



EUROPEAN COMMISSION

Brussels,  
C(2016) final

*Embargo VISTA illimité(\*)*

**Subject: State aid/the Czech Republic  
SA.42828 (2015/N)  
Aid for improvement of the living conditions of livestock**

Sir,

The Commission wishes to inform the Czech Republic that, after examining the information supplied by your authorities on the aid referred to above, it has decided not to raise any objections to the aid in question, as it is compatible with the internal market pursuant to Article 107(3)(c) of the Treaty on the Functioning of the European Union (hereinafter: "TFEU").

*In taking this decision the Commission has relied on the following considerations:*

## **1. PROCEDURE**

- (1) By letter of 6 August 2015 registered by the Commission on the same date, the Czech Republic has notified the above aid scheme to the Commission in accordance with Article 108(3) TFEU.
- (2) The Commission sent a request for additional information to the Czech authorities on 30 September 2015 which the Czech authorities provided, in the extended deadline, on 24 November 2015 and on 11 December 2015, registered by the Commission on the same dates.

## **2. DESCRIPTION**

### **2.1. Title**

- (3) Aid for improvement of the living conditions of livestock.

(\*) Ce timbre porte sur l'ensemble des documents qui composent le dossier

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## **2.2. Budget**

- (4) Overall budget: CZK 2.500 Mio (approx. EUR 92,6 million) financed from the State budget.
- (5) Annual expenditure: CZK 500 Mio (approx. EUR 18,5 million).

## **2.3. Duration**

- (6) From the date of adoption of the decision by the Commission until 31 December 2020.

## **2.4. Form of the aid**

- (7) Direct grant.

## **2.5. Legal basis**

- (8) The following acts constitute a legal basis for the notified aid scheme:
  - (a) Act No 252/1997 Coll., on agriculture as amended, incl. Principles for granting aid based on §2 and 2d thereof;
  - (b) Act No 246/1992 Coll., on the protection of animals against mistreatment as amended;
  - (c) Act No 154/2000 Coll., on breeding and livestock registration as amended;
  - (d) Act No 166/1999 Coll., on veterinary care as amended.

## **2.6. Objective**

- (9) The notified scheme aims at improving the welfare of livestock.

## **2.7. Beneficiaries**

- (10) Farmers active in primary production, specifically in breeding of dairy cows. The scheme is estimated to apply to over 1000 beneficiaries.
- (11) The Czech authorities confirmed that undertakings in difficulty within the meaning of the definition stipulated in point 35 (15) of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020<sup>1</sup> (hereinafter "the Guidelines") will be excluded from receiving aid under the present scheme.
- (12) Likewise, the Czech authorities committed to suspend the payment of the aid if the beneficiary still has at its disposal an earlier unlawful aid that was declared incompatible by a Commission Decision (either concerning an individual aid or an aid scheme), until that beneficiary has reimbursed or paid into a blocked account the total amount of the unlawful and incompatible aid including the corresponding recovery interest.

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<sup>1</sup> OJ C 204 of 1.7.2014, p. 1., as amended by the Notice of the Commission of 23 November 2015, OJ C 390 of 24.11.2015, p.4.

