



2023/2603

23.11.2023

**COMMISSION REGULATION (EU) 2023/2603**

**of 22 November 2023**

**correcting Regulation (EU) 2022/2473 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union**

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 <sup>(1)</sup>, and in particular Article 1(1), points (a)(i), (ii), (vi), (vii) and (x), thereof,

After consulting the Advisory Committee on State aid,

Whereas:

- (1) Commission Regulation (EU) 2022/2473 <sup>(2)</sup> contains technical errors which affect the content of the relevant provisions of that Regulation. Those errors concern wrong or missed cross references and omissions.
- (2) The errors impact the conditions for exempting State aid pursuant to Article 1(7), Article 6(5), Article 11(3), Article 12(1) and (7), Article 52(4) and Article 54(2) of Regulation (EU) 2022/2473 and Annex III thereto. It is therefore appropriate to correct those provisions.
- (3) Regulation (EU) 2022/2473 should therefore be corrected accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU) 2022/2473 is corrected as follows:

- (1) in Article 1, paragraph 7 is replaced by the following:

‘7. This Regulation shall not apply to:

- (a) aid schemes referred to in Articles 20, 21, 24, 26 to 30, 33, 43, 46, 48, 50 and 52, where they fulfil the conditions of Article 12, after 6 months from their entry into force. However, the Commission may decide that this Regulation shall continue to apply to an aid scheme for longer than 6 months after its entry into force, after having assessed the relevant evaluation plan notified by the Member States to the Commission. When submitting the evaluation plans, Member States shall also submit all the information necessary for the Commission to carry out an assessment of the evaluation plans and take a decision;
- (b) any alterations of schemes referred to in point (a) other than modifications which cannot affect the compatibility of the aid scheme under this Regulation or cannot significantly affect the content of the approved evaluation plan.’;

<sup>(1)</sup> OJ L 248, 24.9.2015, p. 1.

<sup>(2)</sup> Commission Regulation (EU) 2022/2473 of 14 December 2022 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 327, 21.12.2022, p. 82).

(2) in Article 6(5), points (a) to (d) are replaced by the following:

- '(a) aid to compensate for the costs of the prevention, control and eradication of animal diseases, if the conditions laid down in Article 42 are fulfilled;
- (b) aid to make good the damage caused by natural disasters, if the conditions laid down in Article 49 are fulfilled;
- (c) aid to make good the damage caused by adverse climatic events which can be assimilated to a natural disaster, if the conditions laid down in Article 51 are fulfilled;
- (d) aid to make good the damage caused by protected animals, if the conditions laid down in Article 53 are fulfilled;';

(3) in Article 11, paragraph 3 is replaced by the following:

- '3. Paragraphs 1 and 2 of this Article shall not apply to aid granted to CLLD projects referred to in Article 55.';

(4) Article 12 is corrected as follows:

- (a) paragraph 1 is replaced by the following:

'1. Aid schemes referred to in Article 1(7) shall be subject to an *ex post* evaluation if they have a State aid budget or accounted expenditures over EUR 150 million in any given year or EUR 750 million over their total duration, i.e. the combined duration of the aid scheme and any predecessor aid scheme covering a similar objective and geographical area, starting from 1 January 2023. *Ex post* evaluations shall only be required for aid schemes the total duration of which exceeds 3 years, starting from 1 January 2023.';

- (b) paragraph 7 is replaced by the following:

'7. The final evaluation report shall be submitted to the Commission at the latest 9 months before the expiry of the exempted aid scheme. That period may be reduced for aid schemes triggering the evaluation requirement in the last 2 years of implementation of the aid scheme. The precise scope and arrangements for each evaluation shall be set out in the Commission Decision approving the evaluation plan. The notification of any subsequent aid measure with a similar objective shall describe how the results of the evaluation have been taken into account.';

(5) in Article 52, paragraph 4 is replaced by the following:

- '4. The amount of the aid granted under this Article shall not exceed, in gross grant equivalent, a maximum aid intensity rate of 100 % of the eligible costs.';

(6) in Article 54, paragraph 2 is replaced by the following:

'2. Aid for costs incurred by municipalities participating in CLLD projects, referred to in Article 31 of Regulation (EU) 2021/1060 and implemented under the European Maritime, Fisheries and Aquaculture Fund in favour of projects referred to in paragraph 3 of this Article, shall be compatible with the internal market within the meaning of Article 107(3), point (c), TFEU and shall be exempted from the notification requirement of Article 108(3) TFEU, provided the conditions laid down in this Article and in Chapter I of this Regulation are fulfilled.';

(7) in Annex III, the third paragraph is replaced by the following:

'The following information on individual aid awards referred to in Article 9(1), point (c), shall be published:

- (a) reference of the identification number of the aid <sup>(1)</sup>\*;
- (b) beneficiary's identifier <sup>(2)</sup>\*;
- (c) type of enterprise (SME/large) at the date of granting the aid;
- (d) region in which the beneficiary is located, at NUTS level II <sup>(3)</sup>\* and, where applicable, outermost regions or smaller Aegean islands;
- (e) sector of activity at NACE group level <sup>(4)</sup>\*;
- (f) aid instrument, expressed as full amount in national currency <sup>(5)</sup>\*;
- (g) aid instrument <sup>(6)</sup>\* (grant/interest rate subsidy, loan/repayable advances/reimbursable grant, guarantee, tax advantage or tax exemption, risk finance, other <sup>(7)</sup>\*);
- (h) date of granting the aid;

- (i) objective of the aid <sup>(8)\*</sup>;
- (j) granting authority.

<sup>(1)\*</sup> As provided by the Commission under the electronic procedure referred to in Article 11 of this Regulation.

<sup>(2)\*</sup> Considering the legitimate interest in transparency to provide information to the public, in weighting up the needs of transparency with the rights under the data protection rules, the Commission concludes that the publication of the name of the aid beneficiary when the aid beneficiary is a natural person or a legal persons which have names of natural persons, is justified (see C-92/09, Volker und Markus Schecke and Eifert, paragraph 53), taking into account Article 49(1)(g) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC. Transparency rules aim to a better compliance, greater accountability, peer review and ultimately more effective public spending. This aim shall prevail over the data protection rights of natural persons receiving public support.

<sup>(3)\*</sup> NUTS – Nomenclature of Territorial Units for Statistics. Typically, the region is specified at level 2.

<sup>(4)\*</sup> Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).

<sup>(5)\*</sup> Gross grant equivalent.

<sup>(6)\*</sup> If the aid is granted through multiple aid instruments, the aid amount shall be provided by an aid instrument.

<sup>(7)\*</sup> If the aid is granted through other aid instruments, the aid instruments shall be specified.

<sup>(8)\*</sup> If the aid has multiple objectives, the aid amount shall be provided by an objective.’.

## Article 2

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, 22 November 2023.

For the Commission  
The President  
Ursula VON DER LEYEN