



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.12.2006  
COM(2006) 831 final

**REPORT FROM THE COMMISSION TO THE COUNCIL  
AND THE EUROPEAN PARLIAMENT**

**Evaluation report**

**On the application of the Council Regulation (EC) No 994/98 of 7 May 1998 regarding the application of Articles 87 (ex-Article 92) and 88 (ex-Article 93) of the EC Treaty to certain categories of horizontal State aid, pursuant to Article 5 of this Regulation**

## TABLE OF CONTENTS

|      |   |    |
|------|---|----|
| 1.   | Introduction .....  | 3  |
| 2.   | Group Exemption Regulations adopted .....   | 4  |
| 2.1. | The first generation: GER for SME and de minimis (except for the agriculture and fisheries sector) and GER on training and employment .....                 | 4  |
| 2.2. | The second generation: GER on de minimis aid and aid to SME active in the production, processing and marketing of agricultural and fisheries products ..... | 5  |
| 2.3. | Transparency and Monitoring .....   | 6  |
| 3.   | Experience gained with the application of the Enabling Regulation and the existing Group exemption Regulations.....   | 6  |
| 3.1. | Use of Group exemption Regulations by Member States .....   | 6  |
| 3.2. | GER for SME (except for the agriculture and fisheries sector), training and employment.....   | 8  |
| 3.3. | GER for SME in the agriculture sector .....   | 9  |
| 3.4. | GER for SME in the fisheries sector.....  | 9  |
| 3.5. | Transparency and Monitoring .....   | 10 |
| 4.   | Conclusions on the Application of the Enabling Regulation and future development .....  | 11 |
|      | ANNEX.....  | 12 |

## 1. INTRODUCTION

Council Regulation (EC) No 994/98<sup>1</sup> (hereafter referred to as the Enabling Regulation – ER), adopted on 7 May 1998, enables the Commission to declare by means of regulations that certain categories of aid are compatible with the common market (group exemption regulations (GER) – Article 1 ER) and that certain aids do not meet all the criteria of Article 87 (1) EC Treaty (de minimis – Article 2). Such aid shall be exempted from the notification requirement of Article 88 (3) EC Treaty and can therefore be put into effect by the Member States without awaiting a Commission decision.

The Commission proposed the Enabling Regulation to the Council as an attempt to introduce prioritisation and simplification in the state aid field with an intended threefold effect:

- In areas where the Commission has sufficient experience to define general compatibility criteria, Member States would be able to implement aid that does not raise concerns as to its compatibility without further proceedings before the Commission.
- Due to the direct applicability of regulations in the Member States (Article 249 EC), compliance with the GER could be ensured through private enforcement before national courts.
- GER enable the Commission to concentrate its resources on the most distortive cases.

With a view to ensuring efficient supervision and safeguarding the Commission's obligation to keep all systems of aid under constant review (Article 88 (1) EC Treaty), the Enabling Regulation includes provisions on transparency, reporting and monitoring of all aid measures put into effect under the GER.

GER can be adopted for the following categories of aid (Article 1 ER):

- small and medium sized enterprises (SME),
- research and development,
- environmental protection,
- employment and training, and
- aid that complies with the regional aid map approved by the Commission for each Member State.

In the regulations, the Commission shall specify the purpose of the aid, the categories of beneficiaries, the thresholds limiting the exempted aid, and the conditions for cumulation and monitoring of aid.

*De minimis* regulations (Article 2 ER) shall ensure that aid granted to the same undertaking over a given period of time does not exceed a certain fixed amount.

---

<sup>1</sup> Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid, OJ L 142/1-4 of 14.5.98.

The Commission submits this report to the European Parliament and the Council on the application of this Regulation pursuant to its Article 5. The report was considered by the Advisory Committee on State Aid on 9.11.2006.

For the preparation of this report, the Commission sought the experience of Member States on the basis of a questionnaire to all EU Member States and EFTA States Parties to the EEA Agreement, and a subsequent discussion at a multilateral meeting between the Commission and Member State authorities on 27 June 2006. Feedback from Member States forms the basis of part three of this report.

## **2. GROUP EXEMPTION REGULATIONS ADOPTED**

In function of the experience gained to define general compatibility criteria and the development of the common market, the Commission has, since 2001, adopted a series of GER for aid to SME, employment and training as well as *de minimis* regulations (for the references see Annex A). All regulations are currently applicable until 31 December 2006<sup>2</sup>, except for the regulation on *de minimis* aid in the agricultural and fisheries sector, which is applicable until 31 December 2008.