## 2.8. Description of the aid scheme

- (13) The scheme aims to provide aid to compensate for additional costs and the related reduction in profitability resulting from animal welfare commitments made on a voluntary basis and going beyond the relevant mandatory standards established at the EU level and other relevant standards established by the national legislation.
- (14) All the sub-measures are designed specifically for dairy cows.
- (15) The animal welfare commitments will have to be undertaken for a renewable period of one year. According to the Czech authorities, all national grant programs stipulate the obligation of an annual evaluation of the effectiveness of the grant program. Annual commitments will allow better evaluation of the benefits of higher welfare standards of livestock. The Czech authorities assume that the one-year commitment offers more incentives to breeders.
- (16) The aid calculation will be based on standard assumptions of additional costs and income foregone, on the basis of the expert analysis of the Institute of Agriculture Economics and Information ("*Ústav zemědělské ekonomiky a informací*"). The Czech authorities provided detailed description of data relating to the method of calculating the aid amount for each of the sub-measures. They confirmed that the calculation will take into account only elements that are verifiable, based on figures established by appropriate expertise, that clearly indicate the source of the figures used and that do not contain elements linked to investment costs. They also committed to constantly monitor the price and cost-structure evolution and, if necessary, to adapt the rates in order to avoid any risk of overcompensation.
- (17) Aid will be calculated per dairy cow. For administrative reasons, the Czech authorities opted to use this calculation instead per livestock unit. However, they committed to check the maximum yearly payments and to re-calculate them per livestock unit to ensure that the aid will not exceed the limit of EUR 500 per livestock unit, as set out in the applicable State aid rules.
- (18) The higher standards will concern:
- (a) water, feed and animal care in accordance with the natural needs of animal husbandry;
  - (b) housing conditions;
- (19) The aid will be granted for the following sub-measures going beyond the minimum standards for the protection on livestock under the Chapter I of Title IV of Regulation (EU) No 1306/2013<sup>2</sup> and the relevant national mandatory standards:
- (a) Providing lukewarm water to dairy cows in the winter period:*
- (20) Act No 246/1992 Coll., on the protection of animals against mistreating provides in §12 (b) for access to a sufficient quantity of water. The demand for drinking water must take into account specificities of the species and age. The national

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<sup>2</sup> Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008. OJ L 347, 20.12.2013, p. 549.

rules however do not provide for obligation to supply the lukewarm water *via* heated-up drinkers during the winter period. The winter temperatures in the Czech Republic drop significantly below 0°C. The analysis provided by the Czech authorities showed that water of temperature close to 0°C is harmful to livestock and causes thermal stress. This analysis showed that exposure to cold significantly decreases milk secretion rate, it leads to altering the total milk composition and to decreasing availability of carnitine concentration and carnitine secretion. Moreover, the study showed that the water intake of animals offered warmer water was 47% higher than that of those offered only cold water. Therefore, this sub-measure offers clear benefits to the livestock' welfare.

(21) Aid for this sub-measure can be granted up to CZK 200 (EUR 7,4) per dairy cow.

*(b) Diagnosis of mastitis on the farm*

(22) In spite of widespread adoption of standardised control practices, clinical mastitis remains a significant problem on many dairy farms and its treatment is the most common reason that antibiotics are administered to dairy cows. Detection of mastitis is based on observation of inflammation in response to intra-mammary infection. Most mastitis are caused by opportunistic pathogens that are often successfully eliminated by the cows' innate immune response. Consequently, it is difficult to justify the use of antibiotics for treatment of bacteriologically negative cases that present mild local symptoms or for cases that are caused by pathogens for which no antimicrobials are known to be effective.

(23) At present, neither EU nor Czech legislation provides for an obligation for animal keepers to perform the diagnosis directly on the farm. A routine treatment without determination of the originators of inflammation often leads to insufficient treatment or repeated inflammation causing unnecessary burden for the organism of dairy cows.

(24) The proposed sub-measure includes three complementary actions; each of them can be considered as going beyond the standard conditions:

- Involvement of a farmer in a performance testing conducted by the "Method A", aiming to obtain data on the number of somatic cells of cows, which represent one of the basic prerequisites for any action to reduce the incidence of mastitis;
- Use of rapid farm tests to isolate and identify the underlying causative agents of mastitis;
- Identification of the main agents of mastitis in bulk milk samples by PCR method, i.e. at the level of the breed.

(25) The aim of this sub-measure is the quick decision about a group of likely causative agents which facilitates the decision about the targeted treatment of animals and thus reduces the use of antibiotics and the risk of antibiotic resistance. Farm diagnostic tests should be carried out either by a veterinary practitioner or a farmer under the supervision of a veterinary practitioner.

(26) Aid for this sub-measure can be granted up to CZK 350 (EUR 13) per dairy cow.

