

Details of arrangement for the electronic transmission of State aid notifications including addresses together with the arrangements for the protection of confidential information

Article 3(6) of Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty

(2005/C 237/03)

(Text with EEA relevance)

1. The present notice sets out the detailed arrangements for the transmission of the electronic notification forms, which will be compulsory as of 1 January 2006. It is based on Article 3(6) of Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the Treaty. Article 3(6) requests the Commission to publish these arrangements before 30 September 2005. The advisory Committee for State aids has been consulted.

2. The notifications forms of Annexe I Part 1 and 2 of Regulation (EC) No 794/2004 will be made available in a Web-application, the different supplementary information sheets (part III of Annexe I) will be annexed as a word document. The address of the web application will be the following:

<https://webgate.cec.eu.int/competition/sani>

3. Member States are requested to nominate a Local Administrator as well as the person authorized to validate notifications as well as a replacement. The Commission will grant them a login and password for the web-application which will make sure that the incoming notifications are authorized.

Member States will have the possibility to sub-delegate certain access rights to other persons depending on the internal organisation of the Member States administration for the State aid notifications. The sub-delegation shall not modify the authorization to validate the notification.

4. Subsequent correspondence between the Member States and the Commission relating to the same notification will be sent electronically via a PKI (Public Key Infrastructure) encrypted e-mail system.

The address for this e-mail system will be a functional mailbox established within each DG responsible for the treatment of State aid notifications. Each DG will introduce a certification system which will make the e-mail correspondence secure and confidential.

5. Upon validation of the notification form and the corresponding Supplementary Information Sheet (SIS), the system

will dispatch the notification to the Sec. Gen. and transfer the core data into the ISIS (Integrated State Aid Information System) database. Following that a notification of receipt will automatically be sent to the notifying Member State indicating the delay within which the Commission intends to assess the case preliminary as well as the DG which the case has been attributed to by the system.

The delay will depend upon whether the Member State avails himself of the simplified procedure of Article 4 of Regulation (EC) No 794/2004.

6. In the case of the simplified procedures, the Commission will use its best endeavours to preliminarily assess the case within a month's period.

In all other cases, the delay will be fixed at two months.

Subsequent correspondence relating to the particular notification will be exchanged between the Member State and the DG responsible via a PKI (Public Key Infrastructure) secured system. Member States will inform the Commission of their representative authorized to receive the key and to manage the security system. Two keys will be available per Member State. Member States are responsible for the security guarantee of their own e-mailing system between the sending point and the Authorized Disclosure Officer (ADO)

7. Withdrawal of notifications should be done via the same secured e-mail system. Decisions that a notification is deemed to be withdrawn are decisions of the Commission; they will be communicated to the Member State through the secured e-mail system.

8. Pre-notifications shall not be submitted via the web-based system, but shall be sent by e-mail. Upon finalisation of the informal contacts Member States will be requested to fill in the formal notification through the web-application.

9. The Commission will establish a functional mailbox where all suggestions for improvements of the functioning of the system and the Web based application shall/could be sent to by Member States.