EUROPEAN COMMISSION

Brussels, 29.6.2015
C(2015) 4334 final

Subject: State aid – Germany
SA.40354 (2014/N)
Bund: National framework directive on State aid for coping with damages due to natural disasters and adverse climatic events in the agricultural and forestry sectors, amending SA.36787

Sir,

The European Commission ("the Commission") wishes to inform Germany that, having examined the information supplied by your authorities on the State aid scheme referred to above, it has decided not to raise any objections to the relevant scheme as it is compatible with the internal market pursuant to Article 107(2)(b) and Article 107(3)(c) of the Treaty on the Functioning of the European Union ("TFEU").

The Commission has based its decision on the following considerations:

1. Procedure

(1) By letter of 22.12.2014, registered by the Commission on the same day, Germany notified, according to Article 108(3) TFEU, the above mentioned amendment to framework aid scheme SA.36787. The Commission sent a request for additional information to the German authorities on 05.02.2015 which the German authorities answered by letter of 31.03.2015, registered by the Commission on the same day. The German authorities sent further information on 08.06.2015, registered by the Commission on 10.06.2015.

2. Description

2.1. Title

(2) National framework directive on State aid for coping with damages due to natural disasters and adverse climatic events in the agricultural and forestry sectors
2.2. Objective

(3) With the present notification the authorities of Germany wish to improve the existing framework directive on State aid for compensation of losses by natural disasters in the agricultural sector (SA.36787) by several means detailed below, and align it with the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014-2020\(^1\) (the "Guidelines"): 

(a) The duration of the framework scheme is extended until 31.12.2020; 
(b) The range of beneficiaries is extended from SMEs to all enterprises, regardless of their size or legal form; 
(c) The range of beneficiaries is extended from enterprises active in primary agricultural production including beekeeping and transhumance sheep husbandry to those active in forestry; 
(d) The total budget is increased from EUR 600 million to EUR 900 million.

2.3. Legal basis

(4) The legal basis is the national framework directive on State aid for coping with damages due to natural disasters and adverse climatic events in the agricultural and forestry sectors.

2.4. Duration

(5) From the date of authorisation by the Commission until 31.12.2020.

2.5. Budget

(6) The annual maximum budget remains at the current level of EUR 300 million, while the overall budget is increased from EUR 600 million to EUR 900 million. Experience from 2013 shows that the annual damages amount to more than EUR 100 million and the sum is expected to increase in the coming years.

2.6. Beneficiaries

(7) The beneficiaries are enterprises, regardless of their legal form or size, active in primary agricultural production including beekeeping and transhumance sheep husbandry or in forestry. Their estimated number will be above 1000. 

(8) However, the following enterprises are not eligible for aid: 

(a) Enterprises where the equity participation of the public sector is more than 25% of the equity of the company. 
(b) Enterprises subject to an outstanding recovery order following a previous Commission Decision declaring an aid illegal and incompatible with the internal market.

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\(^1\) OJ C 204, 1.7.2014, p. 1.
(c) Enterprises in difficulty as defined in point 35(15) of the Guidelines, except where the difficulties are due to the damage.

2.7. Description of the framework aid scheme as amended

(9) The framework scheme addresses damages both at regional and national level. In case of need, both the Länder and the federal government are entitled to lay down aid schemes falling into their respective competence, and the framework scheme also covers aid provided in the framework of an individual Bund-Länder-Verwaltungsvereinbarung. Both the Länder and the federal government are entitled to lay down for those schemes stricter criteria than the ones provided in this framework scheme.

(10) The amended framework scheme (partially) compensates agricultural enterprises for losses caused by certain adverse climatic events and natural disasters and grants aid to forestry enterprises for the restoration of damage. It defines natural disasters, adverse climatic events and average production as follows:

(a) ‘Natural disaster’ means earthquakes, avalanches, landslides, floods, tornadoes, hurricanes, volcanic eruptions and wild fires of natural origin. Aid for other natural disasters that do not fall under this scheme will be individually notified to the Commission, except in the case of adverse climatic events which can be assimilated to a natural disaster. In the case of forestry enterprises, the natural disaster should have destroyed at least 20% of the forestry potential of the forestry enterprise in question.

(b) ‘Adverse climatic event which can be assimilated to a natural disaster’ means unfavourable weather conditions such as frost, storms and hail, ice, heavy or persistent rain or severe drought which destroy more than 30% of the average of the production of the agricultural enterprise in question or at least 20% of the forestry potential of the forestry enterprise in question.

(c) ‘Average production’ means the average of the production calculated on the basis of the preceding three-year period, or a three-year average based on the preceding five-year period, excluding the highest and the lowest entry.

Eligible costs

(11) Income loss for agricultural and horticultural crops is calculated as follows: 

\[ ((HY_B \times AP_B) - (HY_D \times AP_D)) \times CA_D, \]

where the abbreviations mean the following:

(a) \( HY_B \): Average per hectare yield in the base period (see (10)(c));

(b) \( AP_B \): Average price in the base period (see (10)(c));

(c) \( HY_D \): Average per hectare yield in the year of damage;

(d) \( AP_D \): Average price in the year of damage;

(e) \( CA_D \): Cultivated area in the year of damage;
(12) Income loss for animals is calculated in comparison to the market value in the base period.

(13) Exceptional expenses resulting from one of the relevant triggering events are treated as income lost. Such expenses include the purchase of forage in livestock farming, and repair costs including cleaning activities for production facilities and buildings and the repair of feed supply routes.

(14) Restoration costs for forestry cultures are calculated as follows:

(a) In the case of damage, all costs related to restoring forest potential of the growing area are eligible, including the costs of preparatory work, protection and maintenance of the culture until stand stability, cleaning activities for production areas and buildings, forest protection costs, and costs of capital market loans for financing the processing costs of wood incurred in connection with natural disasters and adverse climatic events which can be assimilated to a natural disaster. The same applies for cultures planted in the framework of reforestation obligation after the dying of forest stands. Alternatively, the damage may be determined on the basis of average or regional reference values. No aid shall be granted for loss of income due to climate change.

(b) In the case of damage, the difference between the calculated expected stand value before and after the event shall be determined. Alternatively, the discounted sum of the average net income of the respective tree species working circle until the end of the foreseen rotation period can be used, or an aid per cubic meter of salvage wood processed, corresponding to the difference in stand value, can be granted.

(c) The damage shall be calculated individually for each enterprise.

(d) The restoration activities shall comply with the forest protection plan of the relevant Land.

(15) The total damage of the beneficiary is equal to the sum of income lost in accordance with paragraphs (11) to (13) or restoration cost occurred in accordance with paragraph (14) of this Decision and the damages to buildings, facilities, plants, agricultural and forestry infrastructure, machinery and equipment, as well as to live animals and stocks of agricultural products. The calculation of the material damage shall be based on the repair cost or the economic value of the affected asset, where the difference in value between the assets before and after the natural event (= reduction of the market value) shall not be exceeded. The total damage shall be estimated by an authority, an independent expert recognised by the competent authority or an insurance undertaking. The eligible costs are the costs of the damage incurred as a direct consequence of the event.

Type of aid

(16) Direct grants and interest rate subsidies and, in the case of aid granted by the Landwirtschaftliche Rentenbank, low-interest loans. These aid types may be applied either separately or together.
**Aid intensity**

(17) In the case of natural disasters

(a) In the agricultural sector: up to 100% of the total damage.

(b) In forestry: up to 100% of the eligible costs.

(18) In the case of adverse climatic event which can be assimilated to a natural disaster:

(a) In the agricultural sector: up to 80% of the total damage; in areas facing natural constraints within the meaning of Articles 31 and 32 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005²: up to 90% of the total damage.

(b) In forestry: up to 100% of the eligible costs.

(19) By way of derogation from paragraph (17)(a), the gross aid intensity shall be reduced by 50% for undertakings which have not taken out insurance covering at least 50% of their average annual production or production-related income and the statistically most frequent climatic risks in the Member State or region concerned for which insurance coverage is provided. Derogation from this condition is possible if it is proven that for a given climatic risk no or no affordable insurance has been offered. Whether such coverage has been offered shall be checked by the authorising authority during the granting procedure. This paragraph shall not apply for forestry undertakings or the forestry-related parts of undertakings.

(20) In order to avoid overcompensation, the total damage according to points (11) to (15) shall be reduced by any:

(a) Insurance payments;

(b) Third party aid (e.g. in the form of donations or State support);

(c) Cost not incurred as a result of the triggering event.