*(c) Decreasing of harmful pathogenic micro-organisms in the cowsheds*

- (27) The analysis provided by the Czech authorities showed that the incidence rate of many animal infections, including clinical mastitis caused by *Escherichia coli* is mostly related to housing conditions, hygiene, and machine milking.
- (28) This sub-measure aims to go beyond the common practice of regular mechanical cleaning of facilities for dairy cows. It includes the application of ground limestone or products with antimicrobial effect. This shall provide more favorable living conditions for livestock, prevent the strong infection pressure and reduce the chronic morbidity of livestock.
- (29) This sub-measure aims to complement the Czech Rural Development Programme 2014-2020, sub-measure "Improvement of cowsheds' environment of dairy cows". However, the Czech authorities explained that these two measures do not overlap, for under the RDP support is granted only to the use of ground limestone in litter-cowsheds. The aid under this scheme is targeted at non-litter cowsheds and at use of other products with antimicrobial effect.
- (30) Aid for this sub-measure can be granted up to CZK 645 (EUR 23,8) per dairy cow.
- (d) Treatment of smeg-heads (nails) according to the individual needs of dairy cows*
- (31) According to Czech authorities, no frequency of treatments of smeg-heads of cows is set either in the applicable EU law or in the Czech legislation. In the Czech Republic, the general recommendation stipulated in the official Statute for the breeding of dairy cows is to carry out the treatment once a year. Therefore, the multiple treatments in a year based on the individual needs of dairy cows goes beyond the general standard and significantly improves their well-being.
- (32) Aid for this sub-measure can be granted up to CZK 135 (EUR 5) per dairy cow.
- (e) Measures to reduce the thermal stress of dairy cows during the summer period*
- (33) According to the Czech authorities, no specific rules exist either in the EU or in the Czech legislation providing for obligatory measures to reduce the thermal stress of dairy cows during the summer period. The study provided by the Czech authorities shows that the optimal temperature of external environment for cows is 10°C, preferably even 6°C. The cow's metabolism causes enormous energy expenditure in the conversion of plant to animal nutrients, which leads to the overheating of animals. The modern technologies using the cooling and retting significantly improve the well-being of livestock.
- (34) Aid for this sub-measure can be granted up to CZK 660 (EUR 24,4) per dairy cow.
- (35) Aid can be provided up to 100% of the eligible costs. The Czech authorities confirmed that the combined total amount of aid per livestock unit for all five sub-measures under the notified aid scheme will not exceed EUR 500 per year. This will be verified in each individual case.

- (36) The Czech authorities undertook to adjust the animal welfare commitments of the present aid scheme in case of amendment of the relevant mandatory standards above the current standards.
- (37) The Czech authorities provided an analysis of the potential impact of the present State aid on the environment. They explained that the measures covered by this scheme might imply a slight increase in energy consumption (notably where warmer water during the winter period will be supplied), but this increase will be offset by the lower energy consumption and therefore the lower need for energy intake in feed. The increased quantity of feed with a single effect of thermoregulation of animals increases, on the other hand, energy consumption necessary for growing, harvesting, transportation, storage, preparation and supply of the feed.
- (38) Moreover, the Czech authorities confirmed that the measure does not foresee an increase in number of animals' quantities, thus, there will be no additional discharge of manure and slurry. The Czech authorities have also confirmed their commitment to respect all obligations under the Nitrates Directive<sup>3</sup> as well as the commitment to take into account the constantly updated Nitrate Action Plan of the Czech Republic. Therefore, the measure is expected to have neutral impact on the environment.
- (39) The aid for the same eligible costs cannot be cumulated with aid received from other local, regional, national or Community schemes or with *ad hoc* aid. In order to avoid overlap, the Czech authorities committed to request a declaration from the applicants that s/he has not received a payment from another source for the same eligible costs.
- (40) The Czech authorities explained that the aid scheme is complementary to the Czech RDP. All the eligible sub-measures are consistent with the objectives pursued within the RD framework in the area of animal welfare. Actions proposed under this aid scheme have no direct connection or mutual conditionality to the measures financed under the RDP. This aid scheme is only complementary to the RDP and the sub-measures do not overlap. Most similar to the RDP measures (measure 14 "Animal Welfare" sub-measure "Improvement of cowshed environment of dairy cows") is the sub-measure (c) of this aid scheme. However, the Czech authorities explained that there is no risk of overcompensation, because the two instruments aim at financing different eligible costs. However, the Czech authorities undertook to carry out checks in order to avoid any risk of overlap and the applicant who has already received aid under the Czech RDP 2007-2013 and/or the RDP 2014-2020 will be excluded from aid under this scheme.
- (41) The Czech authorities have committed to publish this aid scheme on the website dedicated to State aid. This information will include the identification of a granting authority; in addition, the identity of each individual beneficiary of aid of more than EUR 60 000 active in primary agricultural production will be published, together with all the mandatory information contained in paragraph 128 of the Guidelines.

