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NOTICE FROM THE COMMISSION

on a simplified procedure for treatment of certain types of State aid

(Text with EEA relevance)

1. INTRODUCTION

1. This Notice sets out a simplified procedure under which the Commission intends, in close cooperation with the Member State concerned, to examine within an accelerated timeframe certain types of State support measures which only require the Commission to verify that the measure is in accordance with existing rules and practices without exercising any discretionary powers. The Commission's experience gained in applying Article 87 of the EC Treaty and the Regulations, frameworks, guidelines and notices adopted on its basis¹, has shown that certain categories of notified aid are normally approved without raising any doubts as to their compatibility with the common market, provided that there were no special circumstances. These categories of aid are further described below. Other aid measures notified to the Commission will be subject to the appropriate procedures² and normally to the Best Practices Code³.
2. The purpose of this Notice is to set out the conditions under which the Commission usually adopts a short-form decision declaring certain types of State support

¹ See, most notably, the Community Framework for State aid for Research and Development and Innovation, OJ C 323, 30.12.2006, p. 1, hereinafter referred to as the 'Framework for Research and Development and Innovation'; the Community Guidelines on State aid to promote risk capital investments in small and medium-sized enterprises, OJ C 194, 18.08.2006, p. 2-22, hereinafter the 'Risk Capital Guidelines'; the Community Guidelines on State aid for environmental protection, OJ C 82, 01.04.2008, p. 1, hereinafter the 'Environmental Aid Guidelines'; the Guidelines on national regional aid for 2007-2013, OJ C 54, 04.03.2006, p. 13, hereinafter the 'Regional Aid Guidelines'; the Commission communication concerning the prolongation of the Framework on State aid to shipbuilding – adopted by the Commission on 24 October 2006, OJ C 260, 28.10.2006, p. 7, hereinafter the 'Shipbuilding Framework'; the Commission Communication concerning the prolongation of the application of the Communication on the follow-up to the Commission communication on certain legal aspects relating to cinematographic and other audiovisual works, OJ C 134, 16.06.2007, p. 5, hereinafter the 'Cinema Communication'; the Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation), OJ L 214, 9.8.2008, p. 3, hereinafter the 'General Block Exemption Regulation'.

² Measures notified to the Commission in the context of the current financial crisis pursuant to the Communications from the Commission entitled "The application of State aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis" (OJ C 270, 25.10.08, p. 8), the "Temporary Community framework for State aid measures to support access to finance in the current financial and economic crisis" (OJ C16, 22.1.2009, p.1) and State aid measures implementing the European Recovery Plan (Communication from the Commission to the European Council, A European Economic Recovery Plan, COM (2008) 800 final of 26.11.2008) will not be subject to the simplified procedure set out in the present Notice. Specific ad hoc arrangements have been put in place in order to deal swiftly with these cases.

³ Notice from the Commission, Best Practices Code on the conduct of State aid control proceedings, OJ ...

measures compatible with the common market pursuant to the simplified procedure and to provide guidance in respect of the procedure itself. When all necessary conditions set forth in this Notice are met, the Commission shall use its best endeavours to take a short-form no aid or no objections decision within 20 working days from the date of notification, within the procedural setting foreseen by Article 4 (2) or 4(3) of Council Regulation (EC) No 659/1999⁴.

3. However, if any of the safeguards or exclusions set forth at points 6 to 12 of this Notice is applicable, the Commission will revert to the normal procedure regarding notified aid described in Chapter II of the Procedural Regulation and will then adopt a full-form decision pursuant to its Articles 4 and/or 7. However, in any case, the only legally enforceable time-limits are those set out in Articles 4(5) and 7(6) of the same Regulation.
4. By following the procedure outlined in the following sections, the Commission aims to make Community State aid control more predictable and efficient, pursuant to the general principles set out in the 'State Aid Action Plan'⁵. The Notice thereby also contributes to the simplification strategy launched by the Commission in October 2005⁶. No part of the present Notice should however be interpreted as implying that a support measure which does not qualify as State aid in the meaning of Article 87 of the EC Treaty must be notified to the Commission, irrespective of the Member States' freedom to notify such support measures for legal certainty reasons.

