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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 to examine 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 basis<sup>1</sup>, 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.
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 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 at point 5 of this Notice are met and provided there are no special circumstances, 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 659/1999<sup>2</sup>.
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

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<sup>1</sup> 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. 13-45, 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. 3-47, hereinafter the 'General Block Exemption Regulation'.

<sup>2</sup> 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'.

notified aid described in Chapter II of the Procedural Regulation - which may imply initiating the formal investigation procedure under Article 4(4) of this Regulation – and will then adopt a full-form decision pursuant to its Articles 4 and/or 7. In this case, the time-limits set out in Articles 4(5) and 7(6) of the same Regulation shall apply.

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'<sup>3</sup>.

## 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' sections<sup>4</sup>), or under equivalent types of assessment<sup>5</sup> 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.

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 following 9 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

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<sup>3</sup> State Aid Action Plan: Less and Better Targeted State aid: A Roadmap for State aid Reform 2005-2009; COM (2005) 107 final.

<sup>4</sup> This refers in particular to Section 5 of the Framework for Research and Development and Innovation; Section 3 of the Environmental Aid Guidelines, and; Section 4 of the Risk Capital Guidelines.

<sup>5</sup> 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. 2-17, hereinafter referred to as the 'Rescue and Restructuring Guidelines'.

- 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 Guidelines;
- (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 Guidelines<sup>6</sup>; or
  - including an eco-innovation bonus in line with point 78 of the Environmental Aid Guidelines<sup>7</sup>;
- (iii) Aid for young innovative enterprises granted in accordance with point 5.4 of the Framework for Research and Development and Innovation and whose innovative character is determined on the basis of point 5.4 b) (i) of the Framework<sup>8</sup>;
- (iv) Aid for innovation clusters granted in accordance with point 5.8 of the Framework for Research and Development and Innovation;
- (v) Aid for process and organisational innovation in services in accordance with point 5.5 of the Framework for Research and Development and Innovation;
- (vi) Ad hoc regional investment aid not granted as a complement to an individual application of a scheme, but fulfilling all other conditions of the Regional Aid Guidelines<sup>9</sup>; Projects contemplated in point 68 of the

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<sup>6</sup> Article 18.5 of the General Block Exemption Regulation foresees a simplified cost calculation methodology.

<sup>7</sup> The General Block Exemption Regulation does not exempt eco-innovation bonuses.

<sup>8</sup> 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.

<sup>9</sup> 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 ceiling (without sophisticated net present value calculations); (ii) the aid concerns a new investment (no replacement investment); and (iii) the

Regional Aid Guidelines shall not qualify for treatment under the simplified procedure;

- (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 Guidelines, regardless of their amount<sup>10</sup>;
- (viii) Rescue and restructuring schemes for small enterprises<sup>11</sup>;
- (xi) Ad hoc restructuring aid for SMEs, provided it meets all the conditions laid down in Section 3 of the Rescue and Restructuring Guidelines<sup>12</sup>;
- (x) Export financing in the shipbuilding sector meeting all the conditions of Section 3.3.4. of the Shipbuilding Framework<sup>13</sup> ;
- (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 works<sup>14</sup>;

The above list 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 constant 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

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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').

<sup>10</sup> 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).

<sup>11</sup> See e.g. the Commission's decisions in cases N 85/2008 (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.

<sup>12</sup> 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).

<sup>13</sup> 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).

<sup>14</sup> 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 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).

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 in case the Commission is satisfied, after the pre-notification phase (see points 13-16), that the substantive and procedural conditions having 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 eventually applicable bonuses, cumulation provisions, incentive effect, transparency requirements, and the 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) 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 Treaty<sup>15</sup>;
- (ii) Aid schemes for theatre, dance and music activities <sup>16</sup>;
- (iii) Aid schemes for the promotion of minority languages <sup>17</sup>;
- (iv) Aid measures in favour of the publishing industry <sup>18</sup>;
- (v) Aid measures in favour of broadband connectivity in rural areas<sup>19</sup>;
- (vi) Guarantee schemes for shipbuilding finance<sup>20</sup>;
- (vii) Aid measures fulfilling all other applicable provisions of the General Block Exemption Regulation, but excluded from its application merely because:

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<sup>15</sup> 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).

<sup>16</sup> 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).

<sup>17</sup> 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).

<sup>18</sup> 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).

<sup>19</sup> 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).

<sup>20</sup> 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).

- These measures constitute 'ad hoc aid'<sup>21</sup>;
  - These measures are provided in an un-transparent form (Article 7 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 trade<sup>22</sup>;
- (ix) The prolongation and/or modification of existing schemes outside the scope of the simplified procedure foreseen in Regulation 794/2004 (see category 3 below), for example as regards the adaptation of existing schemes to new horizontal guidelines<sup>23</sup>.

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 Commission Regulation (EC) N° 794/2004<sup>24</sup> foresees a simplified notification procedure for certain alterations to existing aid. Under this

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<sup>21</sup> 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.

<sup>22</sup> 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 337/2007 (The Netherlands, Support to *Bataviawerf* – Reconstruction of a vessel from the 17<sup>th</sup> 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 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.

<sup>23</sup> See e.g. the Commission's Decisions in cases N585/2007 (UK, prolongation of Yorkshire R&D scheme); N 257/2007 (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).

<sup>24</sup> 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'.

