

DRAFT STATUTORY INSTRUMENTS

2019 No.

The State Aid (EU Exit) Regulations 2019

PART 3

Procedure

CHAPTER 6

General

Decision based on incorrect information

- 34.**—(1) This regulation applies if—
- (a) the CMA takes a specified decision; and
 - (b) the CMA subsequently considers that—
 - (i) the CMA may have been provided with incorrect or misleading information during the relevant examination or investigation; and
 - (ii) the incorrect or misleading information may have been a determining factor for the decision.
- (2) The CMA may open an investigation for the purpose of deciding—
- (a) whether to revoke the specified decision; and
 - (b) if so, what replacement decision to take.
- (3) If the CMA opens an investigation and decides to revoke a specified decision that was a decision that a measure does not constitute aid—
- (a) taken under regulation 8(1)(a) or 11(2), regulations 11 and 12 apply as if the investigation was an investigation opened under regulation 8(1)(c);
 - (b) taken under regulation 15(5)(a) or 17(2), regulations 17 and 18 apply as if the investigation was an investigation opened under regulation 15(5)(c).
- (4) If the CMA opens an investigation and decides to revoke a specified decision that was a decision to approve aid—
- (a) taken under regulation 8(1)(b) or 11(2), regulations 11 and 12 apply as if the investigation was an investigation opened under regulation 8(1)(c);
 - (b) taken under regulation 15(5)(b) or 17(2), regulations 17 and 18 apply as if the investigation was an investigation opened under regulation 15(5)(c);
 - (c) taken under regulation 21(2), regulations 21 and 22 apply as if the investigation was an investigation opened under regulation 19(6).
- (5) In this chapter, “specified decision” means a decision taken by the CMA—
- (a) that a measure does not constitute aid under regulation 8(1)(a), 11(2), 15(5)(a) or 17(2); or
 - (b) to approve aid under regulation 8(1)(b), 11(2), 15(5)(b), 17(2) or 21(2).