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<sup>3</sup> Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, OJ L 375, 31.12.1991, p. 1.

### *Incentive effect*

- (42) The Czech authorities confirmed that aid under this scheme will be granted after its approval by the Commission and after a beneficiary will submit an application for aid. No aid will be granted for costs which incurred prior to the submission of the application.
- (43) The aid application shall include: the applicant's name, the size of the undertaking, the location to which the commitment relates, the dates on which the aid-related commitment begins and ends.
- (44) In addition, large enterprises will also have to describe in the application the situation that would have occurred without the aid and to submit documentary evidence in support of that counterfactual scenario. The national authorities will carry out a credibility check of the counterfactual scenario in order to confirm that the aid has an incentive effect.

## **3. ASSESSMENT UNDER COMPETITION RULES**

### **3.1. Existence of State aid within the meaning of Article 107(1) of the TFEU**

- (45) For Article 107(1) TFEU to apply, the measure must provide an economic benefit to an undertaking which it would not have received in its normal course of business, the aid must be selective, the benefit must be granted by the State or through State resources and the aid must threaten to distort competition and be capable of affecting trade between Member States.
- (46) The measure is financed through the State resources. It favours certain undertakings, specifically livestock farmers in the Czech Republic.
- (47) The scheme has the potential to distort competition as it confers an economic advantage on its recipients and strengthens their competitive position. 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 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.<sup>4</sup>
- (48) Aid to an undertaking is likely to affect trade between Member States where that undertaking operates in a market open to intra-Union trade.<sup>5</sup> The sector concerned is open to competition at EU level and therefore sensitive to any measure in favour of the production in one or more Member States. As there is substantial intra-EU trade in livestock, milk and milk products<sup>6</sup>, the notified aid scheme is liable to affect trade between Member States.
- (49) In light of the above, the conditions of Article 107(1) TFEU are fulfilled. It can therefore be concluded that the proposed measure constitutes State aid within the

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<sup>4</sup> Judgment in 730/79, *Philip Morris Holland BV v Commission of the European Communities*, ECLI:EU:C:1980:209.

<sup>5</sup> Judgment in 102/87, *French Republic v Commission of the European Communities*, ECLI:EU:C:1988:391.

<sup>6</sup> In 2012, intra-EU trade in live cattle and veal amounted to approx. 2.965 thousand tonnes, trade in milk and milk products to approx. 13.642 thousand tonnes (source: Eurostat).

meaning of that Article. It may only be considered compatible with the internal market if it can benefit from one of the derogations provided for in the TFEU.

### **3.2. Compatibility of aid**

(50) Under Article 107(3)(c) 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.

(51) For this derogation to be applicable, the aid must fulfil the requirements of the relevant Union State aid legislation.

#### *3.2.1. Application of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020*

(52) As regards the notified aid scheme, Part II., Chapter 1.1.5.2. of the Guidelines applies.

#### *3.2.2. Conditions set out in Section 1.1.5.2 of Part II of the Guidelines*

(53) Pursuant to point 231 of the Guidelines the Commission will consider aid for animal welfare commitments compatible with the internal market under Article 107(3)(c) of the Treaty if it complies with the common assessment principles of the Guidelines and the following conditions of Section 1.1.5.2.