2. CATEGORIES OF STATE AID SUITABLE FOR TREATMENT UNDER THE SIMPLIFIED PROCEDURE

Eligible categories of State aid

5. The following categories of measures are in principle suitable for treatment under the simplified procedure:

(a) Category 1: Aid measures falling within the 'standard assessment' sections of existing frameworks or guidelines

Aid measures falling within the 'standard assessment' (so-called 'safe harbour' sections⁷), or under equivalent types of assessment⁸ of horizontal guidelines and frameworks, which are not covered by the General Block Exemption Regulation, are in principle suitable for treatment under the simplified procedure.

⁴ Council Regulation (EC) N° 659/1999 of 22 March 1999 laying down detailed rules for the application of Article [93] of the EC Treaty, OJ L 83, 27.3.1999, p. 1, hereinafter referred to as the 'Procedural Regulation'.

⁵ State Aid Action Plan: Less and Better Targeted State aid: A Roadmap for State aid Reform 2005-2009; COM (2005) 107 final.

⁶ Implementing the Community Lisbon programme: A strategy for the simplification of the regulatory environment; COM (2005) 535 final.

⁷ Such as Section 5 of the Framework for Research and Development and Innovation or Section 3 of the Environmental Aid Guidelines, and; Section 4 of the Risk Capital Guidelines.

⁸ Regional Aid Guidelines; Section 3.1.2 of the Community guidelines on State aid for rescuing and restructuring firms in difficulty, OJ C 244, 1.10.2004, p. 2, hereinafter referred to as the 'Rescue and Restructuring Guidelines'.

The simplified procedure will however only apply in case the Commission is satisfied, after the pre-notification phase (see points 13-16), that all the substantive and procedural requirements laid down in the applicable sections of the respective instruments are fulfilled. This implies that the pre-notification phase confirms that the notified aid measure *prima facie* meets the relevant categories of conditions, as further detailed in each of the applicable horizontal instruments:

- type of beneficiaries
- eligible costs
- aid intensities and bonuses
- individual notification ceiling or maximum aid amount
- type of aid instrument used
- cumulation provisions
- incentive effect
- transparency requirements
- exclusion of beneficiaries which are subject to an outstanding recovery order (*Deggendorf*).

The types of measures for which the Commission is prepared to consider applying the simplified procedure under this category include in particular the following:

- (i) Risk capital measures taking a form other than a participation into a private equity investment fund and meeting all other conditions of Section 4 of the Risk Capital Guidelines⁹;
- (ii) Environmental investment aid meeting the conditions of Section 3 of the Environmental Aid Guidelines:
 - whose eligible cost basis is determined on the basis of a full cost calculation methodology in line with point 82 of the Environmental Aid Guidelines¹⁰; or
 - including an eco-innovation bonus demonstrated to be in line with point 78 of the Environmental Aid Guidelines¹¹;

⁹ Including cases where the financial institutions of the European Union act as holding fund to the extent the risk capital measure at stake falls under Section 4 of the Risk Capital Guidelines.

¹⁰ Article 18(5) of the General Block Exemption Regulation foresees a simplified cost calculation methodology.

¹¹ The General Block Exemption Regulation does not exempt eco-innovation bonuses.

- (iii) Aid for young innovative enterprises granted in accordance with Section 5.4 of the Framework for Research and Development and Innovation and whose innovative character is determined on the basis of Section 5.4 b) (i) of the Framework¹²;
- (iv) Aid for innovation clusters granted in accordance with Sections 5.8 and 7.1 of the Framework for Research and Development and Innovation;
- (v) Aid for process and organisational innovation in services in accordance with Section 5.5 of the Framework for Research and Development and Innovation;
- (vi) Ad hoc regional aid which is below the individual notification threshold laid down in point 64 of the Regional Aid Guidelines¹³;
- (vii) Rescue aid in the manufacturing and services sectors (except in the financial sector) meeting all substantive conditions of Sections 3.1.1. and 3.1.2 of the Rescue and Restructuring Guidelines¹⁴;
- (viii) Rescue and restructuring schemes for small enterprises meeting all conditions of Section 4 of the Rescue and Restructuring Guidelines¹⁵;
- (ix) Ad hoc restructuring aid for SMEs, provided it meets all the conditions laid down in Section 3 of the Rescue and Restructuring Guidelines¹⁶;
- (x) Export credits in the shipbuilding sector meeting all the conditions of Section 3.3.4. of the Shipbuilding Framework¹⁷ ;
- (xi) Audiovisual support schemes meeting all the conditions set out in Section 2.3 of the Cinema Communication as regards the development, production, distribution and promotion of audiovisual works¹⁸.

¹² Only aid to young innovative enterprises meeting the conditions laid down in point 5.4 b) ii) of the Framework for Research and Development and Innovation are subject to the General Block Exemption Regulation.

¹³ In such cases; the information to be provided by the Member State will need to demonstrate upfront that: (i) the aid amount remains below the notification threshold (without sophisticated net present value calculations); (ii) the aid concerns a new investment (no replacement investment); and (iii) the beneficial effects of the aid on regional development manifestly outweigh the distortions of competition it creates). See e.g. the Commission's Decision in case N 721/2007 (Poland, 'Reuters Europe SA').

¹⁴ See e.g. the Commission's Decision in cases N 28/06 (Poland, Techmatrans); N 258/2007 (Germany, Rettungsbeihilfe zugunsten der Erich Rohde KG); N 802/2006 (Italy, rescue aid to Sandretto Industrie).

¹⁵ See e.g. the Commission's decisions in cases N 85/2008 (Austria, Guarantee scheme for SME in the region of Salzburg); N 386/2007 (France, Régime d'aides au sauvetage et à la restructuration des PME); N 832/2006 (Italy, R&R scheme Valle d'Aosta). This approach is in line with Article 1(7) of the General Block Exemption Regulation.

¹⁶ See e.g. the Commission's Decisions in cases N 92/2008 (Austria, Restructuring aid for Der Bäcker Legat); N 289/2007 (Italy, Restructuring aid to Fiem SRL).

¹⁷ See e.g. the Commission's decisions in cases N 76/2008 (Germany, Prolongation of CIRR financing scheme for the export of ships); N 26/2008 (Denmark, Changes to financing scheme for the export of ships); N 760/2006 (Spain, Extension of export financing scheme - Spanish shipbuilding).

¹⁸ Although the Communication's criteria apply directly only to the activity of production, in practice, they are also applied by analogy to assess the compatibility of the activities of pre- and post production of audiovisual works, as well as the principles of necessity and proportionality under Articles 87(3)d and

The above list is illustrative and may evolve on the basis of future revisions of the currently applicable instruments or the adoption of new instruments. The Commission may update this list from time to time to keep it in line with applicable State aid rules.

(b) Category 2: Measures corresponding to well-established Commission decision-making practice

Aid measures whose features correspond to those of aid measures approved in at least three earlier Commission decisions (hereinafter 'precedent decisions'), and whose assessment can thus be immediately carried out on the basis of this established Commission decision-making practice, are in principle suitable for treatment under the simplified procedure. Only Commission decisions adopted within the last ten years preceding the date of pre-notification (see point 14) may qualify as 'precedent decisions'.

The simplified procedure will however only apply where the Commission is satisfied, after the pre-notification phase (see points 13-16), that the relevant substantive and procedural conditions which governed the precedent decisions are met, in particular as regards the objectives and overall set-up of the measure, the types of beneficiaries, eligible costs, individual notification ceilings, aid intensities and (where applicable) bonuses, cumulation provisions, incentive effect, and transparency requirements. In addition, as pointed out in point 11 below, the Commission will revert to the normal procedure where the notified aid measure could benefit an undertaking which is subject to an outstanding recovery order following a previous Commission decision declaring an aid unlawful and incompatible with the common market (so-called *Deggendorf* issue¹⁹).

