

SCHEDULE 8

Transitional and savings provisions

Pre-exit aid that was exempt from notification requirement

6.—(1) This paragraph applies to pre-exit aid that was, immediately before exit day, exempt from the notification requirement in Article 108(3) of the TFEU (as it had effect immediately before exit day).

(2) The aid is deemed to be exempt from the notification requirement in Article 108(3) of the TFEU and—

- (a) if the aid was originally exempt by virtue of the road and rail regulation, an SGEI exemption or an EU block exemption, the aid is deemed to have been approved by the CMA under Article 93, 106(2) or 107(2) or (3) of the TFEU (as appropriate);
- (b) if the aid was originally exempt by virtue of an EU de minimis exemption, the aid is deemed to not meet the criteria in Article 107(1) of the TFEU; and
- (c) in any other case, the aid is deemed to not be prohibited by Article 107(1) of the TFEU.

(3) However—

- (a) any conditions to which the exemption was subject immediately before exit day continue to apply on and after exit day; and
- (b) any reporting obligations attached to the exemption that applied immediately before exit day continue to apply on and after exit day, except that an obligation for the United Kingdom to report to the Commission is to be read as an obligation for the aid grantor to report to the CMA.

(4) In this paragraph—

“enabling regulation” means 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 (as it had effect immediately before exit day);

“EU block exemption” means any block exemption made under the enabling regulation or the previous enabling regulation;

“EU de minimis exemption” means any de minimis exemption made under the enabling regulation or the previous enabling regulation;

“previous enabling regulation” means Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid;

“road and rail regulation” means Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) No. 1191/69 and 1107/70 (as it had effect immediately before exit day); and

“SGEI exemption” means Commission Decision 2012/21/EU of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (as it had effect immediately before exit day) or Commission Decision 2005/842/EC of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest.