1.1. SUPPLEMENTARY INFORMATION SHEET ON AID TO MAKE GOOD THE DAMAGE CAUSED BY NATURAL DISASTERS OR EXCEPTIONAL OCCURRENCES

*This form must be used by Member States for the notification of any State aid to make good the damage caused by natural disasters or exceptional occurrences as described in Section 1.1 of Chapter 1 of Part II of the Guidelines for State aid in the fishery and aquaculture sector[[1]](#footnote-1) ('the Guidelines').*

1. Is the measure an *ex ante* framework scheme to compensate for the damage caused by natural disasters?

yes  no

If the answer is yes, please disregard questions 10 and 11.

Please note that aid granted to compensate damage caused by natural disasters other than those mentioned in point (141) of the Guidelines, and damage caused by exceptional occurrences cannot be notified as part of an ex ante framework and must always be separately notified to the Commission. Please also note that, pursuant to point (147) of the Guidelines, measures derogating from the general rules concerning the time of establishment of schemes and payment of aid must be notified separately.

2. In the case of *ex ante* framework schemes, please confirm that the Member State will comply with the reporting obligation set out in point (345) of the Guidelines.

yes  no

3. Please identify the type of natural disaster or exceptional occurrence that caused – or, in the case of an *ex ante* framework scheme, could cause – the damage for which compensation is provided for?

(a) natural disasters:

* severe storms
* severe floods
* earthquakes
* avalanches
* landslides
* tornadoes
* hurricanes
* volcanic eruptions
* wild fires of natural origin
* other natural disasters,

(b) exceptional occurrences:

* war
* internal disturbances
* strikes
* major industrial accidents
* major nuclear accidents
* fires resulting in widespread loss
* other exceptional occurrences.

Please note that the outbreak of an animal disease or a plant pest does not, in principle, constitute an exceptional occurrence.

3.1. Please describe in detail the natural disaster or exceptional occurrence.

………………………………………………………………………………………

4. Please confirm that the competent authority(ies) of the Member State formally recognised the character of the event as a natural disaster or as an exceptional occurrence?

yes  no

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

……………………………………………………………………………………….

5. If the notifying Member States established in advance criteria on the basis of which the formal recognition referred to in question 4 is deemed to be granted, please provide those criteria and identify as the national legislation setting them out.

……………………………………………………………………………………….

6. Please confirm that the measure prescribes that there is a direct causal link between the natural disaster or the exceptional occurrence and the damage suffered by the undertaking.

yes  no

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

………………………………………………………………………………….

7. Please demonstrate the direct causal link between the natural disaster or the exceptional occurrence and the damage suffered by the undertakings:

………………………………………………………………………………………….

8. 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.

9. 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

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

………………………………………………………………………………….

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

……………………………………………………………………………………

11. Please confirm that the measure is established within three years from the date of the occurrence of the event.

yes  no

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

…………………………………………………………………………………….

12. Please confirm that the measure prescribes that aid will be paid out within four years of the date of the occurrence of the event?

yes  no

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

…………………………………………………………………………………….

13. Please note that, for a specific natural disaster or exceptional occurrence, the Commission will authorise separately notified aid that derogates from the rule set out in point (147) of the Guidelines in duly justified cases (for example, due to the nature and/or extent of the event or delayed or continuing nature of the damage).

13.1. If that is the case, please provide a detailed justification as to why a derogation from the rule on the time of establishment of schemes and/or payment of aidis warranted.

…………………………………………………………………………………….

14. Please confirm that the eligible costs are the costs of the damage incurred as a direct consequence of the natural disaster or exceptional occurrence.

yes  no

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

…………………………………………………………………………………….

15. 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

15.1. Please identify the body(ies) assessing the damage.

………………………………………………………………………………….

16. Please confirm whether the damage includes:

(a)  material damage to assets (such as buildings, equipment, machinery, stocks, and means of production)

(b)  loss of income due to the full or partial destruction of fishery or aquaculture production or the means of such production

(c)  both, i.e., the damage includes (a) and (b)

16.1. Please identify the provision(s) of the legal basis that reflect the damage. ………………………………………………………………………………………

17. Please submit an assessment as precise as possible of the type and extent of damage incurred – or that might be incurred in case of *ex ante* framework schemes – by undertakings.

…………………………………………………………………………………….

18. Please confirm that the measure prescribes that the damage is calculated at the level of the individual beneficiary.

yes  no

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

………………………………………………………………………………….

19. In case the eligible costs include material damage to assets, please confirm that the calculation of the material damage is based on the repair cost or economic value of the affected asset before the natural disaster or exceptional occurrence.

yes  no

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

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20. In case the eligible costs include material damage to assets, please confirm that the calculation of the material damage must not exceed the repair cost or the decrease in fair market value caused by the natural disaster or the exceptional occurrence, that is to say the difference between the asset’s value immediately before and immediately after the natural disaster or exceptional occurrence.

yes  no

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

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21. In case the eligible costs include loss of income, please confirm that is it calculated pursuant to point (154) of the Guidelines, that is by subtracting: (a) the result of multiplying the quantity of the fishery and aquaculture products produced in the year of the natural disaster or exceptional occurrence, or in each following year affected by the full or partial destruction of the means of production, by the average selling price obtained during that year, from (b) the result of multiplying the average annual quantity of fishery and aquaculture products produced in the three-year period preceding the natural disaster or exceptional occurrence, or a three-year average based on the five-year period preceding the natural disaster or exceptional occurrence, excluding the highest and lowest entry, by the average selling price obtained.

yes  no

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

…………………………………………………………………………………….

22. Please confirm whether the amount of the compensation may be increased by other costs incurred by the beneficiary undertaking due to the natural disaster or exceptional occurrence.

yes  no

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

………………………………………………………………………………….

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

…………………………………………………………………………………….

23. Please confirm that the amount of the compensation must be reduced by any costs not incurred because of the natural disaster or the exceptional occurrence which would otherwise have been incurred by the beneficiary undertaking.

yes  no

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

…………………………………………………………………………………….

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

………………………………………………………………………………….

24. 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.

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

……………………………………………………………………………

*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.*

…………………………………………………………………………………….

25. Please confirm whether the measure provides that, where an SME was set up less than three years from the date of the occurrence of the event, the reference to the three or five-year periods in point (154)(b) must be understood as referring to the quantity produced and sold by an average undertaking of the same size as the applicant, namely a micro enterprise or a small enterprise or a medium enterprise, respectively, in the national or regional sector affected by the natural disaster or exceptional occurrence.

yes  no

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

…………………………………………………………………………………….

26. 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

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

…………………………………………………………………………………….

26.2. 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

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

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