GER on aid to environmental protection and research and development (R&D) aid for large enterprises have not yet been adopted, since experience with notified aid was considered to be insufficient.<sup>3</sup>

### **2.1. The first generation: GER for SME and *de minimis* (except for the agriculture and fisheries sector) and GER on training and employment**

A first package of three regulations was adopted in January 2001, consisting of Commission Regulation (EC) No 68/2001 on training aid, Commission Regulation (EC) No 69/2001 on *de minimis* aid and Commission Regulation (EC) No 70/2001 on State aid to SME. This first generation of GER was complemented in December 2002 by Commission Regulation (EC) No 2204/2002 on State aid for employment. The employment GER only applies to schemes, while all other GER also cover individual awards of aid outside schemes.

In February 2004, Commission Regulation (EC) No 364/2004 extended the scope of the SME GER to aid for research and development to SME. At the same time, this regulation and Commission Regulation (EC) No 363/2004 adjusted the GER on SME and training aid to the new SME definition (see below) and stipulate that the specific annual reporting obligations in the two GER are replaced by the general annual reporting system for state aid with the entry into force of the reporting provisions of Commission Regulation (EC) 794/2004 (Implementing Regulation).<sup>4</sup>

The scope of the regulations as amended and after the expiry of the ECSC Treaty on 23 July 2002 can be summarized as follows: While the GER on training and employment aid as well as the R&D section of the SME GER cover all sectors including agriculture and

---

<sup>2</sup> For prolongation please see part 4.

<sup>3</sup> For regional investment aid please see part 4. and footnote 16.

<sup>4</sup> Commission Regulation (EC) 794/2004 of 21 April 2004 implementing Council Regulation (EC) 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty, OJ L 140, 30 April 2004, p. 1.

fisheries, and only exclude aid to the coal industry (training, R&D for SME) and aid to coal, shipbuilding and transport (employment), the SME GER (save for R&D) does not cover aid to the agriculture and fisheries sector. In addition, the SME GER excludes aid to the coal industry, while the *de minimis* regulation excludes the agriculture, fisheries and transport sectors. Within the scope of the GER, aid exceeding a certain threshold or showing certain particularities have to be notified to the Commission pursuant to Article 88 (3) EC Treaty.

Commission Regulation (EC) No 70/2001 allows aid to SME for initial investment, outside consultancy and for a first participation in fairs and exhibitions. Enterprises are defined on the basis of the SME definition laid down in a Commission Recommendation.<sup>5</sup>

While the Enabling Regulation mentions “aid to SME” as a separate aid category it should be noted that all other categories of exempted aid also include possibilities through bonuses to support SMEs under particularly favourable conditions.

Commission Regulation (EC) No 68/2001 on training aid offers the possibility of granting aid for general and specific training.

Commission Regulation (EC) No 2204/2002 on employment aid offers the possibility of granting aid for the creation of new jobs and the recruitment of disadvantaged and disabled workers and to compensate the additional costs of employing disabled workers.

Commission Regulation (EC) No 69/2001 on *de minimis* aid stipulates that aid to an enterprise that does not exceed the threshold of EUR 100 000 over any period of three years is not considered as State aid within the meaning of Article 87(1) EC Treaty and is therefore not subject to the notification requirement.

## **2.2. The second generation: GER on *de minimis* aid and aid to SME active in the production, processing and marketing of agricultural and fisheries products**

The second generation of GER allows for aid to SME in the agricultural and fisheries sectors and introduces a specific *de minimis* regulation in these sectors.

Commission Regulation (EC) No 1/2004 for State aid to SMEs active in the agricultural sector covers several types of aid including investment aid for production, conservation of traditional landscapes and buildings, investment aid for processing and marketing and aid to encourage the production and marketing of quality agricultural products.

Under Commission Regulation (EC) No 1595/2004 for State aid to SMEs active in the fisheries sector, a number of types of aid can be exempted including: promotion and/or advertising of fisheries products, innovative measures and technical assistance, scrapping of fishing vessels, as well as tax exemptions on fuel implemented pursuant to Council Directives on energy taxes and VAT, insofar as these tax exemptions constitute State aid. The Regulation does not apply to aid granted to SMEs for aid amounts exceeding € 1 million per beneficiary and per year or to aid for individual projects with eligible expenses in excess of € 2 million.

---

<sup>5</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, OJ L 124, 20.5.2003, p. 36, with effect from 1 January 2005, replacing Commission Recommendation 96/280/EC of 3 April 1996, OJ L 107, 30.4.1996, p. 4.