(21) The preferential interest rate should be such that the gross aid intensity permitted by this framework directive is not exceeded.

**Cumulation**

(22) The beneficiary shall disclose to the competent authority as defined by the legislation of the respective Land any aid, payment and payment in kind, in particular low-interest loans from the Landwirtschaftliche Rentenbank and any

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insurance payments received or applied for. The competent authority as defined by the legislation of the respective Land shall take this information into account during the calculation of the aid. The Landwirtschaftliche Rentenbank shall only grant low-interest loans under this framework directive upon presentation of the granting decision of the competent authority as defined by the legislation of the respective Land.

Other provisions

(23) The relevant competent authority shall formally recognize an event as a natural disaster or an adverse climatic event which can be assimilated to a natural disaster.

(24) There must be a direct causal link between the natural disaster or the adverse climatic event and the damage suffered by the undertaking.

(25) The aid must be paid directly to the undertaking concerned or to a producer group or organization of which that undertaking is a member. Where the aid is paid to a producer group and organization, the amount of aid must not exceed the amount of aid to which that undertaking is eligible.

(26) The aid must be paid out within four years after the occurrence of the damage.

3. ASSESSMENT

3.1. Scope

(27) This is a framework scheme that addresses damages both at regional and national level. Both the Länder and the federal government are entitled to lay down stricter criteria for schemes than the ones provided in this framework scheme. The Commission notes that in case stricter criteria are laid down for an aid scheme, that scheme has to be notified to the Commission using the simplified procedure pursuant to Article 4 of Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty.

3.2. Existence of aid - Application of Article 107(1) TFEU

(28) For Article 107(1) TFEU to apply, the scheme must provide an economic advantage to an undertaking which it would not have received in its normal course of business, the aid must be selectively granted to certain undertakings, the benefit must be granted by a Member State or through State resources and the scheme must be capable of distorting competition and affecting trade between Member States.

(29) The amended scheme in question confers an advantage on its recipients. This advantage is granted through State resources referred to in paragraphs (6) and (7), and it favours selectively agricultural and forestry producers.

(30) According to the case law of the Court of Justice, the mere fact that the competitive position of an undertaking is strengthened compared to other

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competing undertakings, by giving it an economic benefit which it would not otherwise have received in the normal course of its business, points to a possible distortion of competition.\textsuperscript{4} Pursuant to the case law of the Court of Justice, aid to an undertaking is liable to affect trade between Member States where that undertaking operates in a market open to intra-EU trade.\textsuperscript{5} The beneficiaries of aid operate on the market of agricultural products where intra-EU trade takes place. The volume of trade in agricultural products is significant. As an example, the EU-28 has produced 284,826,100 tons of cereals in 2012 while intra-EU cereals trade amounted to 51,683,264 tons. As regards forestry, the EU-28 has produced 432,771 thousand cubic meters of roundwood in 2013 while intra-EU roundwood or forestry trade amounted to 31,543 thousand tons. The sectors concerned are open to competition at EU level and therefore sensitive to any measure in favour of agricultural production in one or more Member States. Therefore, the present amended scheme is liable to distort competition and to affect trade between Member States.

(31) In light of the above, the conditions of Article 107(1) of the TFEU are fulfilled. It can therefore be concluded that the proposed amended scheme constitutes State aid within the meaning of that Article. The aid may only be considered compatible with the common market if it can benefit from one of the derogations provided for in the TFEU.

(32) According to Article 107(2)(b) of the EC Treaty, aid to make good the damage caused by natural disasters shall be compatible with the internal market. Aid relating to the adverse climatic events listed in paragraph (10)(b) can be assessed under Article 107(3)(c) TFEU, according to which aid may be considered compatible with the internal market if it aims to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest.

3.3. Lawfulness of the aid – Application of Article 108(3) TFEU

(33) The amendment to the framework aid scheme was notified to the Commission on 22.12.2014. It has not been implemented to date. Therefore, Germany has complied with its obligation under Article 108(3) TFEU.

3.4. Compatibility of the aid

3.4.1. Application of Article 107(2)(b) and Article 107(3)(c) TFEU

(34) Under Article 107(2)(b) of the TFEU, an aid shall be considered compatible with the internal market if it is found to make good the damage caused by natural disasters or exceptional occurrences.

