

Commission Regulation (EU) 2020/2008 of 8 December 2020 amending Regulations (EU) No 702/2014, (EU) No 717/2014 and (EU) No 1388/2014, as regards their period of application and other relevant adjustments (Text with EEA relevance)

COMMISSION REGULATION (EU) 2020/2008

of 8 December 2020

amending Regulations (EU) No 702/2014, (EU) No 717/2014 and (EU) No 1388/2014, as regards their period of application and other relevant adjustments

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 108(4) thereof,

Having regard to Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid<sup>(1)</sup>, and in particular Article 1(1) and Article 2(1) thereof,

After consulting the Advisory Committee on State aid,

Whereas:

- (1) Commission Regulation (EU) No 702/2014<sup>(2)</sup> applies until 31 December 2020.
- (2) On 8 September 2018, the Commission launched a review of Regulation (EU) No 702/2014, with a view to replacing it with a new regulation for the period 2021 to 2027. However, the development of the common agricultural policy (CAP) should be taken into account when drafting that new regulation. Of particular relevance is the proposal for a Regulation of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the CAP<sup>(3)</sup>, which provides for the implementation of the CAP strategic plans by Member States as from 1 January 2021.
- (3) However, the legislative procedure concerning the CAP reform is still ongoing and the legal framework, including the ensuing delegated and implementing acts, will not be adopted for yet some time.
- (4) To ensure that the Member States may continue having their State aid schemes exempted in accordance with Regulation (EU) No 702/2014 and to allow the review of that Regulation to be completed following the adoption of the CAP reform, it is appropriate to extend the period of application of Regulation (EU) No 702/2014 until 31 December 2022.
- (5) Commission Regulations (EU) No 717/2014<sup>(4)</sup> and (EU) No 1388/2014<sup>(5)</sup> are also applicable until 31 December 2020.

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*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) 2020/2008. (See end of Document for details)*

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- (6) On 29 April 2019 and on 2 May 2019, the Commission launched a review, respectively, of Regulations (EU) No 717/2014 and (EU) No 1388/2014, with the view to replacing them with new regulations for the period 2021 to 2027. Those regulations should remain coherent and consistent with other rules relevant for the assessment of State aid in the fishery and aquaculture sector, in particular with the Regulation on the European Maritime and Fisheries Fund (EMFF)<sup>(6)</sup>. Of particular relevance is the proposal for a Regulation of the European Parliament and of the Council on the EMFF, which provides for the establishment of the EMFF as from 1 January 2021<sup>(7)</sup>. However, the legislative procedure concerning the EMFF reform is still ongoing. To ensure that the Member States may continue granting small amounts of aid in accordance with Regulation (EU) No 717/2014 and having their State aid schemes exempted in accordance with Regulation (EU) No 1388/2014, and to allow the review of those Regulations to be completed following the adoption of the EMFF reform, it is appropriate to extend the period of application of Regulations (EU) No 717/2014 and (EU) No 1388/2014 until 31 December 2022.
- (7) In the light of the extension of the periods of application of Regulations (EU) No 702/2014 and (EU) No 1388/2014, some Member States may wish to prolong measures on which summary information has been provided in accordance with those Regulations. In order to reduce the administrative burden, summary information regarding the prolongation of those measures, including a potential budget increase, should be deemed to have been communicated to the Commission and published, provided that no substantive amendment is made to the measures concerned.
- (8) Regulations (EU) No 702/2014 and (EU) No 1388/2014 should also be adapted to take into account the economic and financial consequences that the COVID-19 pandemic has had on undertakings and to ensure consistency with the general policy response adopted by the Commission, especially in the period 2020-2021. In particular, undertakings that were not in difficulty on 31 December 2019 but became undertakings in difficulty in the period from 1 January 2020 until 30 June 2021 should remain eligible for aid under those Regulations.
- (9) Article 1 and Articles 13 to 43 of Regulation (EU) No 1388/2014 include references to the EMFF Regulation (EU) No 508/2014 in order to define ineligible operations and the conditions for the granting of aid under those provisions. In order to ensure legal certainty during the period of prolongation of Regulation (EU) No 1388/2014, those references should be understood as referring to Regulation (EU) No 508/2014 in the version applicable on 31 December 2020, regardless of whether that Regulation is repealed.
- (10) Regulations (EU) No 702/2014, (EU) No 717/2014 and (EU) No 1388/2014 should therefore be amended accordingly.
- (11) In order to ensure continuity for existing aid under Regulations (EU) No 702/2014, (EU) No 717/2014 and (EU) No 1388/2014 and to enable undertakings that became undertakings in difficulty on or after 1 January 2020 due to the COVID-19 pandemic to be eligible for aid from 1 January 2020, this Regulation should enter into force as soon as possible after its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendments to Regulation (EU) No 702/2014**