Experience showed that very small amounts of aid granted in the agriculture and fisheries sectors do not fulfil the criteria of Article 87 (1) EC Treaty, provided certain conditions are met. In October 2004, the Commission adopted Regulation (EC) No 1860/2004 on *de minimis* aid in the agriculture and fisheries sectors. The Regulation exempts national aid of up to EUR 3 000 per farmer or fisherman over three years. To avoid distortions of competition, Member States have also to respect an overall ceiling over three years that is roughly equal to 0,3% of agricultural or fisheries output.

### **2.3. Transparency and Monitoring**

The Enabling Regulation and the specific GER contain a number of provisions regarding transparency and monitoring.<sup>6</sup> Transparency is ensured primarily by the publication of the summary information in the Official Journal and by annual reporting.

Under the first generation of GER, Member States must send the summary information to the Commission within 20 working days after the measure is implemented. The second generation introduces additional transparency provisions. Summary information forms must be sent within 10 working days before entry into force of the aid measure. The Commission publishes the forms within five working days in the authentic language on the internet. At the time of entering into force, the Member State is obliged to publish on the internet the full text of the aid measure.

As regards reporting, the Enabling Regulation requires Member States to provide annual reports on the application of the group exemptions which must be made available to other Member States. The Implementing Regulation introduced new provisions for a revised Standardised Reporting Format<sup>7</sup> for all existing State aid measures including those covered by the GER.

Monitoring rules request Member States to keep records for ten years.<sup>8</sup> These rules apply also to *de minimis* aid though the *de minimis* Regulation does not require measures to be published nor does it request annual reporting.

## **3. EXPERIENCE GAINED WITH THE APPLICATION OF THE ENABLING REGULATION AND THE EXISTING GROUP EXEMPTION REGULATIONS**

### **3.1. Use of Group exemption Regulations by Member States**

The Commission considers that the application of the ER and the implementation of the different GER have been relatively successful. Experience has shown that Member States have benefited considerably in speeding up the process of implementing aid measures in the areas covered by the GER. For the EU-10 Member States, the Regulation represents an important tool for adapting their state aid policy. However, some Member States reported that the introduction of GER has shifted onto them administrative burdens and responsibilities that are excessive and difficult to discharge in practice. From the Commission's point of view, the

---

<sup>6</sup> Article 3 of the Enabling Regulation.

<sup>7</sup> Commission Regulation (EC) 794/2004 of 21 April 2004 (OJ L 140, 30.4.2004); see Chapter III and Annex IIIA, IIIB (Agriculture) and IIIC (Fisheries).

<sup>8</sup> Council Regulation (EC) No 659/1999 of 22 March 1999 (OJ L 83 of 27.3.1999, p. 6), Art. 15 (1). The powers of the Commission to recover aid shall be subject to a limitation period of ten years.

introduction of the GER has led to a reduction in the number of notified cases which should in principle have enabled the Commission to concentrate more resources on the most distortive cases. However, this has been largely offset by an increase in the overall number of state aid cases resulting from the recent enlargement.

The use made of the GER varies considerably from one objective to another and from one Member State to another. The take-up rate for aid to SMEs has been relatively high whereas the number of schemes put into effect under the employment GER has been relatively low. Whether GER are used frequently reflects an explicit policy choice with for example the Department of Trade and Industry in the United Kingdom advising granting authorities to maximise use of the GER. In contrast, the number of measures submitted by some other Member States is relatively low.

Between 2001 and 2005, Member States informed the Commission of almost 1300 aid measures put into effect under the GER. More than half concerned aid to SME in the manufacturing and services sectors while one quarter were related to training aid. Relatively few measures on aid to employment and aid to SMEs in the fisheries sector were submitted (Annex C Table 1).

In 2001 around 150 measures were put into effect on the basis of two GER. From 2001 to 2005, the number of measures increased significantly. In 2005 alone, Member States introduced more than 400 measures: 198 on exempted aid for SMEs<sup>9</sup> primarily in the manufacturing and services sectors, a further 88 for aid to SMEs in the agricultural sector, 69 on training aid, 26 on aid to employment, and 22 for SMEs in fisheries.

Over the period 2001 to 2005, four Member States, Italy (28% of the total number of measures), United Kingdom (23%), Germany (14%) and Spain (11%) accounted for 75% of all the measures. The number of measures submitted by some Member States was relatively low: around 10 or less in total in Denmark, Finland, Ireland, Luxembourg, Portugal, Sweden and France<sup>10</sup>. The EU-10 Member States accounted for more than 20% of the measures submitted in 2005 (Annex C Table 2).

