

## II

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## EUROPEAN COMMISSION

**Commission Notice amending the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020**

(2018/C 139/02)

The European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 <sup>(1)</sup> are amended as follows:

(1) in point (75), the following point (s) is added:

‘(s) aid for participation of active farmers in quality schemes for cotton and foodstuffs, in accordance with Section 3.8 of Part II.’;

(2) in point (93), the first sentence is replaced by the following:

‘Member States may fix the aid amount for the measures or types of operations referred to in Sections 1.1.5, 1.1.6, 1.1.7, 1.1.8, 2.1.1, 2.1.2, 2.2, 2.3, 3.4 and 3.5 of Part II of these Guidelines on the basis of standard assumptions of additional costs and income foregone.’;

(3) point (503) is replaced by the following:

‘(503) Aid for forestry investments which is co-financed under the EAFRD, or granted as additional national financing to such co-financed aid, may cover other eligible costs than those referred to in point (502)(a) to (e), provided that those costs are fully eligible under Regulation (EU) No 1305/2013 and that the aid is identical to the underlying measure included in the rural development programme approved under that Regulation. Where such aid is provided in the form of financial instruments, it may cover also the costs referred to in point 502(f).’;

(4) the heading of Section 2.1.2. of Part II is replaced by the following:

‘2.1.2. Aid for the establishment, regeneration or renovation of agroforestry systems’;

(5) point (513) is replaced by the following:

‘(513) The Commission will consider aid for the establishment, regeneration or renovation of agro-forestry systems compatible with the internal market under Article 107(3)(c) of the Treaty if it complies with the common assessment principles of these Guidelines and with the following conditions.’;

(6) point (516) is replaced by the following:

‘(516) The aid covers the costs of the establishment, regeneration or renovation and an annual premium per hectare may be granted to cover the costs of the maintenance for a maximum period of five years.’;

(7) point (518) is replaced by the following:

‘(518) The aid may be up to 80 % of the amount of the eligible investment costs for the establishment, regeneration or renovation of agro-forestry systems, and up to 100 % of the amount of the annual premium.’;

<sup>(1)</sup> OJ C 204, 1.7.2014, p. 1.

(8) after point (536), the following point (536a) is inserted:

‘(536a) The conditions laid down in points (534), (535) and (536) do not apply to aid which is co-financed under the EAFRD, or granted as additional national financing to such co-financed aid, and which is provided in the form of financial instruments.’;

(9) in point (565), the following second sentence is added:

‘Infrastructure installed as a result of demonstration may be used after the operation is completed.’;

(10) after point (567), the following point is inserted:

‘(567a) Aid for demonstration projects which is co-financed under the EAFRD or granted as additional national financing to such co-financed aid, and which is provided in the form of financial instruments, may cover other eligible costs than those referred to in point (293)(d)(i) to (iv) of Section 1.1.10.1, provided that those costs are fully eligible under Regulation (EU) No 1305/2013 and that the aid is identical to the underlying measure included in the rural development programme approved under that regulation.’;

(11) after point (569) the following point is inserted:

‘(569a) Aid which is co-financed under the EAFRD, or granted as additional national financing to such co-financed aid, may be paid to the Managing Authority referred to in point (a) of Article 65(2) of Regulation (EU) No 1305/2013.’;

(12) in point (635), the introductory wording is replaced by the following:

‘Save where aid is provided in the form of financial instruments, and unless specified otherwise, the eligible costs for investment aid measures falling within the scope of Chapter 3 of Part II of these Guidelines must be limited to the following costs.’;

(13) point (636) is replaced by the following:

‘(636) Save where aid is provided in the form of financial instruments, costs, other than those referred to in point (635), connected with leasing contracts, such as lessor’s margin, interest refinancing costs, overheads and insurance charges will not be considered to be eligible costs.’;

(14) after point (642), the following point (642a) is inserted:

‘(642a) Where aid is provided in the form of financial instruments, the input to the production process may also be a non-agricultural product on condition that the investment contributes to one or more of the Union priorities for rural development.’;

(15) after point (644), the following point (644a) is inserted:

‘(644a) With regard to the infrastructure investments referred to in point (644)(b), (d) and (e), where support is provided in the form of financial instruments, aid is not limited to small-scale infrastructure.’;

(16) in point (645), the following second sentence is added:

‘Such plans are not required with regard to investments for which the support is provided in the form of financial instruments.’;

(17) in point (654), the following third sentence is added:

‘The business plan shall have a maximum duration of five years.’;

(18) in point (656), the first sentence is replaced by the following:

‘The aid must be paid in at least two instalments.’;

(19) point (663) is replaced by the following:

‘(663) Aid to undertakings in rural areas which are not active in the agricultural sector may be provided for the conservation and for the sustainable use and development of genetic resources in agriculture, including non-indigenous resources, for operations not covered by the provisions under points (208) to (219) of Section 1.1.5.1 of Part II of these Guidelines.’;

(20) after point (672), the following point (672a) is inserted:

‘(672a) Infrastructure installed as a result of demonstration may be used after the operation is completed.’;

(21) in point (673), the following third sentence is added:

‘However, aid for the training of advisers may be paid to the Managing Authority referred to in point (a) of Article 65(2) of Regulation (EU) No 1305/2013.’;

(22) in point (681), the second sentence is replaced by the following:

‘The aid must be paid to the provider of the advisory services or to the Managing Authority referred to in point (a) of Article 65(2) of Regulation (EU) No 1305/2013.’;

(23) The title of Section 3.8 of Chapter 3 of Part II is replaced by the following:

‘Aid for participation of active farmers in quality schemes for cotton or foodstuffs’;

(24) point (685) is replaced by the following:

‘(685) The Commission will consider aid for new participation, or participation in the five preceding years, of active farmers in quality schemes for cotton or foodstuffs compatible with the internal market under Article 107(3)(c) of the Treaty if it complies with the common assessment principles of these Guidelines, with the common provisions applicable to Chapter 3 of Part II of these Guidelines and with the following conditions.’;

(25) in point (688), the following second sentence is added:

‘If the initial participation in the quality scheme started before the application for support, the maximum period of five years shall be reduced by the number of years, which have elapsed between that initial participation and the time of the application for support.’;

(26) point (709) is replaced by the following:

‘(709) Save where aid is provided in the form of financial instruments, direct costs under point (708)(d) must be limited to the eligible costs of investment aid, as specified in points (635) and (636).’;

(27) point (716) is replaced by the following:

‘(716) Aid may be granted to cover only the following costs:

(a) the administrative costs of setting up the mutual fund, spread over a maximum period of three years in a degressive manner;

(b) the initial capital stock of the mutual fund.’;

(28) point (717) is replaced by the following:

‘(717) Member States may limit the eligible costs by applying ceilings per fund.’;

(29) point (718) is replaced by the following:

‘(718) Aid must be limited to 70 % of the eligible costs.’.

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