The types of measures for which the Commission is prepared to consider applying the simplified procedure under this category include in particular the following:

- (i) Aid measures for the preservation of national cultural heritage related to activities linked to historic, ancient sites or national monuments, provided that the aid is limited to 'heritage conservation' pursuant to Article 87(3)(d) of the EC Treaty²⁰;
- (ii) Aid schemes for theatre, dance and music activities²¹;
- (iii) Aid schemes for the promotion of minority languages²²;

151 of the EC Treaty. See e.g. the Commission's decisions in cases N 233/08 (Latvian film support scheme); N 72/2008 (Spain, Scheme for the promotion of films in Madrid); N 60/2008 (Italy, Film support in the Sardinia region); N 291/07 (Netherlands Film Fund).

¹⁹ See Case C-188/92, *TWD Textilwerke Deggendorf*, [1994] ECR I-833.

²⁰ See e.g. the Commission's Decisions in cases N 393/2007 (Netherlands, Subsidy to NV Bergkwartier); N 106/2005 (Poland, Hala Ludowa in Wroclaw) and N 123/2005 (Hungary, Earmarked scheme for tourism and culture in Hungary).

²¹ See e.g. the Commission's Decisions in cases N 340/2007 (Spain, Aid for theatre, dance, music and audiovisual activities in the Basque country); N 257/2007 (Spain, Promotion of theatre production in the Basque country) and N 818/99 (France; Parafiscal tax on spectacles and concerts).

- (iv) Aid measures in favour of the publishing industry²³;
- (v) Aid measures in favour of broadband connectivity in rural areas²⁴;
- (vi) Guarantee schemes for shipbuilding finance²⁵;
- (vii) Aid measures fulfilling all other applicable provisions of the General Block Exemption Regulation, but excluded from its application merely because:
 - These measures constitute 'ad hoc aid'²⁶;
 - These measures are provided in an un-transparent form (Article 5 of the General Block Exemption Regulation, but their gross grant equivalent (GGE) is calculated on the basis of a methodology approved by the Commission in three individual decisions adopted after 1 January 2007;
- (viii) Measures supporting the development of local infrastructure not constituting State aid within the meaning of Article 87(1) of the EC Treaty in view of the fact that, having regard to the specificities of the case, the measure in question will not have any effect on intra-Community trade²⁷;

²² See e.g. the Commission's Decisions in cases N 776/2006 (Spain, Subvenciones para el desarrollo del uso del Euskera); N 49/2007 (Spain, Subvenciones para el desarrollo del uso del Euskera) and N 161/2008 (Spain, Aid to the Basque Language).

²³ See e.g. the Commission's Decisions in cases N 687/06 (Slovak Republic, Aid to Kalligram s.r.o. in favour of a periodical); N 1/2006 (Slovenia, Promotion of the publishing industry in Slovenia) and N 268/2002 (Italy, Aid in favour of the publishing industry in Sicily).

²⁴ See e.g. the Commission's Decisions in cases N 264/2006 (Italy, Broadband for rural Tuscany); N 473/2007 (Italy, Broadband connections for Alto Adige) and N 115/2008 (Broadband in rural areas of Germany).

²⁵ See e.g. the Commission's Decisions in cases N 325/2006 (Germany, prolongation of the guarantee schemes for shipbuilding finance); N 35/2006 (France, Guarantee scheme for ship financing and bonding); N 253/2005 (Netherlands, Guarantee scheme for ship financing).

²⁶ Ad hoc aid is often excluded from the scope of the General Block Exemption Regulation. This exclusion applies to all large enterprises (Article 1(6) of the General Block Exemption Regulation), as well as, in certain instances, also to SMEs (see Articles 13 and 14 concerning regional aid; Article 16 concerning female entrepreneurship; Article 29 concerning aid in the form of risk capital; and Article 40 concerning aid for the recruitment of disadvantaged workers). As regards the specific conditions governing ad hoc regional investment aid, see footnote 9 above. Moreover, the present Notice is without prejudice to any Commission communication or guidance paper laying down detailed economic assessment criteria for the compatibility analysis of cases subject to individual notification.