160 aid measures to SMEs in agriculture have been introduced which is in line with previous estimates stating that around 30% of all agriculture measures would fall under GER. To date, GER in the agricultural sector have been most used by Italy (39 measures in 2004 and 2005), United Kingdom (23), France (22) and Spain (21). Member States have also started to use the GER for SMEs active in the fisheries sector in 2005, particularly Italy (13).

As regards expenditure, an estimated € 2,9 billion was awarded in 2005 under the three GER for aid to SMEs, training aid and employment aid.<sup>11</sup> Aid to SMEs accounted for € 1,5 billion, € 1,0 billion were granted for training aid and € 0,4 billion for employment aid. EU-wide, aid put into effect under the GER represented around 8% of all aid directed at horizontal objectives in 2005, though for several Member States the share was considerably higher: Greece 25%, Estonia 29%, Portugal 33% and Poland 63% (Annex C, Table 3).

---

<sup>9</sup> Around 20% of these measures concerned aid for research and development.

<sup>10</sup> For France the figure excludes the agriculture sector.

<sup>11</sup> Data are not yet available for agriculture and fisheries.

### **3.2. GER for SME (except for the agriculture and fisheries sector), training and employment**

The Commission notes that in spite of the reduction in the number of notifications, Member States continue to notify certain aid measures in cases where:

- the measure falls outside the scope of the GER
- the threshold set out in the GER triggers the notification requirement, for example, the training GER has a €1 million threshold for a single project
- where there is a (perceived) lack of legal certainty.

An analysis of the measures that continue to be notified shows that a significant number of measures may benefit from the GER. In this context, the Commission has, for a number of cases, advised Member States to use the GER.

Nevertheless, in applying the GER, Member States have encountered certain difficulties. Many point to a lack of clarity in certain provisions and definitions that leave them open to interpretation.

Relatively few problems have been noted regarding the application of the training GER. However, a significant number of aid measures have been notified as they exceeded the threshold of €1 million laid down in the GER and thus triggered the individual notification obligation. These measures were assessed in general under the GER rules and have largely been approved. However an analysis of these cases and questions have shown that Member States have difficulties in correctly applying certain provisions such as eligible costs as defined in Article 4(7), in particular personnel costs of trainees, training infrastructure, costs of training/personnel units, and the dividing line between general and specific training under Article 2 (d) and (e).

The number of employment aid measures either notified or put into effect under the relevant GER is relatively small. Member States have notified cases because of the need for legal certainty or because the cases have triggered the notification obligation laid down in Article 9 of the employment GER, in particular for additional groups of disadvantaged persons and the conversion of contracts. Numerous questions on rules and definitions from Member States have shown that problems exist in applying the provisions of the employment GER, e.g., sheltered employment, costs of hiring disabled people, jobs to be maintained for disadvantaged and disabled persons for a certain period and additional costs related to working conditions of disabled people. In addition, a number of Member States perceive the provisions as too complex which may explain, in part, the relatively low number of measures put into effect under the employment GER. If this trend is confirmed by future cases the Commission may have reason to reconsider the scope of the employment GER.

In a case<sup>12</sup> against the Commission, Belgium sought the annulment of the employment GER. The ECJ in its judgment rejected the appeal by Belgium, upheld the Commission Regulation and made the following statements concerning the respective powers of the Commission and the Council in the field of state aid. The ECJ stated that the Commission did not exceed its powers by defining compatibility criteria for state aid. The Commission did not have to

---

<sup>12</sup> Case C-110/03 Belgium v Commission. Judgment of 14 April 2005.



confine itself to simple codification of its previous practice, but was allowed to use its experience to lay down new compatibility criteria, including even stricter criteria than the existing ones. The Council, by means of Council Regulation (EC) No 994/98, conferred on the Commission the power to declare that certain categories of aid were compatible with the common market and were not subject to the obligation of notification.

The SME GER has been widely used in most Member States. Several countries reported difficulties in applying the current SME definition which they find complicated. Certain aid measures for SMEs continue to be notified due to a (perceived) risk that large enterprises may benefit from the aid measure. In addition, the Commission noted that it is difficult to apply the GER to certain sectors due to the complexity of the aid schemes, e.g., aid measures for broadband.

The Commission has provided Member States with support as to the interpretation of the specific GER provisions and definitions. This support together with the considerable efforts of Member States, has led to improvements in the quality of the summary information submitted and to a relatively smooth running of the administrative process.

### **3.3. GER for SME in the agriculture sector**

The Commission notes that the Member States have used Regulation 1/2004 very differently. This may be a reflection of differences in the time needed among national administrations to adapt to the new Regulation, notably in Member States where a substantial number of aid measures are managed at sub-national level. An analysis of the measures that continue to be notified shows that a considerable number could easily benefit from the exemption Regulation. One of the reasons may be the risk of non-SMEs benefiting from the aid measure although in most Member States it would appear unlikely that farms do not fulfil the SME definition.

