Do I need to notify my aid project?

- **Does the project contain State aid?**
  - No
  - Yes

- **Does it fit under an existing approved scheme?**
  - No
  - Yes
    - Ensure that the proposed aid complies completely with the existing scheme approval

- **Can it be covered using the general block exemption?**
  - No
  - Yes
    - Prepare the general block exemption summary form on the SANI system

- **Could it be granted as a “de minimis” aid?**
  - No
  - Yes
    - Follow provisions of the “de minimis” regulation

**PREPARE TO FORMALLY NOTIFY THE COMMISSION**

**NO NEED TO USE FORMAL PRIOR NOTIFICATION PROCEDURE**
NOTIFICATION AND APPROVAL PROCEDURE

BIS State Aid Branch (SAB) forward electronic notification to Commission. Joint informal development (through meetings/conference calls etc) of notification with Commission to make notification ready for formal submission.

Prepare to make pre-notification contact with Commission. Prepare draft using the Pre-notification option in the State Aid Notifications Interactive System (SANI). Agree draft notification with BIS State Aid Branch.

Prepare formal or simplified notification using the State Aid Notifications Interactive (SANI). Agree draft with BIS State Aid Branch, UKRep and other interested public bodies.

BIS State Aid Branch (SAB) forward electronic notification to Commission via UKRep.

Commission responds within 2 months of receipt of notification.

In most cases where there has been pre-notification contact, Commission has no further comments – approves aid.

Commission responds within 2 months of receipt of response.

Agree response with BIS SAB, UKRep and other interested bodies.

In cases where there has been no pre-notification contact, Commission letter contains further questions – Member State has one month / 20 working days to respond.

Commission has further questions for response within 1 month/20 working days.

Commission response raises no further written questions.

POSSIBLE OUTCOMES

- COMMISSION IS CONTENT WITH NOTIFICATION – APPROVES AID
- COMMISSION APPROVES AID BUT WITH AMENDMENTS / ADDITIONAL CONDITIONS
- COMMISSION CANNOT APPROVE AID – PRODUCES “NEGATIVE DECISION”
- COMMISSION REQUIRES MORE DETAILED SCRUTINY – OPENS ARTICLE 108(2) INVESTIGATION PROCEDURE
ARTICLE 108(2) INVESTIGATION PROCEDURE

Commission decides to open procedure. Sends draft letter outlining aid and Commission concerns for publication in Official Journal to Member State asking for response and comments within 20 working days.

Prepare response in consultation with BIS SAB and UKRep. Response should highlight any inaccuracies in the Commission letter and restate the UK position on the aid with any additional supporting evidence. BIS SAB forwards response to Commission via UKRep.

Allow up to one month for publication in Official Journal.

Letter published in Official Journal with one month for third party responses.

In parallel begin lobbying of UK and EU contacts to write supporting the aid in response to Commission request for third party comments.

After close of consultation Commission forwards third party comments to Member State with 15 days to comment. BIS SAB returns via UKRep.

Commission makes decision on basis of third party and other evidence. If favourable may approve straight away. Otherwise will discuss further with Member State through correspondence or meetings.

Commission writes with 20 working days for response or suggests a meeting.

Response forwarded to the Commission by BIS SAB via UKRep or attend meeting with Commission.

Commission responds within 2 months of receipt of response or from the date of the meeting.

POSSIBLE OUTCOMES

- COMMISSION APPROVES AID BUT WITH AMENDMENTS / ADDITIONAL CONDITIONS
- COMMISSION IS CONTENT WITH NOTIFICATION – APPROVES AID
- COMMISSION CANNOT APPROVE AID – PRODUCES "NEGATIVE DECISION"