²⁷ See the Commission's Decisions in cases N 258/2000 (Germany, leisure pool Dorsten); N 486/2002 (Sweden, Aid in favour of a congress hall in Visby); N 610/2001 (Germany, Tourism infrastructure program Baden-Württemberg); N 377/2007 (The Netherlands, Support to *Bataviawerf* – Reconstruction of a vessel from the 17th century). In order for the measure at stake to be considered as not having any effect on intra-Community trade, these three precedent decisions require, most prominently, a demonstration by the Member State of the following features: 1) that the aid does not lead to investments being attracted in the region concerned and; 2) that the goods/services produced by the beneficiary are purely local and/or have a geographically limited attraction zone and; 3) that there is no more than marginal effect on consumers from neighbouring Member States and; 4) that the market share of the beneficiary is minimal on any relevant market definition used and that the beneficiary does

- (ix) The prolongation and/or modification of existing schemes outside the scope of the simplified procedure foreseen in Regulation (EC) N° 794/2004²⁸ (see category 3 below), for example as regards the adaptation of existing schemes to new horizontal guidelines²⁹.

The above list is illustrative, since the exact scope of this category may evolve in line with Commission decision-making practice. The Commission may update this illustrative list from time to time to keep it in line with evolving practice.

(c) Category 3: Prolongation or extension of existing schemes

Article 4 of Regulation (EC) N° 794/2004 foresees a simplified notification procedure for certain alterations to existing aid. Under this provision, the "[...] following alterations to existing aid shall be notified on the simplified notification form set out in Annex II:

- (i) increases in the budget of an authorised aid scheme exceeding 20 %;
- (ii) prolongation of an existing authorised aid scheme by up to six years, with or without an increase in the budget;
- (iii) tightening of the criteria for the application of an authorised aid scheme, a reduction of aid intensity or a reduction of eligible expenses".

The possibility of applying Article 4 of Commission Regulation (EC) N° 794/2004 remains unaffected by the present Notice. However, the Commission would invite the notifying Member State to proceed in accordance with the present Notice, including pre-notification of the aid measures concerned, while using the simplified notification form annexed to Regulation (EC) N° 794/2004. The Commission will, in the context of this procedure, also invite the Member State concerned to agree on a publication on the website of the Commission of the summary of its notification.

Safeguards and exclusions

6. Since the simplified procedure applies only to aid notified on the basis of Article 88(3) of the EC Treaty, unlawful aids are excluded. Moreover, due to the specificities of the sectors concerned the simplified procedure will not apply to aid favouring activities in the fishery and aquaculture sectors, activities in the primary production of agricultural products or activities in the processing or marketing of agricultural products. In addition, the simplified procedure will not be applied

not belong to a wider group of undertakings. These features should be highlighted in the draft notification form referred to in point 14 of this notice.

²⁸ Commission Regulation (EC) N° 794/2004 of 21 April 2004 implementing Council Regulation (EC) N° 659/1999 laying down detailed rules for the application of Article [93] of the EC Treaty, OJ L 140, 30.04.2004, p. 1, as last amended by Commission Regulation (EC) N° 271/2008 of 30 January 2008, OJ L 82, 25.03.2008, p. 1., hereinafter referred to as the 'Implementing Regulation'.

²⁹ See e.g. the Commission's Decisions in cases N585/2007 (UK, prolongation of Yorkshire R&D scheme); N 275/2007 (Germany, Verlängerung des Rettungs- und Umstrukturierungsbeihilfe-programms für KMU in Bremen); N 496/2007 (Italy (Lombardia) Guarantee Fund for the development of risk capital); N 625/2007 (Latvia, Aid to risk capital to SMEs).

retroactively to measures pre-notified before the date of entry into force of the present notice.