As far as the EU-10 Member States are concerned, the specific arrangements for existing aid in the agriculture sector<sup>13</sup> may be the main reason as to why a relatively small number of new aid measures have been introduced and why the exemption Regulation is rarely used. This may change when the “sunset clause” takes effect for existing aid measures after 1 May 2007.

Relatively few difficulties in relation to the application of Regulation 1/2004 have been noted. The main problems relate to the interpretation of rules in Articles 4(8) and 7(7) that only investment aid that is not limited to specific agricultural products is covered by the Regulation. Questions have also arisen in relation to the rule in Article 4(8) that aid for “simple replacement investments” is not exempted. Overall, around 10% of the measures for which summary information forms have been submitted under Regulation 1/2004 raised some concern that not all conditions of the Regulation were fulfilled.

### **3.4. GER for SME in the fisheries sector**

Following an initial period of limited interest in the new fisheries GER for SME the Commission has noted an increase in the awareness and use of this Regulation by a number of Member States. Ex- ante monitoring of the measures by the Commission helps Member States to implement the provisions of the Regulation properly and amend where necessary.

---

<sup>13</sup> Treaty of Accession, Annex IV point 4. “Agriculture”, page 798 of the version published in the Official Journal, L 236 of 23.9.2003.

Publication of the exempted measures on the internet has contributed to improving transparency and effective State aid control in the fisheries sector.

### **3.5. Transparency and Monitoring**

#### *Publishing of GER measures*

Due to the need for translation into 19 languages, GER measures are published in the Official Journal after approximately six months. Additional delays occurred in the period after accession. Moreover, the question has arisen as to whether publication in the Official Journal is the best means of ensuring transparency. Timely publication of measures in the authentic language on the internet may be more appropriate. With a view to immediately increasing transparency, the Commission publishes on the internet, the authentic language of summary information forms submitted after 1.1.2006, even if no legal obligation exists.

The additional provisions introduced by the second generation of GER have significantly increased transparency (see 2.3).

#### *Annual Reporting*

The new reporting requirements set out in the Implementing Regulation have standardised and simplified the information requested for all aid measures and thus reduced the burden on Member States. As required by the Enabling Regulation, the Commission has also made available to Member States via CIRCA<sup>14</sup> information on the number of and expenditure on group exempted measures.

#### *Monitoring*

For the GER under its responsibility, DG Competition carries out a light ex-ante checking on the completeness of the summary information. DG Agriculture examines the summary information forms before implementation thus allowing the identification of possible problems at an early stage.

As regards the *de minimis* Regulation, the main difference with other GER consists in the fact that it formally requires the granting authority, firstly, to inform the (potential) beneficiary of the fact that it receives *de minimis* aid and, secondly, imposes formally on the granting authority to examine whether the beneficiary has not already received other *de minimis* aid, so as to verify that the new grant would not raise the total of cumulated *de minimis* aid beyond the ceiling. When adopting Regulation 69/2001, it was agreed that the first condition could be waived if a “central register” was set up on *de minimis* aid granted by all Member State authorities. To the Commission's knowledge only a few Member States have established such a register (Slovakia, Lithuania).

The Enabling Regulation also extended the role of national courts. Complainants can go to national courts if their competitors have received aid which does not comply with the conditions laid down in the relevant GER. If national courts find that the criteria are not met, the aid has to be considered as non notified aid with all the consequences that may entail,

---

<sup>14</sup> CIRCA (Communication & Information Resource Centre Administrator) allows for the exchange of confidential and non-confidential information between the Commission and the Member States.

including recovery from beneficiaries. The Commission is unaware of any case that has been brought before a national court.

#### **4. CONCLUSIONS ON THE APPLICATION OF THE ENABLING REGULATION AND FUTURE DEVELOPMENT**

Experience has shown that the objectives of the Enabling Regulation have been largely met with Member States able to introduce 1300 aid measures for a range of objectives by means of a simplified procedure. This has been accompanied by a significant reduction in the number of notified aid measures which however only enabled the Commission to cope with the increased workload triggered by the recent enlargement. Nevertheless, some Member States continue to notify aid measures that could be implemented under a GER, largely for reasons of legal certainty. In preparing a revision of the GER, the Commission will endeavour to improve and clarify the various provisions and definitions and reconsider the scope of the regulations so as to limit further the notification requirements whilst ensuring that GER continue to cover only groups of cases where the Commission can exclude competition concerns with a sufficient degree of certainty.