(35) Under Article 107(3)(c) of the TFEU, an aid may be considered compatible with the internal market, if it is found to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest.


\textsuperscript{5} See in particular the judgment of the Court of 13 July 1988 in Case 102/87 French Republic v Commission of the European Communities ECLI:EU:C:1988:391.
For those derogations to be applicable, the aid must fulfil the requirements of the relevant Union State aid legislation.

3.4.2. Application of the Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020

As regards the notified amended aid scheme, Part II, Chapter 1 (section 1.2) and Chapter 2 (section 2.1.3) of the Guidelines are applicable.

3.4.2.1. Common Assessment Principles

Contribution to a common objective: The amended scheme is governed by the provisions of Sections 1.2 and 2.1.3 of the Guidelines. As regards the measures falling under Section 1.2, according to point (48) of the Guidelines, the Commission considers that the principle of contribution to the objectives of rural development is met regarding the aid measures in Section 1.2 of Part II of these Guidelines, which are outside the scope of rural development, since the Commission has gained sufficient experience as to the contribution of those measures to the rural development objectives. As regards the measures falling under Section 2.1.3 of the Guidelines, in conformity with point 47 of the Guidelines, the German authorities demonstrated how the amended scheme fits into and is consistent with the “Rural Development Programme 2014-2020”. The German authorities decided to fund forestry under State aid rules and not under rural development, since EAFRD generally requires a steady flow of funds, while natural disasters and adverse climatic events and therefore also the compensation for such damage occurs irregularly, so it makes more sense to finance it purely from State resources. As the amended scheme provides compensation for lost production, it does not interfere with the provisions of the common organisation of the markets in agricultural products and therefore it is not incompatible with it. For the same reason, it does not have any environmental impact either.

Need for State intervention: According to point 55 of the Guidelines, the Commission considers that the market is not delivering the expected objectives without State intervention concerning the aid measures fulfilling the specific conditions laid down in Part II of these Guidelines. As those conditions are fulfilled in the present case (see paragraphs (46) to (61)), the amended scheme should be considered necessary to achieve the objectives of common interest specified under Section 3.1. of Part I of these Guidelines.

Appropriateness of aid: According to point 57 of the Guidelines, the Commission considers that aid granted in the agricultural and forestry sectors and in rural areas, which fulfils the specific conditions laid down in the relevant Sections of Part II of these Guidelines, is an appropriate policy instrument. As those conditions are fulfilled in the present case (see paragraphs (46) to (61)), the amended scheme should be considered necessary to achieve the objectives of common interest specified under Section 3.1. of Part I of these Guidelines.

Incentive effect and need for aid: According to points 75(d), 75(e) and 75(q) of the Guidelines, aid to make good the damage caused by natural disasters or exceptional occurrences in accordance with Section 1.2.1.1 of Part II; aid to compensate for the damage caused by adverse climatic events which can be assimilated to natural disaster in accordance with Section 1.2.1.2 of Part II of the Guidelines; and aid for the restoration of damage to forests from fires, natural
disasters, adverse climatic events, plant pests, animal diseases, catastrophic events and climate change related events in accordance with Section 2.1.3 of Part II are not required or are deemed to have an incentive effect.

(42) Proportionality of the aid: According to points 82 and 83 of the Guidelines, aid in the agricultural and forestry sectors and in rural areas is considered to be proportionate if the aid amount does not exceed the eligible costs and maximum aid intensities are applied. The aid amount per beneficiary must be limited to the minimum needed to achieve the common objective aimed for. These requirements are met in the present case (see paragraphs (46) to (61)). The aid scheme at hand is also in line with point 94 of the Guidelines as regards the agricultural sector, given that payments under insurance policies taken out for the same damage that the aid is paid for are taken into account, so that the total compensation does not exceed the maximum aid intensities allowed (see paragraphs (17) to (21)). Therefore, the aid is considered to be proportionate. As regards the forestry sector, the aid does not provide compensation for losses but for restoration costs, therefore point (94) is not applicable.