(54) According to point 232 of the Guidelines, animal welfare payments must be granted to undertakings active in the primary agricultural production which undertake, on a voluntary basis, to carry out operations consisting of one or more animal welfare commitments and which are active farmers. As detailed in recitals 10 and 13 above, payments are to be granted to active farmers who undertake animal welfare commitments on a voluntary basis in the livestock sector. Therefore, the condition set out in point 232 of the Guidelines is fulfilled.

(55) Pursuant to point 233 of the Guidelines, aid can cover only those commitments going beyond the relevant mandatory standards established pursuant to Chapter I of Title VI of Regulation (EU) No 1306/2013 and other relevant mandatory requirements. It follows from recital 19 that the notified aid scheme complies with point 233 of the Guidelines.

(56) Animal welfare commitments eligible for aid must provide upgraded standards of production methods in one of the following areas (point 234 of the Guidelines):

- water, feed and animal care in accordance with the natural needs of animal husbandry;
- housing conditions, such as increased space allowances, flooring surfaces, enrichment materials, natural light;
- outdoor access;
- practices which avoid mutilation and/or castration of animals or in specific cases, when mutilation and/or castration of animals is

deemed necessary, provide for the use of anaesthetics, analgesia and anti-inflammatory medication or immunocastration.

- (57) As described in details in recital 18 above, the animal welfare commitments under this scheme provide upgraded standards in the following areas: water, feed and animal care in accordance with the natural needs of animal husbandry and housing conditions. Therefore, point 234 of the Guidelines is complied with.
- (58) The Czech authorities confirmed that in compliance with point 235 of the Guidelines, the animal welfare commitments will be undertaken for renewable period of 1 year (recital 15). Thus, the condition of point 235 of the Guidelines to undertake commitments for a renewable period of one to seven years is complied with.
- (59) In compliance with point 237 of the Guidelines, the aid will be granted annually and will compensate farmers for all or part of the additional costs and related reduced profitability resulting from the voluntary commitment (recital 13). Aid will not cover transaction costs.
- (60) In line with point 240 of the Guidelines, aid will be limited to EUR 500 per livestock unit (recitals 17 & 35).
- (61) On the basis of the above, the Commission concludes that the conditions in Section 1.1.5.2 of Part II of the Guidelines are fulfilled.

### 3.2.3. *Common assessment principles*

- (62) Pursuant to point 38 of the Guidelines, the common assessment principles apply to aid granted in accordance with Article 107(3)(c) TFEU.
- (63) This aid scheme respects the common assessment principles, in that:
- *it contributes to a common objective* in line with point (43) of the Guidelines. As described above, the objective of the present scheme is to encourage voluntary commitments improving animal welfare. The documentation provided in the notification demonstrates that support is targeted on clearly defined objectives reflecting needs of the breeding sector, specifically of the dairy cows. Its goals are also consistent with the rural development objectives referred to in point 10 of the Guidelines.
  - The Czech authorities committed to exclude all applicants who have already received aid under the Czech Rural Development Programmes 2007-2013 and/or 2014-2020 (Measure "*Good animal living conditions*", Sub-measure "*Improvement of stable environment of milk cows*") (recital (39)). Therefore, there is no risk of overlap or double funding. As the Czech authorities explained, the notified aid scheme fits into and consistent with the objectives of the Czech RDP. The Commission thus considers that the conditions of point 47 of the Guidelines are met.
  - As confirmed by the Czech authorities, the aid scheme will not increase the quantity of dairy cows, therefore, there will be no additional discharge of manure and slurry. Thus, no negative impact on the environment within the meaning of point 52 of the Guidelines has been identified. The Commission takes note of the

Czech Republic's commitment to respect all obligations under the Nitrates Directive, also as regards the manure storage capacity of the concerned farms, as well as the commitment to take into account the constantly updated Nitrate Action Plan of the Czech Republic (recital 38).