In line with the State Aid Action Plan<sup>15</sup>, the Commission intends to regroup all existing GER under its responsibility into one general GER and to widen its coverage to include certain types of environmental aid. This will also include the GER on regional aid which was adopted on 24 October 2006.<sup>16</sup> As legislative proceedings will not be finalised by the end of 2006, the Commission prolonged in December 2006 the validity of the said Regulations until 30.06.2008. A new GER for aid to SMEs active in the production of agricultural products was adopted on 06.12.2006. This new GER extends the scope of the SME GER (Commission Regulation 70/2001 of 12.1.2001 as amended by Regulation 364/2004 of 25.02.2004) to aid to SMEs active in the processing and marketing of agricultural products. A new regulation was adopted on 12.12.2006 for *de minimis* aid.<sup>17</sup> (Annex A).

Also in line with the State Aid Action Plan, the Commission intends to step up its monitoring efforts in order to ensure compliance of Member States with the GER. To this end, the rules on transparency, reporting and monitoring in the regulations should be carefully reconsidered.

---

<sup>15</sup> [http://ec.europa.eu/comm/competition/state\\_aid/reform/reform.html](http://ec.europa.eu/comm/competition/state_aid/reform/reform.html).

<sup>16</sup> Commission Regulation (EC) No 1628/2006 of 24 October 2006 on the application of Articles 87 and 88 of the Treaty to national regional investment aid, (OJ L 302 of 1 November 2006, p. 29).

<sup>17</sup> Including aid to the transport sector.

## ANNEX

- A** List of all (group exemption and de minimis) Regulations on the basis of the Enabling Regulation
- Commission Regulation (EC) **No 68/2001 of 12 January 2001** on the application of Articles 87 and 88 of the EC Treaty to **training aid** (OJ L 10, 13.1.2001, p. 20-29); (Press release IP/00/1415) and **No 363/2004 of 25 February 2004** amending Regulation (EC) No 68/2001 (OJ L 63, 28.02.2004, p. 20-21); (Press release IP/03/1788)
  - Commission Regulation (EC) **No 69/2001 of 12 January 2001** on the application of Articles 87 and 88 of the EC Treaty to **de minimis aid** (OJ L 10, 13.1.2001, p. 30-32); (Press release IP/00/1415)
  - Commission Regulation (EC) **No 70/2001 of 12 January 2001** on the application of Articles 87 and 88 of the EC Treaty to **State aid to SMEs** (OJ L 10, 13.1.2001, p. 33-42); (Press release IP/00/1415) and **No 364/2004 of 25 February 2004** amending Regulation (EC) No 70/2001 as regards the extension of its scope to include **aid for research and development** (OJ L 63, 28.2.2004, p. 22-29); (Press release IP/03/1788)
  - Commission Regulation (EC) **No 2204/2002 of 5 December 2002** on the application of Articles 87 and 88 of the EC Treaty to **State aid for employment** (OJ L 337, 13.12.2002, p. 3-14); (Press release IP/02/1618)
  - Commission Regulation (EC) **No 1/2004 of 23 December 2003** on the application of Articles 87 and 88 of the EC Treaty to **State aid to SMEs active in the production, processing and marketing of agricultural products** (OJ L 1, 3.1.2004, p. 1-16); (Press release IP/03/1691)
  - Commission Regulation (EC) **No 1595/2004 of 8 September 2004** on the application of Articles 87 and 88 of the EC Treaty to **State aid to SMEs active in the production, processing and marketing of fisheries products** (OJ L 291 of 14.9.2004, p. 3-11); (Press release IP/04/827)
  - Commission Regulation (EC) **No 1860/2004 of 6 October 2004** on the application of Articles 87 and 88 of the EC Treaty to **de minimis aid in the agriculture and fisheries sector** (OJ L 325, 28.10.2004, p. 4-9); (Press release IP/04/1188)
  - Commission Regulation (EC) **No 1628/2006 of 24 October 2006** on the application of Articles 87 and 88 of the EC Treaty to **national regional investment aid** (OJ L 302 of 1.11.2006, p. 29-40); (IP/06/1453 of 24/10/2006)
  - Commission Regulation (EC) **No 1857/2006 of 15 December 2006** on the application of Articles 87 and 88 of the Treaty to **State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) 70/2001** (OJ L 358 of 16.12.2006, p.3-21); (IP/06/1697 of 6.12.2006)