(43) Cumulation of aid: Aid may be granted concurrently under several schemes or cumulated with ad hoc aid, provided that the total amount of State aid for an activity or project does not exceed the aid ceilings laid down in these Guidelines. Those conditions are fulfilled in the present amended scheme (see paragraphs (22)).

(44) Avoidance of undue negative effects on competition and trade: For the aid to be compatible, the negative effects of the aid measure in terms of distortions of competition and impact on trade between Member States must be limited and outweighed by the positive effects in terms of contribution to the objective of common interest. Point 113 of the Guidelines establishes the principle that, due to its positive effects on the development of the sector, the Commission considers that where an aid fulfils the conditions and does not exceed the relevant maximum aid intensities, laid down in the applicable Sections of Part II of these Guidelines, the negative effect on competition and trade is limited to the minimum. As those conditions are fulfilled in the present case (see paragraphs (46) to (61)), the amended scheme is avoiding undue negative effects on competition and trade.

(45) Transparency: The Commission draws the attention of the German authorities to point (728)(b) of the Guidelines which requires them to report meteorological information on the type, timing, relative magnitude and location of the climatic event which can be assimilated to a natural disaster or natural disasters under Sections 1.2.1.1 and 1.2.1.2 respectively. The Commission draws the attention of the German authorities to point 131 of the Guidelines which requires them to implement the transparency provisions of points 128-131 as of 1 July 2016.

3.4.2.2. Specific assessment according to the category of aid:
1.2.1.1 and 1.2.1.2.– Aid to make good the damage caused by natural disasters or exceptional occurrences

(46) According to point 328 of the Guidelines, the rules on aid granted to make good the damage caused by natural disasters or exceptional occurrences apply to the agricultural sector. According to point 347 of the Guidelines, the provisions on aid granted to compensate for damage caused by an adverse climatic event which
can be assimilated to a natural disaster apply only to undertakings active in primary agricultural production. The amended framework scheme complies with those provisions (see paragraphs (7) and (10)).

(47) According to points 329 and 330 of the Guidelines, the Commission has consistently held that the notions of ‘natural disaster’ and ‘exceptional occurrence’ referred to in Article 107(2)(b) of the Treaty must be interpreted restrictively. This has been confirmed by the Court of Justice of the European Union. To date, the Commission has accepted that earthquakes, avalanches, landslides and floods may constitute natural disasters. In addition, it takes account of the development within the framework of the State aid modernization initiative which also permits to block exempt aid linked to the following categories of natural disaster events: tornadoes, hurricanes, volcanic eruptions and wild fires of natural origin. Furthermore, point (335) of the Guidelines states that in order to facilitate rapid crisis management, the Commission will authorize ex-ante framework aid schemes to compensate for the above damages. The amended framework scheme applies to all of these natural disasters (see paragraph (10)(a)).

(48) According to points 331, 332, 348 and 349 of the Guidelines, aid granted to make good the damage caused by natural disasters or exceptional occurrences and aid to compensate for damage caused by adverse climatic event which can be assimilated to a natural disaster is subject to the following conditions: (a) the competent authority of the Member State must have formally recognized the character of the event as either a natural disaster, an exceptional occurrence, or as an adverse climatic event which can be assimilated to a natural disaster; (b) the competent authority must establish that there is a direct causal link between the natural disaster or the exceptional occurrence or the adverse climatic event and the damage suffered by the undertaking. Furthermore, the Member States may, where appropriate, establish in advance criteria on the basis of which the formal recognition referred to in point 331(a) or 348(a) is deemed to be granted. The amended framework scheme complies with these provisions (see paragraphs (23) and (24)).

(49) According to points 333 and 351 of the Guidelines, aid must be paid directly to the undertaking concerned or to a producer group or organization of which that undertaking is a member. Where the aid is paid to a producer group and organization, the amount of aid must not exceed the amount of aid to which that undertaking is eligible. The amended framework scheme complies with this provision (see paragraph (25)).

(50) According to points 334 and 352 of the Guidelines, the aid must be paid out within four years from that date. The amended scheme complies with this provision (see paragraph (26)).

(51) According to point 336 of the Guidelines, aid granted specifically to compensate for the damage caused by other types of natural disasters not mentioned in point (330) and for damage caused by exceptional occurrences, must be individually notified to the Commission. The amended scheme complies with this provision (see paragraph (10)(a)).