7. In assessing whether a notified aid measure falls into one of the eligible categories referred to in point 5, the Commission will ensure that the applicable frameworks or guidelines and/or established Commission decision-making practice on the basis of which the notified aid measure is to be assessed, as well as all relevant factual circumstances, are established with sufficient clarity. Given that the completeness of the notification constitutes a key element for determining the applicability of this procedure, the notifying Member State is invited to provide all relevant information, including the precedent decisions invoked if appropriate at the outset of the pre-notification phase (see point 14).
8. Where the notification form is not complete or contains misleading or incorrect information, the Commission shall not apply the simplified procedure. In addition, to the extent that the notification involves novel legal issues of a general interest, the Commission shall normally abstain from applying the present procedure.
9. While it can normally be assumed that aid measures falling into the categories referred to in point 5 will not raise doubts as to their compatibility with the common market, there may nonetheless be special circumstances which require a closer investigation. In such cases, the Commission may revert to the normal procedure at any time.
10. Such special circumstances may include in particular: certain forms of aid as yet untested in the Commission's decision-making practice; precedent decisions which the Commission may be in the course of reassessing in the light of recent case-law or developments of the common market; novel technical issues; or concerns as regards the measure's compatibility with other provisions of the EC Treaty (e.g. non-discrimination; the four freedoms, etc.).
11. The Commission will revert to the normal procedure where the notified aid measure could benefit an undertaking which is subject to an outstanding recovery order following a previous Commission decision declaring an aid unlawful and incompatible with the common market (so-called *Deggendorf* issue³⁰).
12. Finally, if a third party expresses substantiated concerns about the notified aid measure within the time-limit laid down in point 20 of this Notice, the Commission shall revert to the normal procedure³¹ and inform the Member State thereof.

3. PROCEDURAL PROVISIONS

Pre-notification contacts

³⁰ See Case C-188/92, *TWD Textilwerke Deggendorf*, [1994] ECR I-833.

³¹ This does not imply any increase of third parties' rights in view of the case law of the Community Courts. See Case T-95/03, *Asociación de Empresarios de Estaciones de Servicio de la Comunidad Autónoma de Madrid and Federación Catalana de Estaciones de Servicio v Commission*, [2006] ECR II-4739, paragraph 139 and Case T-73/98, *Prayon-Rupel v Commission*, [2001] ECR II-867, paragraph 45.

13. The Commission has found pre-notification contacts with the notifying Member State beneficial even in seemingly unproblematic cases. Such contacts allow the Commission and the Member States, most prominently, to determine at any early stage the relevant Commission instruments or precedent decisions, the degree of complexity which the Commission's assessment is likely to involve and the scope and depth of the information required for the Commission to make a full assessment of the case.
14. In view of the time constraints of the simplified procedure, the assessment of a State support measure under this procedure is conditional upon the Member State holding pre-notification contacts with the Commission. In this context, the Member State is invited to submit a draft notification form with the necessary accompanying information³², including the relevant precedent decisions if appropriate, via the Commission's established IT application. The Member State may also request, at this stage, that the Commission waive the completion of certain parts of the notification form. The Member State and the Commission may also agree, in the context of the pre-notification contact, that the Member State does not need to provide a draft notification form and accompanying information in the pre-notification phase. Such an agreement may be appropriate, for instance, due to the repetitive nature of certain aid measures (see for instance category 3, mentioned in point 5 c) above). In this context, the Member State may be invited to proceed directly with the notification where detailed discussion about the envisaged aid measures is not considered necessary by the Commission.
15. Within two weeks from the launch by the Member State of the pre-notification, the Commission services shall organise a first pre-notification contact. The Commission will promote the holding of contacts via email or conference calls, or at the specific request of the Member State concerned, organize meetings. Within 5 working days after the last pre-notification contact, the Commission services shall communicate to the Member State concerned whether they consider that the case qualifies *prima facie* for treatment under the simplified procedure, which information is still to be provided for the measure to qualify for this procedure, or whether the case shall remain subject to the normal procedure.
16. The Commission services' indication that the case concerned can be treated under the simplified procedure implies that the Member State and these services agree *prima facie* that the information provided in the pre-notification context would, if submitted as a formal notification, constitute a complete notification. The Commission would thus, in principle, be in a position to approve the measure, once formally notified on the basis of a notification form embodying the result of the pre-notification contacts, without a further request for information.

Notification

17. The Member State shall notify the aid measure(s) concerned no later than 2 months after it receives the communication from the Commission services about the *prima facie* eligibility of the measure. If the notification includes any changes as compared

³² Supplementary information sheets.

to the information presented in the pre-notification documents, such changes should be highlighted prominently in the context of the notification form.

