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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The State Aid (EU Exit) Regulations 2019**

**PART 7**

General and final provisions

CHAPTER 1

General provisions

**Application of state aid framework in urgent cases**

**57.**—(1) This regulation applies to aid that is granted to—

- (a) remedy a serious disturbance in the economy of the United Kingdom;
- (b) preserve financial stability; or
- (c) prevent serious social hardship.

(2) Notwithstanding the prohibition in Article 107(1) of the TFEU and the notification requirement in Article 108(3) of the TFEU, if due to urgent and exceptional circumstances it is not possible to obtain CMA approval for the aid before it is required to be granted, the aid grantor may grant the aid in accordance with this regulation.

(3) Before granting the aid, the aid grantor must—

- (a) inform the CMA;
- (b) have regard to any relevant CMA statement of policy; and
- (c) consider that the aid is capable of being approved by the CMA under any such statement of policy.

(4) As soon as practicable after granting the aid, the aid grantor must notify the aid to the CMA in accordance with regulation 7.

(5) Regulations 8 to 13 apply to a notification referred to in paragraph (4), and—

- (a) if the CMA approves the aid under regulation 8 or 11, the aid is considered to have been approved in accordance with Article 108(3) of the TFEU;
- (b) if the CMA opens an investigation in respect of the aid under regulation 8(1)(c), the CMA may make an interim suspension order or an interim recovery order in accordance with Part 4 as if the investigation had been an investigation opened under regulation 15(5)(c); and
- (c) if the CMA takes a decision not to approve the aid under regulation 11, the CMA must make a termination order and a recovery order in respect of the aid in accordance with Part 4 as if the decision to not approve the aid had been taken under regulation 17.