Communication from the Commission amending the Temporary Community Framework for State aid measures to support access to finance in the current financial and economic crisis

(2009/C 261/02)

1. INTRODUCTION

The Temporary Community Framework for State aid measures to support access to finance in the current financial and economic crisis applies from 17 December 2008 until 31 December 2010 [1].

The possibility under point 4.2 to grant a compatible limited amount of aid does not apply to undertakings active in the primary production of agricultural products. Farmers, however, encounter increased difficulties to obtain credit as a consequence of the financial crisis.

Following the Communication from the Commission to the Council on the dairy market situation 2009 of 22 July 2009 (SEC(2009) 1050) and the outcome of the Council meeting of agriculture ministers of 7 September 2009, it is appropriate to introduce a separate compatible limited amount of aid for undertakings active in the primary production of agricultural products.

2. AMENDMENTS TO THE TEMPORARY COMMUNITY FRAMEWORK

The following amendments to the Temporary Community Framework for State aid measures to support access to finance in the current financial and economic crisis will take effect from 28 October 2009:

1. point 4.2.2(g) is replaced by the following:

   'prior to granting the aid, the Member State obtains a declaration from the undertaking concerned, in written or electronic form, about any other *de minimis* aid and aid pursuant to this measure received during the current fiscal year and checks that the aid will not raise the total amount of aid received by the undertaking during the period from 1 January 2008 to 31 December 2010, to a level above the ceiling of EUR 500 000, and of EUR 15 000 respectively in case of aid to undertakings active in the primary production of agricultural products [2];'

2. point 4.2.2(h) is replaced by the following:

   'the aid scheme applies as such to undertakings active in the processing and marketing of agricultural products [3], unless the aid is conditional on being partly or entirely passed on to primary producers. Where the aid is granted to undertakings active in the primary production of agricultural products (either directly or passed on from undertakings processing and marketing agricultural products), the cash grant (or gross grant equivalent) does not exceed EUR 15 000 per undertaking; aid to undertakings active in the primary production of agricultural products is not fixed on the basis of the price or quantity of products put on the market; aid to undertakings active in the processing and marketing of agricultural products is not fixed on the basis of the price or quantity of products purchased from primary producers or put on the market by the undertakings concerned.'

3. point 4.7, paragraph 2 is replaced by the following:

   'The temporary aid measures foreseen by this Communication may not be cumulated with aid falling within the scope of the *de minimis* Regulations for the same eligible costs. If the undertaking has already received *de minimis* aid prior to the entry into force of this temporary framework the sum of the aid received under the measures covered by point 4.2 of this Communication and the *de minimis* aid received must not exceed EUR 500 000, and EUR 15 000 respectively in case of aid to primary agricultural producers, between 1 January 2008 and 31 December 2010. The amount of *de minimis* aid received from 1 January 2008 must be deducted from the amount of compatible aid granted for the same purpose under points 4.3, 4.4, 4.5 or 4.6.'

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[1] OJ C 83, 7.4.2009, p. 1 (consolidated version including the amendments introduced by Commission Communication of 25 February 2009).

[2] As defined in Article 2(2) of Commission Regulation (EC) No 1857/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001 (OJ L 358, 16.12.2006, p. 3).

[3] As defined in Articles 2(3) and 2(4) of Regulation (EC) No 1857/2006.