- Commission Regulation (EC ) on the application of Articles 87 and 88 of the Treaty to *de minimis aid*, adopted by the Commission on 12.12.2006 (IP/06/1765), state aid reform/Legislation section on Commission Web page: [http://ec.europa.eu/comm/competition/state\\_aid/reform/reform.html](http://ec.europa.eu/comm/competition/state_aid/reform/reform.html)
  - Commission Regulation (EC) amending Regulations (EC) No 2204/2002, (EC) No 70/2001 and (EC) No 68/2001 as regards **the extension of the periods of application** (publication forthcoming)
- B** List of draft (group exemption and de minimis) Regulations on the basis of the Enabling Regulation
- Draft Commission Regulation (EC) on the application of Articles 87 and 88 of the Treaty to *de minimis aid in the fisheries sector* and amending Regulation (EC) No 1860/2004, (Press release IP/06/825), OJ C 276 of 14.11.2006, p. 7., available at [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c\\_276/c\\_27620061114en00070013.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_276/c_27620061114en00070013.pdf)
- C** Statistical annexes

**Table 1: Trend in the number of measures for which summary information forms were submitted under the State aid GER, 2001-2005, EU-25**

| Type of State aid group exemption regulation | Year |      |      |      |      | Total |
|--|------|------|------|------|------|-------|
|  | 2001 | 2002 | 2003 | 2004 | 2005 |       |
| SME  | 101  | 123  | 139  | 149  | 198  | 710   |
| Training                                     | 48   | 80   | 55   | 79   | 69   | 331   |
| Employment                                   | -    | -    | 8    | 21   | 26   | 55    |
| Agriculture                                  | -    | -    | -    | 72   | 88   | 160   |
| Fish   | -    | -    | -    | 1    | 22   | 23    |
| Total  | 149  | 203  | 202  | 322  | 403  | 1279  |

Note: The table excludes cases withdrawn. Figures for the EU-10 Member States are included as of 1 May 2004. Source: DG Competition, DG Fisheries, DG Agriculture

**Table 2: Number of measures by Member State for which summary information forms were submitted under the State aid GER, 2001-2005**

| Member State | Type of block exemption regulation |            |            |             |           | Total       |
|--------------|------------------------------------|------------|------------|-------------|-----------|-------------|
|              | SME                                | Training   | Employment | Agriculture | Fish      |             |
| <b>EU-25</b> | <b>710</b>                         | <b>331</b> | <b>55</b>  | <b>160</b>  | <b>23</b> | <b>1279</b> |
| <b>BE</b>    | 5                                  | 23         | 2          | 3           | 0         | 33          |
| <b>CZ</b>    | 11                                 | 1          | 1          | 2           | 0         | 15          |
| <b>DK</b>    | 4                                  | 1          | 0          | 0           | 0         | 5           |
| <b>DE</b>    | 96                                 | 62         | 9          | 16          | 0         | 183         |
| <b>EE</b>    | 5                                  | 5          | 1          | 0           | 1         | 12          |
| <b>EL</b>    | 16                                 | 2          | 3          | 1           | 1         | 23          |
| <b>ES</b>    | 81                                 | 26         | 5          | 21          | 2         | 135         |
| <b>FR</b>    | 6                                  | 3          | 2          | 22          | 0         | 33          |
| <b>IE</b>    | 6                                  | 6          | 0          | 0           | 0         | 12          |
| <b>IT</b>    | 211                                | 89         | 6          | 39          | 13        | 358         |
| <b>CY</b>    | 3                                  | 0          | 0          | 0           | 0         | 3           |
| <b>LV</b>    | 4                                  | 0          | 0          | 6           | 0         | 10          |
| <b>LT</b>    | 3                                  | 2          | 1          | 0           | 1         | 7           |
| <b>LU</b>    | 1                                  | 0          | 0          | 0           | 0         | 1           |
| <b>HU</b>    | 7                                  | 1          | 4          | 1           | 0         | 13          |
| <b>MT</b>    | 5                                  | 2          | 2          | 0           | 0         | 9           |
| <b>NL</b>    | 25                                 | 2          | 2          | 13          | 0         | 42          |
| <b>AT</b>    | 18                                 | 7          | 0          | 8           | 0         | 33          |
| <b>PL</b>    | 29                                 | 5          | 10         | 1           | 0         | 45          |
| <b>PT</b>    | 1                                  | 2          | 0          | 0           | 0         | 3           |
| <b>SI</b>    | 0                                  | 0          | 0          | 1           | 1         | 2           |
| <b>SK</b>    | 2                                  | 1          | 1          | 0           | 0         | 4           |
| <b>FI</b>    | 2                                  | 0          | 0          | 3           | 2         | 7           |
| <b>SE</b>    | 0                                  | 1          | 1          | 0           | 0         | 2           |
| <b>UK</b>    | 169                                | 90         | 5          | 23          | 2         | 289         |

