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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 (codification)

(Text with EEA relevance)

(OJ L 248, 24.9.2015, p. 1)

Amended by:

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► <u>M1</u> Council Regulation (EU) 2018/1911 of 26 November 2018	L 311	8	7.12.2018

**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 (codification)****(Text with EEA relevance)***Article 1***Block exemptions**

1. The Commission may, by means of regulations adopted in accordance with the procedure laid down in Article 8 of this Regulation and in accordance with Article 107 TFEU, declare that the following categories of aid are compatible with the internal market and are not subject to the notification requirements of Article 108(3) TFEU:

(a) aid in favour of:

- (i) small and medium-sized enterprises;
- (ii) research, development and innovation;
- (iii) environmental protection;
- (iv) employment and training;
- (v) culture and heritage conservation;
- (vi) making good the damage caused by natural disasters;
- (vii) making good the damage caused by certain adverse weather conditions in fisheries;
- (viii) forestry;
- (ix) promotion of food sector products not listed in Annex I of the TFEU;
- (x) conservation of marine and freshwater biological resources;
- (xi) sports;
- (xii) residents of remote regions, for transport, when this aid has a social character and is granted without discrimination related to the identity of the carrier;
- (xiii) basic broadband infrastructure, small individual infrastructure measures covering next-generation access networks, broadband-related civil engineering works and passive broadband infrastructure, in areas where there is either no such infrastructure or where no such infrastructure is likely to be developed in the near future;
- (xiv) infrastructure in support of the objectives listed in points (i) to (xiii) as well as in point (b) of this paragraph and in support of other objectives of common interest, in particular the Europe 2020 objectives;

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- (xv) financing channelled through or supported by EU centrally-managed financial instruments or budgetary guarantees, where the aid consists in the form of additional funding provided through State resources;
- (xvi) projects supported by EU European Territorial Cooperation programmes;

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- (b) aid that complies with the map approved by the Commission for each Member State for the grant of regional aid.

2. The regulations referred to in paragraph 1 shall specify for each category of aid:

- (a) the purpose of the aid;
- (b) the categories of beneficiaries;
- (c) thresholds expressed in terms of aid intensities in relation to a set of eligible costs or in terms of maximum aid amounts or, for certain types of aid where it may be difficult to identify the aid intensity or amount of aid precisely, in particular financial engineering instruments or risk capital investments or those of a similar nature, in terms of the maximum level of state support in or related to that measure, without prejudice to the qualification of the measures concerned in the light of Article 107(1) TFEU;
- (d) the conditions governing the cumulation of aid;
- (e) the conditions of monitoring as specified in Article 3.

3. In addition, the regulations referred to in paragraph 1 may, in particular:

- (a) set thresholds or other conditions for the notification of awards of individual aid;
- (b) exclude certain sectors from their scope;
- (c) attach further conditions for the compatibility of aid exempted under such regulations.

*Article 2***De minimis**

1. The Commission may, by means of a regulation adopted in accordance with the procedure laid down in Article 8 of this Regulation, decide that, having regard to the development and functioning of the internal market, certain aid does not meet all the criteria of Article 107(1) TFEU and that it is therefore exempted from the notification procedure provided for in Article 108(3) TFEU, provided that aid granted to the same undertaking over a given period of time does not exceed a certain fixed amount.

2. At the Commission's request, Member States shall, at any time, communicate to it any additional information relating to aid exempted under paragraph 1.



Article 3

Transparency and monitoring

1. When adopting regulations pursuant to Article 1, the Commission shall impose detailed rules upon Member States to ensure transparency and monitoring of the aid exempted from notification in accordance with those regulations. Such rules shall consist, in particular, of the requirements laid down in paragraphs 2, 3 and 4.
2. Upon implementing aid systems or individual aids granted outside any system, which have been exempted pursuant to regulations referred to in Article 1(1), Member States shall forward to the Commission, with a view to publication on the website of the Commission, summaries of the information regarding such systems of aid or such individual aids as are not covered by exempted aid systems.
3. Member States shall record and compile all the information regarding the application of the block exemptions. If the Commission has information which leads it to doubt that an exemption regulation is being applied properly, the Member States shall forward to it any information it considers necessary to assess whether an aid complies with that regulation.
4. At least once a year, Member States shall supply the Commission with a report on the application of block exemptions, in accordance with the Commission's specific requirements, preferably in computerised form. The Commission shall make access to those reports available to all the Member States. The Committee referred to in Article 7 shall examine and evaluate those reports once a year.

Article 4

Period of validity and amendment of regulations

1. Regulations adopted pursuant to Articles 1 and 2 shall apply for a specific period. Aid exempted by a regulation adopted pursuant to Articles 1 and 2 shall be exempted for the period of validity of that regulation and for the adjustment period provided for in paragraphs 2 and 3 of this Article.
2. Regulations adopted pursuant to Articles 1 and 2 may be repealed or amended where circumstances have changed with respect to any important element that constituted grounds for their adoption or where the progressive development or the functioning of the internal market so requires. In that case the new regulation shall set a period of adjustment of six months for the adjustment of aid covered by the previous regulation.
3. Regulations adopted pursuant to Articles 1 and 2 shall provide for a period as referred to in paragraph 2 of this Article, should their application not be extended when they expire.

Article 5

Evaluation report

Every five years the Commission shall submit a report to the European Parliament and to the Council on the application of this Regulation. It shall submit a draft report for consideration by the Committee referred to in Article 7.

▼B*Article 6***Hearing of interested parties**

Where the Commission intends to adopt a regulation, it shall publish a draft thereof to enable all interested persons and organisations to submit their comments to it within a reasonable time limit to be fixed by the Commission and which may not under any circumstances be less than one month.

*Article 7***Advisory Committee on State aid**

The Advisory Committee on State aid ('the Committee') shall be set up. It shall be composed of representatives of the Member States and chaired by a representative of the Commission.

*Article 8***Consultation of the Committee**

1. The Commission shall consult the Committee:
 - (a) at the same time as publishing any draft regulation in accordance with Article 6;
 - (b) before adopting any regulation.
2. Consultation of the Committee shall take place at a meeting called by the Commission. The drafts and documents to be examined shall be annexed to the notification and may be published on the Commission website. The meeting shall take place no earlier than two months after notification has been sent.

This period may be reduced in the case of the consultations referred to in paragraph 1(b), when urgent or for simple extension of a regulation.
3. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.
4. The opinion shall be recorded in the minutes. In addition, each Member State shall have the right to ask to have its position recorded in the minutes. The Committee may recommend the publication of the opinion in the *Official Journal of the European Union*.
5. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

*Article 9***Repeal**

Regulation (EC) No 994/98 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

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Article 10

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.

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ANNEX I

REPEALED REGULATION WITH ITS AMENDMENT

Council Regulation (EC) No 994/98	(OJ L 142, 14.5.1998, p. 1).
Council Regulation (EU) No 733/2013	(OJ L 204, 31.7.2013, p. 11).

▼B*ANNEX II***CORRELATION TABLE**

Regulation (EC) No 994/98	This Regulation
Articles 1 to 8	Articles 1 to 8
—	Article 9
Article 9	Article 10
—	Annex I
—	Annex II