COMMISSION REGULATION (EU) 2022/2046

of 24 October 2022

amending the Annexes to Regulation (EU) No 1408/2013 as regards their adaptation to reflect the provisions of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and its Protocol on Ireland/Northern Ireland

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 108(4) thereof,

Having regard to 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 ([1]), and in particular Article 2(1)thereof,

After consulting the Advisory Committee on State aid,

Whereas:

(1) Annexes I and II to Commission Regulation (EU) No 1408/2013 ([2]) set out the maximum cumulative amounts of *de minimis* aid granted per Member State to undertakings active in the primary production of agricultural products over any period of 3 fiscal years referred to, respectively, in Article 3(3) and Article 3(3a) of that Regulation.

(2) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ([3]) ('the Withdrawal Agreement'), of which the Protocol on Ireland/Northern Ireland ('the Protocol') forms an integral part, entered into force on 1 February 2020.

(3) The transition period provided for in Article 126 of the Withdrawal Agreement, during which Union law remained to a large extent applicable to and in the United Kingdom of Great Britain and Northern Ireland, ended on 31 December 2020.

(4) However, Article 10 of the Protocol provides that certain provisions of Union law listed in Annex 5 to that Protocol shall apply to the United Kingdom in respect of measures affecting the trade in agricultural products between Northern Ireland and the Union.

(5) Regulation (EU) No 1408/2013 is listed among those provisions.

(6) In order to ensure compliance with the provisions of the Withdrawal Agreement and the Protocol, it is necessary to replace the maximum cumulative amounts for the entire United Kingdom set out in the Annexes to Regulation (EU) No 1408/2013 with the corresponding amounts for Northern Ireland alone.

(7) In order to ensure a level playing field, the maximum cumulative amounts for Northern Ireland should be based on the same calculation method as that which was used for the Member States at the time when those Annexes were established.

(8) Regulation (EU) No 1408/2013 should therefore be amended accordingly,

([1]) OJ L 248, 24.9.2015, p. 1.

([2]) Commission Regulation (EU) No 1408/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the agriculture sector (OJ L 352, 24.12.2013, p. 9).

([3]) OJ C 384 I, 12.11.2019.

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 1408/2013

Regulation (EU) No 1408/2013 is amended as follows:

(1) Article 1(1) point (b) is replaced by the following:

'(b) aid to export-related activities towards third countries or Member States (*), namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;

(*) As in accordance with Article 10 and Annex 5 to the Protocol to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ C 384 I, 12.11.2019), certain provisions of Union law relating to State aid in respect of measures affecting the trade between Northern Ireland and the Union continue to apply to the United Kingdom, any reference to a Member State in this Regulation shall be construed as a reference to a Member State or the United Kingdom in respect of Northern Ireland';

(2) in Annex I, the row setting out the maximum cumulative amount of *de minimis* aid for the United Kingdom is replaced by the following:

'United Kingdom in respect of Northern Ireland 29 741 417';

(3) in Annex II, the row setting out the maximum cumulative amount of *de minimis* aid for the United Kingdom is replaced by the following:

'United Kingdom in respect of Northern Ireland 35 689 700.'.

Article 2

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.

Done at Brussels, 24 October 2022.

For the Commission
The President
Ursula VON DER LEYEN