Note: The table excludes cases withdrawn. Figures for the EU-10 Member States are included as of 1 May 2004. Source: DG Competition, DG Fisheries, DG Agriculture

**Table 3: Aid awarded under measures for which summary information forms were submitted under the State aid GER, 2005 (in million Euro)**

| Member States  | SME         | Training   | Employment | Total       | Total GER as percentage of total Horizontal aid |
|----------------|-------------|------------|------------|-------------|---|
| <b>EU-25</b>   | <b>1544</b> | <b>982</b> | <b>420</b> | <b>2946</b> | <b>7,8</b>                                      |
| Belgium        | 73          | 37         | 9          | 120         | 17,1  |
| Czech Republic | 44          | 0          | -          | 44          | 11,3  |
| Denmark        | 1           | 0          | -          | 1           | 0,1   |
| Germany        | 306         | 49         | 21         | 375         | 3,1   |
| Estonia        | 4           | 0          | 0          | 4           | 29,1  |
| Greece         | 12          | 0          | 49         | 61          | 24,6  |
| Spain          | 65          | 34         | 0          | 100         | 4,6   |
| France         | 43          | -          | 2          | 45          | 0,8   |
| Ireland        | 33          | 1          | -          | 34          | 10,9  |
| Italy          | 427         | 488        | 5          | 920         | 18,0  |
| Cyprus         | 0           | -          | -          | 0           | 0,5   |
| Latvia         | 3           | -          | -          | 3           | 11,3  |
| Lithuania      | 0           | 0          | 2          | 2           | 7,9   |
| Luxembourg     | 7           | -          | -          | 7           | 16,1  |
| Hungary        | 22          | 0          | 4          | 26          | 5,7   |
| Malta          | 0           | 0          | 0          | 0           | 0,6   |
| Netherlands    | 4           | 1          | 0          | 5           | 0,4   |
| Austria        | 77          | 37         | -          | 114         | 20,0  |
| Poland         | 75          | 22         | 305        | 401         | 62,8  |
| Portugal       | 0           | 81         | -          | 81          | 33,0  |
| Slovakia       | 0           | 0          | 1          | 1           | 0,7   |
| Finland        | 1           | -          | -          | 1           | 0,2   |
| Sweden         | -           | -          | 5          | 5           | 0,2   |
| United Kingdom | 346         | 232        | 17         | 596         | 18,8  |

Source: DG Competition - Scoreboard Autumn 2006 (Table 13). Figures exclude expenditure for measures submitted under the group exemptions for agriculture and fisheries. Figures for the EU-10 Member States are included from 1 May 2004.

Useful links and addresses:

#### **D** State aid Scoreboard

Web-address:

[http://ec.europa.eu/comm/competition/state\\_aid/studies\\_reports/studies\\_reports.html](http://ec.europa.eu/comm/competition/state_aid/studies_reports/studies_reports.html)

#### **E** Web-page addresses of the publication of the GER measures in authentic language

– DG COMP:

[http://ec.europa.eu/comm/competition/state\\_aid/register/](http://ec.europa.eu/comm/competition/state_aid/register/)

– DG AGRI:

[http://ec.europa.eu/agriculture/stateaid/exemption/info\\_en.htm](http://ec.europa.eu/agriculture/stateaid/exemption/info_en.htm)

– DG FISH:  
[http://ec.europa.eu/fisheries/legislation/state\\_aid/block\\_exemption\\_en.htm](http://ec.europa.eu/fisheries/legislation/state_aid/block_exemption_en.htm)

**F** List of Commission Units responsible for GER/Contact addresses

DG COMP:

– Unit I1 - State aid Policy,  
Head of Unit Alain ALEXIS, tel: +32 2 29 55303

– Unit I3 - State aid network and transparency,  
Head of Unit Wolfgang MEDERER, tel: +32 2 29 53584

DG AGRI:

– Unit H2 Competition  
Head of Unit Susana MARAZUELA AZPIROZ tel: +32 2 29 65725

DG FISH:

– Unit D3 – Legal issues,  
Michel MORIN, tel: +32 2 29 67022

DG TREN:

– Unit A4 – Internal market and Competition,  
Anna COLUCCI, tel: +32 2 29 68319

Questions and information on the Evaluation Report:

Wolfgang Mederer  
European Commission  
DG Competition  
Unit I3 - State aid network and transparency  
Rue de la Loi, 200  
1000 Brussels  
Belgium

E-mail to DG Competition: [stateaidgreffe@ec.europa.eu](mailto:stateaidgreffe@ec.europa.eu)