



Brussels, **XXX**
[...](2019) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

**amending Regulations (EU) No 702/2014, (EU) No 717/2014 and (EU) No 1388/2014, as
regards their period of application**

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

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amending Regulations (EU) No 702/2014, (EU) No 717/2014 and (EU) No 1388/2014, as regards their period of application

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 108(4) thereof,

Having regard to Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid¹, and in particular Articles 1(1) and 2(1) thereof,

Having published a draft of this Regulation in accordance with Article 6 and Article 8(2) of Regulation (EU) 2015/1588²,

After consulting the Advisory Committee on State aid,

Whereas:

- (1) Commission Regulation (EU) No 702/2014³ applies until 31 December 2020.
- (2) On 8 September 2018, the Commission launched a review of Regulation (EU) No 702/2014, with the view to replace it with a new regulation for the period 2021 to 2027. However, other legislative instruments relevant for the assessment of State aid in the agriculture and forestry sectors and in rural areas are still in the process of revision, in particular the rules applicable to support for rural development financed under the Common Agriculture Policy (CAP). Of particular relevance is the proposal for a Regulation of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the CAP⁴, which was planned to be adopted in early 2020 to allow the Member States to start implementing their Strategic Plans as from 1 January 2021.
- (3) However, the legislative procedure for adopting the future CAP regulations is still pending and therefore the basic acts and the ensuing delegated and implementing acts will not be adopted in time for implementing the new legislation as of 1 January 2021.

¹ OJ L 248, 24.9.2015, p. 1.

² OJ C [...].

³ Commission Regulation (EU) No 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 193, 1.7.2014, p. 1).

⁴ Proposal for a Regulation of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council (COM(2018)392 final).

Therefore, the European Parliament and the Council adopted Regulation [.../...]⁵ laying down certain transitional provisions to ensure continuity of CAP support under the conditions of the existing legal framework beyond 31 December 2020 until 31 December 2021.

- (4) The entry into application of the new CAP legislation and of the revised State aid rules should be simultaneous. It is therefore appropriate to extend the period of application of Regulation (EU) No 702/2014 until 31 December 2021.
- (5) Commission Regulations (EU) No 717/2014⁶ and (EU) No 1388/2014⁷ will also expire on 31 December 2020.
- (6) On 29 April 2019 and on 2 May 2019, the Commission launched a review, respectively, of Regulations (EU) No 717/2014 and (EU) No 1388/2014, with the view of replacing them with new regulations for the period 2021 to 2027. Those regulations should remain coherent and consistent with other rules relevant for the assessment of State aid in the fishery and aquaculture sector, in particular, with the Regulation on the European Maritime and Fisheries Fund (EMFF).⁸ However, the latter regulation is still in the process of adoption.⁹ It is therefore appropriate to extend the period of application of Regulations (EU) No 717/2014 and (EU) No 1388/2014 until 31 December 2021 to allow their review to be completed subsequently to the adoption of the regulation on the EMFF.
- (7) In the light of the extension of the period of application of Regulations (EU) No 702/2014 and (EU) No 1388/2014, some Member States may wish to prolong measures on which summary information has been provided in accordance with those regulations. In order to reduce the administrative burden, it is appropriate to lay down that summary information regarding the prolongation of those measures, including a potential budget increase, is to be deemed to have been communicated to the Commission and published, provided that no substantive amendment is made to the measures concerned.
- (8) Regulations (EU) No 702/2014, (EU) No 717/2014 and (EU) No 1388/2014 should therefore be amended accordingly,

⁵ Regulation (EU) [.../...] of the European Parliament and of the Council of [...] laying down certain transitional provisions for the support by the European Agricultural Fund for Rural Development (EAFRD) and by the European Agricultural Guarantee Fund (EAGF) in the year 2021 and amending Regulations (EU) No 228/2013, (EU) No 229/2013 and (EU) No 1308/2013 as regards resources and their distribution in respect of the year 2021 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards their resources and application in the year 2021 (OJ L [...]).

⁶ Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the fishery and aquaculture sector (OJ L 190, 28.6.2014, p. 45).

⁷ Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 369, 24.12.2014, p. 37).

⁸ Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

⁹ Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund and repealing Regulation (EU) No 508/2014 of the European Parliament and of the Council (COM/2018/390 final).

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 702/2014

Regulation (EU) No 702/2014 is amended as follows:

- (1) in Article 9, the following paragraph 8 is added:

“8. By way of derogation from paragraphs 1, 2 and 6, where a Member State wishes to prolong measures in respect of which summary information was submitted to the Commission, summary information regarding the prolongation of those measures, shall be deemed to have been communicated to the Commission and published, provided that no substantive amendment, other than a budget increase, is made to the measures concerned.”;
- (2) in Article 52, the second paragraph is replaced by the following:

“It shall apply until 31 December 2021.”.

Article 2

Amendments to Regulation (EU) No 717/2014

In Article 8 of Regulation (EU) No 717/2014, the second subparagraph is replaced by the following:

“It shall apply until 31 December 2021.”.

Article 3

Amendments to Regulation (EU) No 1388/2014

Regulation (EU) No 1388/2014 is amended as follows:

- (1) the following Article 11a is inserted:

“Article 11a

Derogation from information and publication requirements

By way of derogation from Article 9, paragraph 5, and Article 11, sub-paragraph (a), where a Member State wishes to prolong measures in respect of which summary information was submitted to the Commission, summary information regarding the prolongation of those measures, shall be deemed to have been communicated to the Commission and published, provided that no substantive amendment, other than a budget increase, is made to the measures concerned.”;
- (2) in Article 47, the second paragraph is replaced by the following:

“It shall apply until 31 December 2021.”.

Article 4

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission

The President

[\[...\]](#)