1.4. SUPPLEMENTARY INFORMATION SHEET ON AID TO MAKE GOOD THE DAMAGE CAUSED BY PROTECTED ANIMALS

*This form must be used by Member States for the notification of any aid to make good the damage caused by protected animals as described in Section 1.4 of Chapter 1 of Part II of the Guidelines for State aid in the fishery and aquaculture sector[[1]](#footnote-1) ('the Guidelines').*

1. Please confirm that ‘protected animal’ is defined in accordance with point 31(w) of the Guidelines.

yes  no

1.1. If the answer is ‘yes’, please identify the protected animal and the relevant provision(s) in the Union or national legislation.

…………………………………………………………………………………….

2. Please confirm that the measure prescribes that there is a direct causal link between the damage suffered by undertakings and the behaviour of the protected animals.

yes  no

2.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

…………………………………………………………………………………….

3. Please confirm that the eligible costs are the costs of the damage incurred as a direct consequence of the behaviour of the protected animals.

yes  no

3.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

…………………………………………………………………………………….

3.2. Please confirm that the damage will be assessed by:

(a)  a public authority

(b)  an independent expert recognised by the granting authority

(c)  an insurance undertaking

Please identify the body(ies) assessing the damage.

……………………………………………………………………………….

4. If the measure concerns the fisheries sector, please confirm that the aid only concerns damage to catches, irrespective of any impact of protected animals on the overall wild population.

yes  no

4.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

…………………………………………………………………………………….

5. Please confirm that the aid must be paid directly to:

(a)  the undertaking concerned

(b)  a producer group or organisation of which that undertaking is a member

6. Where the aid is paid to a producer group and organisation, please confirm that the amount of aid must not exceed the amount of aid to which that undertaking is eligible.

yes  no

6.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

………………………………………………………………………………….

7. Please explain when the damage occurred, including its starting and ending dates (as applicable).

…………………………………………………………………………………………

8. Please confirm that the scheme is established within three years from the date of the occurrence of the damage.

yes  no

8.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

…………………………………………………………………………………….

9. Please confirm that the measure prescribes that aid will be paid out within four years of the date of the occurrence of the damage.

yes  no

9.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

…………………………………………………………………………………….

10. Please confirm the eligible costs:

(a)  the market value of the animals damaged or killed by the protected animals

(b)  the material damage to the following assets: equipment, machinery and property

(c)  both, i.e., eligible costs include (a) and (b).

10.1. Please identify the provision(s) of the legal basis that reflect(s) the eligible costs.

………………………………………………………………………………………….

11. Please submit an assessment as precise as possible of the type and extent of damage incurred by undertakings.

………………………………………………………………………………….

12. In case the eligible costs include the market value of animals damaged or killed, please confirm that the measure prescribes that the market value must be established on the basis of the value of the animals immediately before the damage occurred, and as if they had not been affected by the behaviour of the protected animals.

yes  no

12.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

………………………………………………………………………………….

13. In case the eligible costs include the material damage to assets, please confirm that the measure prescribes that the calculation of the material damage must be based on the repair cost or economic value of the affected asset before the damage occurred.

yes  no

13.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

………………………………………………………………………………….

14. In case the eligible costs include the material damage to assets, please confirm that the measure prescribes that the calculation of the material damage must not exceed the repair cost or the decrease in fair market value caused by the behaviour of the protected animals, that is to say the difference between the asset’s value immediately before and immediately after the damage occurred.

yes  no

14.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

…………………………………………………………………………………….

15. Please confirm whether the amount of the compensation may be increased by other costs incurred by the beneficiary undertaking due to the behaviour of the protected animals.

yes  no

15.1. If the answer is ‘yes’, please identify the relevant costs.

…………………………………………………………………………………….

15.2. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

………………………………………………………………………………….

16. Please confirm that the amount of the compensation must be reduced by any costs not directly incurred due to the behaviour of the protected animals which would otherwise have been incurred by the beneficiary undertaking.

yes  no

16.1. If the answer is ‘yes’, please identify the relevant costs.

…………………………………………………………………………………….

16.2. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

………………………………………………………………………………….

17. Please confirm that the measure prescribes that the amount of the compensation must be reduced by any revenue made by the sale of products linked to the animals damaged or killed.

yes  no

17.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

…………………………………………………………………………………….

18. Please note that the Commission may accept other calculation methods provided that those are representative, not based on abnormally high catches or yields and do not result in the overcompensation of any beneficiary undertaking.

18.1. If the notifying Member State intends to propose an alternative calculation method, please provide the reasons as to why the method set out in the Guidelines is not appropriate in the case at hand and explain how the alternative calculation method addresses better the identified needs:

……………………………………………………………………………………

18.2. Please submit as an annex to the notification the alternative methodology proposed, together with a demonstration that it is representative, not based on abnormally high catches/yields and do not result in overcompensation of any beneficiary.

………………………………………………………………………………….

19. Please confirm that the aid measure prescribes that, save for first attacks by protected animals, a reasonable effort from the beneficiary undertaking is required in the form of preventive measures, such as safety fences, which are proportionate to the risk of damage caused by protected animals in the area concerned.

yes  no

19.1. If the answer is ‘yes’, please list the preventive measures required/recommended in the area concerned.

…………………………………………………………………………………….

19.2. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

………………………………………………………………………………….

19.3. If the answer is ‘no’, please demonstrate why preventive measures are not reasonably possible and provide appropriate evidence.

……………………………………………………………………………….

20. Please confirm that the measure prescribes that the aid and any other payments received to compensate the damage, including payments under insurance policies, must be limited to 100 % of the eligible costs.

yes  no

20.1. Please provide the maximum aid intensity(ies) applicable under the measure.

………………………………………………………………………………….

20.2. Please identify the provision(s) of the legal basis setting out the 100 % limit and the maximum aid intensity(ies) under the measure.

………………………………………………………………………………….

OTHER INFORMATION

21. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

………………………………………………………………………………….

1. OJ C 107, 23.3.2023, p. 1 [↑](#footnote-ref-1)