

State aid and *de minimis* controller's perspective.

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Controllers and State aid

2 roles of controllers in SA

- The pre-verification of State aid relevant partner activities normally already performed by JS;
- Project Partners approved without State aid or with State aid;
- Without State aid: might happen that some activities are SA relevant (on the basis of criteria – keep them in mind);
- With State aid: your focus is on procedures (e.g. de minimis thresholds, letters, GBER rules respected).

State aid criteria &

Jems

1. **Transfer of State resources:** Always YES for Interreg;
2. **Resources granted to an UNDERTAKING -> Is the partner involved in economic activities through the project?**
3. **Advantage -> Does the partner receive an undue advantage in the framework of the project?**
4. **Selectivity:** Almost certainly YES in Interreg;
5. **Potential) distorting effect on competition and trade within the Union:** Most often YES.

Project overview

Application form

Project version (current) V. 1.0

A - Project identification

B - Project partners

Partners overview

LPI RT L Partner #1

Associated organizations

C - Project description

C.1 Project overall objective

C.2 Project relevance and context

C.3 Project partnership

C.4 Project work plan

C.5 Project Results

C.6 Project Time Plan

C.7 Project management

C.8 Long-term plans

D - Project budget

D.1 Project budget per fund

D.2 Overview partner / cost category

D.3 Overview partner / period

E - Project lump sums

E - Project lump sums

Application annexes

Check & Submit

Dashboard / Applications / 00017 – RT Project #10121 S1 / Partners overview / LPI RT L Partner #1

Application form 00017 – RT Project #10121 S1

Lead partner RT L Partner #1

Identity Address Contact Budget Co-financing **State Aid**

State aid criteria self-check

DE RU EN

Criterion I: Is the partner involved in economic activities through the project?

Please consider questions below, answer Yes/No and briefly justify

State aid question	Answer	Justification
1. Will the project applicant implement activities and/or offer goods/services for which a market exists?	Yes No	Enter text here
2. Are there activities/goods/services that could have been undertaken by an operator with the view to making profit (even if this is not the applicant's intention)?	Yes No	Enter text here

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Criterion II: Does the partner receive an undue advantage in the framework of the project?

Please consider questions below, answer Yes/No and briefly justify

State aid question	Answer	Justification
1. Does the project applicant plan to carry out the economic activities on its own i.e. not to select an external service provider via public procurement procedures for example?	Yes No	Enter text here
2. Will the project applicant, any other operator not included in the project as a project partner or the target audience gain any benefits from its project economic activities, not received in the normal course of business (i.e. not received in the absence of funding granted through the project)?	Yes No	Enter text here

Result of State aid criteria self-check: **There is a risk of State aid**

State aid relevant activities

Activity 1.1

OSER schema / de minimis

OSER Article 20

SA - the most important changes

Between 2014-2020 & 2021-2027

- Definition of state aid in CPR (in 2021-2027 de minimis is excluded from the definition);
- After 2021 GBER amendment large interest in Article 20 / 20 a (new Interreg dedicated schemes);
- Expected in 2023 amendments of GBER (applicable immediately) and de minimis regulations (applicable as of 1 Jan 2024).

What is my programme SA approach?

Aid for Interreg

- Check programme manual / factsheets - GBER / de minimis;
- Check your programme website – description of the GBER scheme has to published there;
- Check EC site - and find all schemes @

<https://ec.europa.eu/competition/elojade/isef/index.cfm>;

Competition Policy

Search competition cases (all policy areas)

Policy Area: All Antitrust / Cartels Cartels Merger State Aid

Case Number:

Case Title or Company Name: (words that the title contains) ?

Decision Date: From to

Economic sector (NACE CODE):

Web Publication Date: From to

State aid outside EU?

Where to search – some examples:

- Norway - Registeret for offentlig støtte (over 500 000 EUR), <https://data.brreg.no/rofs/>;
- The UK (except Northern Ireland) - <https://searchforuksubsidies.beis.gov.uk/searchresults>;
- Northern Macedonia - Commission for the Protection of Competition, <http://kzk.gov.mk/en/category/state-aid-notification>
- Status of all non-EU countries can be checked here:

https://competition-policy.ec.europa.eu/international/legislation_en

https://competition-policy.ec.europa.eu/international/bilateral-relations_en

GBER

Interreg dedicated Articles

- Article 20 – Aid for costs incurred by undertakings participating in ETC projects;
- Article 20a – Limited amounts of aid to undertakings for participating in ETC projects;
- other articles to be used only when EUR 2 million (2.2 million) limit in Art. 20 not sufficient or the project meets the requirements of other articles and could have higher max. intensity;
- Recoverable VAT not eligible under GBER, even for projects which total gross value is below EUR 5 million.

GBER

Focus points Article 20

- Eligibility aligned with description of cost categories from Interreg regulation – Articles 38-44;
- SCOs compatible;
- Threshold of aid: EUR 2 million per undertaking (EUR 2.2 million after 2023 Amendment), per project (GBER Article 4.1 (f));
- to check if the amount granted not exceeding the threshold.

GBER

Focus points Article 20a

- Threshold of aid: up to EUR 20 000 (EUR 22 000 after 2023 Amendment) per undertaking per project;
- Suitable for both direct and indirect aid;
- Can be applied to voucher schemes, trainings etc;
- SCOs compatible;
- to check if the amount granted not exceeding the threshold.

De minimis

is not State Aid!

- Aid of minimal financial importance;
- The amounts of *de minimis* aid granted per Member State to a single undertaking within the last 3 financial years cannot exceed EUR 200.000 (proposed EUR 275 000 as of 2024);
- road freight transport sector EUR 100,000 (proposed EUR 137 500);
- Checked on the basis of declarations or national registers (proposed only national or EU register, no self-declarations any more);
- Beneficiary to receive a letter with the de minimis amount.

Interact tools

- 
- Report – GBER and Interreg;
 - Report – Article 20a GBER and Interreg interpretations;
 - Dedicated webinars;
 - Q&A on State aid revision in preparation.

Cooperation works

All materials will be available on:

Interact Library at www.interact-eu.net/library