18. The submission of the notification by the Member State concerned triggers the start of the period referred to in point 2 above.
19. The simplified procedure does not provide for a specific simplified notification form. Except as regards cases subject to category 3 above, the notification is to be carried out on the basis of the standard notification forms contained in the Implementing Regulation.

Publication of a summary of the notification

20. The Commission will publish on its website a summary of the notification, based on the information provided by the Member State, according to the standard form provided in Annex I to this Notice. This standard form contains an indication that, on the basis of the information provided by the Member State, the aid measure may qualify for a simplified procedure. By requesting the Commission to treat a notified measure under the present notice, the Member State concerned will be considered to agree that the information provided in its notification, which is to be published on the website in the form annexed to the present Notice, is non-confidential in nature. Furthermore, Member States are invited to clearly indicate whether the notification contains any business secrets.
21. Interested parties will then have 10 working days to submit observations (including a non-confidential version), in particular on circumstances which might require a more thorough investigation. In cases where substantiated competition concerns are raised by interested parties with respect to the notified measure, the Commission will revert to the normal procedure and inform the Member State and the interested party(ies) concerned thereof. The Member State concerned will also be informed of any substantiated concerns and be given the opportunity to comment thereon.

Short-form decision

22. If the Commission is satisfied that the notified measure fulfils the criteria for the simplified procedure (see point 5), it will issue a short-form decision. The Commission will thus use its best endeavours to adopt a no aid or no objections decision pursuant to Article 4(2) or 4(3) of the Procedural Regulation within 20 working days from the date of notification unless any safeguard or exclusion mentioned above (points 6 to 12) materialises.

Publication of the short-form decision

23. The Commission will publish, in line with Article 26(1) of the Procedural Regulation, a summary notice of the decision in the *Official Journal of the European Union*. The short form decision will be made available on the Commission's website. It will contain a reference to the summary information about the notification as published in the *Official Journal of the European Union* at the time of notification, a standard assessment of the measure under Article 87(1) of the EC Treaty and, where applicable, a statement that the aid measure is declared compatible with the common market because it falls within one or more of the categories described in this Notice,

with the applicable category(ies) being explicitly identified and a reference to the applicable horizontal instruments and/or precedent decisions included.

4. FINAL PROVISIONS

24. This Notice shall apply, upon request of the Member State concerned, to measures notified pursuant to point 17 of this Notice as from the thirtieth day following that of its publication in the *Official Journal of the European Union*.
25. The Commission may amend this Notice on the basis of important competition policy considerations or in order to take account of the evolution of State aid law and decision-making practice. The Commission intends to carry out a first review of the Notice at the latest four years after its publication. In this context, the Commission will examine to which extent specific simplified notification forms should be developed in order to facilitate the implementation of the present Notice.

ANNEX: Summary of Notification: Invitation of third parties' comments

Notification of a State aid measure

On ... the Commission received a notification of an aid measure pursuant to Article 88 of the EC Treaty. On preliminary examination, the Commission finds that the notified measure could fall within the scope of the Commission Notice on a simplified procedure for treatment of certain types of State aid (OJ C, ...).

The Commission invites interested third parties to submit their possible observations on the proposed measure to the Commission.

The main features of the aid measure are the following:

Reference number of the aid: N

Member State:

Member State reference number:

Region:

Granting authority:

Title of the aid measure:

National legal basis:

Proposed Community basis for assessment: ... guidelines or established Commission practice as highlighted in Commission decisions [1, 2 and 3].

Type of measure: Aid scheme / Ad hoc aid

Amendment of an existing aid measure:

Duration (scheme):

Date of granting:

Economic sector(s) concerned:

Type of beneficiary (SMEs/large enterprises)

Budget:

Aid instrument (grant, interest rate subsidy, ...):

Observations raising competition issues relating to the notified measure must reach the Commission no later than 10 working days following the date of this publication and include a non confidential version of these observations to be provided to the Member State concerned and/or other interested parties. Observations can be sent to the Commission by fax, by post or per e-mail under reference number N ...to the following address:

European Commission

Directorate-General for Competition

State Aid Registry B-1049 Brussels

Fax: (32) 2 296 12 42

Email: stateaidgreffe@ec.europa.eu