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 for this specific simplified procedure remains unaffected by the present Notice. However, the Commission invites the notifying Member State to proceed, as for the other categories of aid contained in this Notice, with a pre-notification of the aid measure concerned, on the simplified notification form annexed to Regulation 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, illegal aids are in principle *a priori* excluded. [Moreover, 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 retroactively to measures pre-notified before its date of publication.
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 shall provide all relevant information, including the precedent decisions invoked if appropriate, in the draft notification form submitted at the outset of the pre-notification phase (see point 14). The Commission retains the discretion to take the ultimate decision on whether or not to apply the present procedure, basing its decision on the content and completeness of the notification.
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, and shall normally revert to the normal 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 exceptionally require

a closer investigation and/or a full decision. In such cases, the Commission may revert to the normal procedure.

10. The following are indicative examples of such special circumstances: certain types of measures may concern forms of aid yet untested in the Commission's decision-making practice; refer to precedent decisions which the Commission may be in the course of reassessing in the light of recent case-law; raise novel technical issues which are at stake in parallel cases subject to a normal notification procedure; or raise concerns as regards their compatibility with other provisions of the EC Treaty (e.g. non-discrimination; the four freedoms, etc.). Unless the related issues can be resolved in the course of the procedure, such cases will normally be excluded from the simplified procedure.
11. The Commission may also 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 illegal and incompatible with the common market (so-called *Deggendorf* issue<sup>25</sup>).
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 procedure<sup>26</sup>.

### **3. PROCEDURAL PROVISIONS**

#### *Pre-notification contacts*

13. The Commission has found pre-notification contacts with the notifying Member State beneficial also in seemingly unproblematic cases. Such contacts allow the Commission and the Member States, most prominently, to determine, upfront, the relevant Commission instruments or precedent decisions, as the case may be, 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. The assessment of a state support measure under the simplified procedure is therefore conditional upon the Member State holding pre-notification contacts with the Commission. In this context, the Member State shall submit a draft notification form with the necessary accompanying information, including the relevant precedent decisions if appropriate, as well as a draft non-confidential summary of the notification to be published on the website of the Commission (see point 19) to the Commission at least two weeks before the pre-notification contact. 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

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<sup>25</sup> See the judgment of the ECJ of 9 March 1994, *TWD Textilwerke Deggendorf*, C-188/92, ECR. p. I-833.

<sup>26</sup> This does not imply any increase of third parties' rights in view of the case law of the CFI. 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 of the European Communities*, [2006] ECR II-04739, paragraph 139 and case T-73/98, *Prayon-Rupel/Commission*, [2001] ECR II-867, paragraph 45.

also exceptionally agree, in the context of the pre-notification contact, that, for instance due to the repetitive nature of certain aid measures, the Member State does not need to provide a draft notification form and accompanying information in the pre-notification phase. In this exceptional context, the Commission may invite the Member State to proceed directly with the notification in the absence of need of any detailed discussion about the envisaged aid measures and base its decision on the possible use of the simplified procedure after the notification has been considered complete.

15. The pre-notification contacts should take place at the latest two weeks after the launch of the pre-notification procedure. The Commission will promote the holding of contacts via email or conference calls, or upon reasoned request, organize meetings. Within 5 working days after the pre-notification contact, the Commission services will indicate 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's indication that the case concerned can be treated under the simplified procedure implies that the Member State and the Commission agree *prima facie* that the notification form is complete and that, save in the presence of special circumstances or substantiated concerns raised by interested parties (see below point 20), no further request for information will be necessary and the Commission will 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. The Member State shall notify the aid measures concerned no later than 2 months after the pre-notification contact.

#### *Notification*

17. The submission of the notification by the Member State concerned triggers the start of the time-limit laid down in point 2 above for the Commission to adopt a short-form no aid or no objections decision. The notification shall highlight any difference as compared to the information presented in the pre-notification documents.
18. The simplified procedure does not provide for a specific simplified notification form. Except as regards cases subject to category 3 above, the pre-notification contacts and the notification are to be carried out on the basis of the standard notification forms contained in the Implementing Regulation.

#### *Publication of the fact of notification*

19. Upon receipt of a notification, the Commission will publish on its website a summary of this notification based on 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.
20. Interested parties will then have 10 working days to submit observations, in particular on circumstances which might require a more thorough investigation. In cases where substantiated concerns are raised by interested parties, the Commission

will revert to the normal procedure and inform the Member State and the interested party(ies) concerned thereof.

#### *Short-form decision*

21. If the Commission is satisfied that the notified measure fulfils the criteria for the simplified procedure (see point 5), it will normally issue a short-form decision. The Commission will thus 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. However, in the period leading up to this deadline, the option of reverting to the normal procedure set out in the Procedural Regulation, and thus adopting a full decision and/or initiating a formal investigation procedure, remains open to the Commission, should it judge such action appropriate in the case in question.

#### *Publication of the short-form decision*

22. The Commission will publish a notice of the fact of the decision in the *Official Journal of the European Union*. The public version of the decision will be made available on the Commission's website. The short-form decision 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 summary 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**

23. 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*.
24. 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 four years after its publication.

## **ANNEX: Outline of notification cartouche inviting 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: ....

Region:

Title (and/or name of beneficiary):

National legal basis: (weblink: ....)

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

Amount of aid:

Objective: (2 lines maximum)

Form of aid: Direct grant / loan / guarantee /.....

Type of beneficiaries: SMEs/large enterprises/both

Eligible costs: costs as described in section ...of the ...guidelines (net present value)

Budget:

Aid intensity:

Duration:

Economic sectors:

Name and address of the granting authority: (weblink.....)

Observations must reach the Commission no later than 10 working days following the date of this publication. Observations can be sent to the Commission by fax (...), by post or per e-mail under reference number N ...to the following address:....