013
 PART 2 Amendments to UK subordinate legislation
- Enterprise Act 2002 (Merger Fees and Determination of Turnover) Order 2003
- 6. Electronic Communications (Networks and Services) (Penalties) (Rules for Calculation of Turnover) Order 2003
- 7. Water Mergers (Determination of Turnover) Regulations 2004
- 8. Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations 2005
- 9. Water Industry (Determination of Turnover for Penalties) Order 2005
- 10. Pension Protection Fund (Entry Rules) Regulations 2005
- 11. Mobile Roaming (European Communities) Regulations 2007
- 12. Community Infrastructure Levy Regulations 2010
- 13. Climate Change Agreements (Administration) Regulations 2012
- 14. Payment of Pension Levies for Past Periods Regulations 2014
- 15. Bank Recovery and Resolution (No. 2) Order 2014
- Open Internet Access (EU Regulation) Regulations 2016
 PART 3 Amendments to devolved legislation

CHAPTER 1

Scotland

- 17. Non-Domestic Rates (Renewable Energy Generation Relief) (Scotland) Regulations 2010
- 18. Non-Domestic Rates (Enterprise Areas) (Scotland) Regulations 2012
- 19. Non-Domestic Rates (Enterprise Areas) (Scotland) Regulations 2016
- 20. Non-Domestic Rates (Steel Sites) (Scotland) Regulations 2016
- 21. Non-Domestic Rates (District Heating Relief) (Scotland) Regulations 2017
- 22. Non-Domestic Rates (Transitional Relief) (Scotland) Regulations 2017
- 23. Non-Domestic Rates (Day Nursery Relief) (Scotland) Regulations 2018

CHAPTER 2

Northern Ireland

- 24. Rates (Northern Ireland) Order 1977
- 25. Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996
- 26. Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations (Northern Ireland) 2005
- 27. Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005
- 28. Water Industry (Determination of Turnover for Penalties) Order (Northern Ireland) 2007
- Payment of Pension Levies for Past Periods Regulations (Northern Ireland)
 2015

Explanatory Note