

**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES  
**RESOURCES**  
**LEGAL MATTERS**

Brussels,  
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**INFORMATION NOTE TO  
THE FISHERIES ATTACHÉS IN THE PERMANENT REPRESENTATIONS  
OF THE MEMBER STATES**

**Subject: State aid after the 1<sup>st</sup> January 2014**

This note aims at informing Member States on the state of play concerning the review of the State aid instruments specific to the fishery and aquaculture sector and at clarifying the situation for the period between the end of validity of current legal instruments and the entry into force of the new instruments.

There are three relevant legal instruments, namely the *de minimis* Regulation<sup>1</sup>, the Block Exemption Regulation<sup>2</sup> and the Guidelines<sup>3</sup>. Both Regulations expire on 31 December 2013; the validity of the Guidelines is not limited in time.

The Commission services are preparing a review and revision of those sectorial legal instruments but, due to their strong link with the new financial instrument applicable to the sector (the EMFF), the adoption of the new acts will not take place before June 2014 for the *de minimis* Regulation and the second semester 2014 for the Block Exemption Regulation. For the same reason, the prolongation of the current Regulations was not considered appropriate.

During the period between 1<sup>st</sup> January 2014 and the entry into force of the new legal texts, Member States can continue granting State aid but with certain constraints, explained below.

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<sup>1</sup> Commission Regulation (EC) 875/2007 of 24 July 2007 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid in the fisheries sector and amending Regulation (EC) 1860/2004, OJ L 193, 25.7.2007, p. 6.

<sup>2</sup> Commission Regulation (EC) 736/2008 of 22 July 2008 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production, processing and marketing of fisheries products, OJ L 201, 30.7.2008, p. 16.

<sup>3</sup> Guidelines for the examination of State aid to fishery and aquaculture sector, OJ C 84, 3.4.2008.

### 1. *DE MINIMIS* AID

Member States will be able to grant *de minimis* aids after the end of validity of the current Regulation.

On the one hand, Article 5(3) of Regulation No 875/2007 provides that, at the end of the period of validity of this Regulation, any *de minimis* aid which fulfils the conditions of the Regulation may be validly implemented for a period of six months. This provision therefore allows the implementation of aid schemes adopted during the period of validity of the Regulation.

On the other hand, the new *de minimis* Regulation will contain a rule equivalent to Article 5(1) of the current *de minimis* Regulation which will provide that the new Regulation shall apply to aid granted before its entry into force, if it fulfils all the conditions set out therein.

### 2. BLOCK EXEMPTED AID

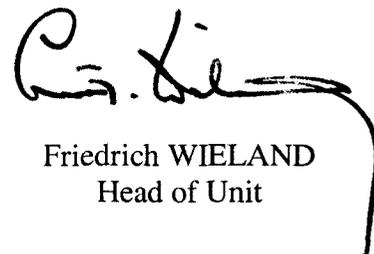
After the end of validity of the current Block Exemption Regulation, Member States will not be able to grant new block-exempted aid.

Aid schemes adopted before 31 December 2013 can remain valid during an additional period of six months, but no new aid measures can be taken.

Consequently, all aid schemes or measures that would otherwise be covered by the exemption from notification requirement under the Block Exemption Regulation will have to be notified to the Commission and approved before their implementation.

### 3. NOTIFIED AID

Member States will be able to continue notifying aid measures or schemes. The Commission will assess their compatibility with the Treaty based on the Guidelines for the examination of State aid to fisheries and aquaculture, which will remain applicable.



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