(52) The eligible costs are calculated in accordance with points (337) to (344) and (353) to (361) of the Guidelines (see paragraphs (10)(c) to (13), (15) and (20)), as summarised below. For agricultural and horticultural crops, the loss of income is
calculated by multiplying the average annual quantity of agricultural products produced in the three-year period preceding the natural disaster or the exceptional occurrence or a three-year average based on the five-year period preceding the natural disaster or the exceptional occurrence, excluding the highest and lowest entry by the average selling price obtained. That amount may be increased by other costs incurred by the beneficiary due to the natural disaster or the exceptional occurrence, such as the purchase of forage in livestock farming, or repair costs. For animals, instead multiplying the average annual quantity produced with the average selling price, the income loss is calculated in comparison to the market value in the base period.

(53) The aid intensities are determined in accordance with points 345 and 362 of the Guidelines (see paragraphs (17), (18) and (21)) as they do not exceed 100% of the eligible costs in the case of natural disasters and 80% of the eligible costs in the case of exceptional occurrences.

(54) According to points (335) and (350) of the Guidelines, in the case of ex-ante schemes, Member States must comply with the reporting obligation set out in point (728) of the Guidelines. The German authorities will do the reporting in accordance with Council Regulation (EC) No 659/19996 and Commission Regulation (EC) No 794/2004 and their subsequent amendments, and have made a commitment to comply with that obligation.

(55) According to point (363) of the Guidelines, aid granted to compensate for damage caused by adverse climatic event which can be assimilated to a natural disaster must be reduced by 50% unless it is given to beneficiaries who have taken out insurance covering at least 50% of their average annual production or production-related income and the statistically most frequent climatic risks in the Member State or region concerned for which insurance coverage is provided. The amended scheme complies with this provision (see paragraph (19)).

(56) According to paragraph (8)(c), undertakings in difficulty are not eligible for the aid except where the difficulties are due to the damage. Therefore point (26) of the Guidelines is fulfilled.

(57) According to paragraph (8)(b), enterprises subject to an outstanding recovery order following a previous Commission Decision declaring an aid illegal and incompatible with the internal market are not eligible for the aid. Therefore point (27) of the Guidelines is fulfilled.

3.4.2.3. Specific assessment according to the category of aid:

2.1.3 – Aid for the prevention and restoration of damage to forests from forest fire, natural disasters, adverse climatic events which can be assimilated to natural disaster, other adverse climatic events, plant pests and catastrophic events

(58) According to point 520 of the Guidelines, aid may be granted to private and public forest holders and other private and public bodies and their associations. The amended framework scheme complies with this provision (see paragraph (7)).

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6 OJ L 83, 27.3.1999, p. 3.
The eligible costs are calculated in accordance with points (521), (522), (524) and (526) of the Guidelines (see paragraphs (14), (15) and (23)) In particular, in the case of forestry enterprises, the natural disaster should have destroyed at least 20% of the forestry potential of the forestry enterprise in question; the restoration activities shall comply with the forest protection plan of the relevant Land; and no aid is granted to compensate for income loss.

The aid intensities are determined in accordance with points (527) and (528) of the Guidelines (see paragraphs (17), (18), (20) and (21)) as they do not exceed 100% of the eligible costs.

On the basis of all these considerations, the Commission concludes that the relevant provisions of the Guidelines are complied with.

4. CONCLUSION

The Commission has accordingly decided not to raise objections to the aid on the grounds that it is compatible with the internal market pursuant to Article 107(2)(b) and Article 107(3)(c) TFEU.

If any parts of this letter are covered by the obligation of professional secrecy according to the Commission communication on professional secrecy and should not be published, please inform the Commission within fifteen working days of notification of this letter. If the Commission does not receive a reasoned request by that deadline, Germany will be deemed to agree to the publication of the full text of this letter. If Germany wishes certain information to be covered by the obligation of professional secrecy please indicate the parts and provide a justification in respect of each part for which non-disclosure is requested.

Your request should be sent electronically via the secured e-mail system Public Key Infrastructure (PKI) in accordance with Article 3(4) of Commission Regulation (EC) No 794/2004, to the following address: agri-state-aids-notifications@ec.europa.eu.

For the Commission

Phil HOGAN

Member of the Commission