- *There is a need for State intervention:* pursuant to point 55 of the Guidelines, the Commission considers that the market does not deliver the expected objectives without State intervention regarding aid measures fulfilling the specific conditions set out in Part II of the Guidelines. This aid scheme meets the conditions of Section 1.1.5.2. of Part II of the Guidelines. Therefore, the aid is considered necessary to achieve the objectives of common interest.
- *The aid is appropriate:* Pursuant to point 57 of the Guidelines, the Commission considers that aid granted in the agricultural and forestry sectors and in rural areas that meet the specific conditions laid down in the relevant Sections of Part II is an appropriate policy instrument. The proposed scheme satisfies the pertinent applicable criteria set on in Part II. of the Guidelines, therefore it is considered to be an appropriate policy instrument. Furthermore, the Czech authorities explained that certain sub-measures approved under this aid scheme, which could provide for funding of the same measures as those co-financed under the RDP of the Czech Republic, are complementary to the latter one. Last, in line with point 59 of the Guidelines the selected form of aid – direct grant– appear to be the most suitable forms of aid.
- *Incentive effect and need for aid is present:* The Czech authorities have demonstrated that the present aid scheme will have an incentive effect for undertakings, as it will encourage the creation of better conditions for livestock. As described in recital 41, the beneficiary has to submit the application for the aid prior to the start of activities. Thus, point 70 of the Guidelines is complied with. The application must contain data specified in point 71 of the Guidelines. In compliance with point 72 of the Guidelines, in order to strengthen the incentive effect of the aid, large enterprises will be required to submit a counterfactual scenario. In assessing the application, the granting authority, will carry out a credibility check of the counterfactual scenario and confirm that the aid has an incentive effect (recital 43(44)).
- *The aid is proportional:* the maximum payment laid down in Section 1.1.5.2. of the Guidelines will be respected. The maximum aid amount will be calculated by the granting authority when granting the aid. The eligible costs will be supported by clear, contemporary documentary evidence. For the purposes of calculating the aid amount and the eligible costs, all figures used will be taken before any deduction of tax or other charge. Value added tax will not be eligible for aid. The aid under this aid scheme can therefore be considered limited to the minimum needed to achieve common objectives. Hence, the criterion of proportionality is deemed to be fulfilled.
- Furthermore, the Czech authorities undertook to ensure that the aid under this scheme will not be cumulated with aid received from other local, regional, national or EU sources or *ad hoc* aid to cover the same eligible costs (recital 39).
- *The principle of transparency is respected:* The Czech Republic made a commitment to publish the information required under point 128 of the

Guidelines by the deadline set in point 131 of the Guidelines. Therefore, in the course of the implementation of this aid scheme the transparency will be ensured.

- (64) The Commission takes note that, in line with point 724 of the Guidelines, the Czech authorities made a commitment to adjust the animal welfare commitments subject to the present State aid in case of amendment of the relevant mandatory standards beyond which the current commitments go (recital 36).
- (65) The Commission takes note that in compliance with point 27 of the Guidelines and with the settled case law the Czech authorities commit to suspend the payment of the notified aid if the beneficiary still has at its disposal an earlier unlawful aid that was declared incompatible by a Commission Decision (either concerning an individual aid or an aid scheme), until that beneficiary has reimbursed or paid into a blocked account the total amount of unlawful and incompatible aid including the corresponding recovery interest (recital 12).
- (66) The Commission takes note also of the commitment by the Czech authorities that aid will not be granted to undertakings in difficulty as defined in point 35 (15) of the Guidelines (recital 11).
- (67) In view of the above considerations the Commission concludes that all the applicable points of the Guidelines are complied with.

#### **4. CONCLUSION**

The Commission has accordingly decided not to raise objections to the aid scheme on the grounds that it is compatible with the internal market pursuant to 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 the Czech Republic will be deemed to agree to the publication of the full text of this letter. If the Czech Republic 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<sup>7</sup>, to the following address: [agri-state-aids-notifications@ec.europa.eu](mailto:agri-state-aids-notifications@ec.europa.eu).

Yours faithfully,

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<sup>7</sup> 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 (OJ L 140, 30.4.2004, p. 1).

For the Commission

Phil HOGAN  
Member of the Commission