



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

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

**of **XXX****

**on amending Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid and Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty as regards their period of validity**  
**DRAFT**

(Text with EEA relevance)

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(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 aid<sup>1</sup> as amended by Council Regulation (EU) 2018/1911 of 26 November 2018<sup>2</sup>,

After consulting the Advisory Committee on State Aid,

Whereas:

- (1) A number of the State aid rules adopted as part of the 2012 State Aid Modernisation initiative are due to expire by the end of 2020. In particular, Commission Regulations (EU) No 1407/2013<sup>3</sup> and No 651/2014<sup>4</sup> will expire on 31 December 2020.
- (2) To provide predictability and legal certainty, while preparing for a possible future update of the State aid rules adopted as part of the State Aid Modernisation, the Commission will take action in two phases.
- (3) First, the Commission will prolong for two years the period of validity of those State aid rules, which would otherwise expire by end 2020. Second, in line with the Commission's [Better Regulation Guidelines](#), the Commission will evaluate those rules together with the other State aid rules, which were adopted as part of the State Aid Modernisation. The Commission launched the evaluation of these rules on 7 January 2019 under the form of a "[fitness check](#)". On this basis, the Commission may decide in the future whether to further prolong or possibly update the rules.

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<sup>1</sup> OJ L 248, 24.9.2015, p. 1–8.

<sup>2</sup> OJ L 311, 7.12.2018, p. 8.

<sup>3</sup> Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid, OJ L 352, 24.12.2013, p. 1–8.

<sup>4</sup> Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 187, 26.6.2014, p. 1–78.

- (4) Considering the wide scope of the fitness check and that the results of the evaluations will not be available before beginning 2020, a policy decision on the design of the rules post 2020 cannot be taken on time to ensure legal certainty and stability for the stakeholders as regards the applicable rules post 2020. The prolongation will therefore allow for a proper assessment of the rules and ensure predictability and stability of the rules for the Member States.
- (5) Considering the above, the Commission will prolong the period of validity of Regulations (EU) No 1407/2013 and No 651/2014 by two years until 31 December 2022.
- (6) Commission Regulations (EU) No 1407/2013 and No 651/2014 should therefore be amended accordingly.
- (7) In the light of the prolongation of the period of validity of Commission Regulation (EU) No 651/2014, some Member States may wish to prolong measures on which summary information has been provided in accordance with Article 11 of that Regulation. In order to provide transparency, it is appropriate that Member States communicate to the Commission the updated summary information regarding the prolongation of those measures.
- (8) This Regulation shall enter into force on the day following that of its publication in the Official Journal.

HAS ADOPTED THIS REGULATION:

#### *Article 1*

In Article 8 of Regulation (EU) No 1407/2013, the second paragraph is replaced by the following:

‘It shall apply until 31 December 2022’.

#### *Article 2*

- (1) Article 2(27) of Regulation (EU) No 651/2014 is replaced by the following:

‘‘assisted areas’ means areas designated in an approved regional aid map for the period 1.7.2014 - 31.12.2020 as prolonged until 31.12.2022 in application of Articles 107(3)(a) and (c) of the Treaty.’

- (2) In Article 59 of Regulation (EU) No 651/2014, the second paragraph is replaced by the following:

‘It shall apply until 31 December 2022’.

#### *Article 3*

Where a Member State wishes to prolong, as a consequence of the amendment of Regulation (EU) No 651/2014, measures in respect of which summary information was submitted to the Commission in accordance with Article 11 of Regulation (EU) No 651/2014, the summary information regarding the prolongation of those measures shall be duly updated and communicated to the Commission within 20 working days following the prolongation decision by the Member States.

#### *Article 4*

This Regulation shall enter into force on the 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 the Member States.

Done at Brussels,

*For the Commission*  
*The President*