Regulation (EU) No 702/2014 is amended as follows:

- (1) in Article 1(6), the following point (c) is added:
  - (c) aid to undertakings which were not in difficulty on 31 December 2019 but became undertakings in difficulty in the period from 1 January 2020 to 30 June 2021.;
- (2) in Article 9, the following paragraph 8 is added:
  8. By way of derogation from paragraphs 1, 2 and 6, where a Member State wishes to prolong measures in respect of which summary information was submitted to the Commission, summary information regarding the prolongation of those measures shall be deemed to have been communicated to the Commission and published, provided that no substantive amendment, other than a budget increase, is made to the measures concerned.;
- (3) in Article 52, the second paragraph is replaced by the following:

It shall apply until 31 December 2022..

*Article 2*

**Amendments to Regulation (EU) No 717/2014**

In Article 8 of Regulation (EU) No 717/2014, the second paragraph is replaced by the following:

It shall apply until 31 December 2022..

*Article 3*

**Amendments to Regulation (EU) No 1388/2014**

Regulation (EU) No 1388/2014 is amended as follows:

- (1) in Article 1(3), point (d) is replaced by the following:
  - (d) aid granted to undertakings in difficulty, with the exception of aid to make good the damage caused by natural disasters and aid to undertakings which were not in difficulty on 31 December 2019 but became undertakings in difficulty in the period from 1 January 2020 to 30 June 2021.;
- (2) the following Article 11a is inserted:

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### *Article 11a*

#### **Derogation from information and publication requirements**

By way of derogation from Article 9(5) and Article 11, point (a), where a Member State wishes to prolong measures in respect of which summary information was submitted to the Commission, summary information regarding the prolongation of those measures shall be deemed to have been communicated to the Commission and published, provided that no substantive amendment, other than a budget increase, is made to the measures concerned.;

- (3) in Article 47, the second paragraph is replaced by the following:

It shall apply until 31 December 2022..

### *Article 4*

#### **Application of references to Regulation (EU) No 508/2014 in Regulation (EU) No 1388/2014**

The references to provisions of Regulation (EU) No 508/2014 in Articles 1 and 13 to 43 of Regulation (EU) No 1388/2014 shall be understood as references to the version of those provisions applicable on 31 December 2020, regardless of whether that Regulation is repealed.

### *Article 5*

#### **Entry into force**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 December 2020.

*For the Commission*

*The President*

Ursula VON DER LEYEN

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2020/2008. (See end of Document for details)

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- (1) [OJ L 248, 24.9.2015, p. 1.](#)
- (2) Commission Regulation (EU) No 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union ([OJ L 193, 1.7.2014, p. 1.](#)).
- (3) Proposal for a Regulation of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council (COM(2018) 392 final).
- (4) Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the fishery and aquaculture sector ([OJ L 190, 28.6.2014, p. 45.](#)).
- (5) Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union ([OJ L 369, 24.12.2014, p. 37.](#)).
- (6) Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council ([OJ L 149, 20.5.2014, p. 1.](#)).
- (7) Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund and repealing Regulation (EU) No 508/2014 of the European Parliament and of the Council (COM(2018) 390 final).

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EU) 2020/2008.