



Seminar dedicated to 'State aid in the management
of the **E**uropean **S**tructural and **I**nvestment **F**unds (ESIF)'
Joint seminar for the Czech Republic and Slovakia
Prague, 15 October 2015



Lessons learnt and good practice in dealing with State aid in ESIF management

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Outline

- 1. Ex-ante conditionality on State aid**
- 2. Good practice in dealing with State aid during different stages of programme management**
- 3. Conclusions**

1. EX-ANTE CONDITIONALITY ON STATE AID

EAC on State aid

Criterion 1

- Arrangements for the **effective** application of Union State aid rules

Criterion 2

- Arrangements for **training and dissemination** of information for staff involved in the implementation of the funds

Criterion 3

- Arrangements to ensure **administrative capacity** for implementation and application of Union State aid rules

EAC on State aid

Criterion 1

- CZ: currently fulfilled
- SK: not fulfilled yet (in progress, new State aid act approved)

Criterion 2

- CZ: fulfilled at the PA/OPs adoption
- SK: fulfilled at the PA/OPs adoption

Criterion 3

- CZ: not fulfilled yet (in progress)
- SK: not fulfilled yet (in progress)

Challenging criteria for the Czech Republic / Slovakia and other MS

Criterion 1

- The majority of MS do not have in place a database/central IT register or the central register covers only *de minimis*

Criterion 2

- Lack of a training strategy/plan related to state aid

Criterion 3

- Insufficient staffing of the central body/central state aid coordinator

Action plans linked to fulfilment of EAC

Criterion 1

- Ensure data transfer between ESIF central monitoring system and state aid central register (CZ)
- Strengthening the role of the State aid coordinator in State aid act (SK)

Criterion 2

- Organisation of at least 2 training sessions per year (IT)
- Preparation of a training strategy in cascade, including number of staff trained per administrative unit (IT)

Criterion 3

- Strengthening of administrative capacity of the central state aid coordinator by 100 – 150% (SK)

2. GOOD PRACTICE IN DEALING WITH STATE AID DURING DIFFERENT STAGES OF THE PROGRAMME MANAGEMENT

Good practices in the different stages of the programme management

Based on the preliminary work done by an external expert



Case studies from a number of MS available in autumn

Compliance with State aid at different stages of OP management



Key aspects affecting all stages

1. Where is State aid expertise – who does what?

- In house (Austria, Ireland, Netherlands)
- An independent body (Czech Republic, Hungary, Latvia, Poland)
- Are their decisions binding or not? (binding: Denmark, Hungary, Latvia – not binding: Lithuania, Poland)

2. Tools for dissemination of information

- Information platforms and dedicated websites (Denmark, Hungary, Latvia, Poland, UK)
- Newsletters
- Mailing lists

3. Availability of training schemes

- General training schemes
- Dedicated training schemes for ESIF bodies

Risks occurring during different stages

Stage 1

- Not all measures containing State aid element are identified

Stage 2

- State aid element not identified in stage 1 leads to granting unlawful aid

Stage 3

- Although State aid element correctly identified this is not reflected in the contract with beneficiary

Stage 4

- Beneficiary is receiving unlawful aid OR
- Beneficiary does not respect State aid requirements set in the contract

Stage 1: Drafting Operational Programmes

1. Where is your expertise – who does what?

In house

An independent body



2. How is information disseminated?

What are the available channels and tools?



GOOD PRACTICE – prepare an overview table of measures potentially containing a state aid element → applicable State aid rules → procedure to be followed

Stage 2: Drafting of implementing documents **SITUATION 1 - Overview state aid table is in place**

Managing Authority/Intermediate Body when drafting implementing provisions (e.g. calls for proposals) are aware which measures are subject to State aid

- The overview State aid table contains assessment of applicable rules and procedures these can be followed (otherwise this assessment can be made at this stage)
- Provides clear rules and procedures

Stage 2: Drafting of implementing documents SITUATION 2 - Overview state aid table is in NOT place

Managing Authority/Intermediate Body when drafting implementing provisions (e.g. calls for applications) must make ad-hoc assessments regarding the presence of state aid

- Assessment of applicable State aid rules and procedures shall be identified and correctly presented in the call for applications

Stage 3: Granting support to beneficiaries

1. State aid element has been correctly identified both in the programme and in the call

2. The contract with beneficiary contains all requirements and procedures to be respected regarding state aid

GOOD PRACTICE:

Existence of standardised checklists

Dedicated training schemes for bodies granting aid

Central registry in place

Stage 4: Project implementation

1. Is the aid granted according to an approved scheme?

2. Are beneficiaries aware of the procedures to follow regarding State aid?

3. Are the beneficiaries respecting the requirements set in the contract?

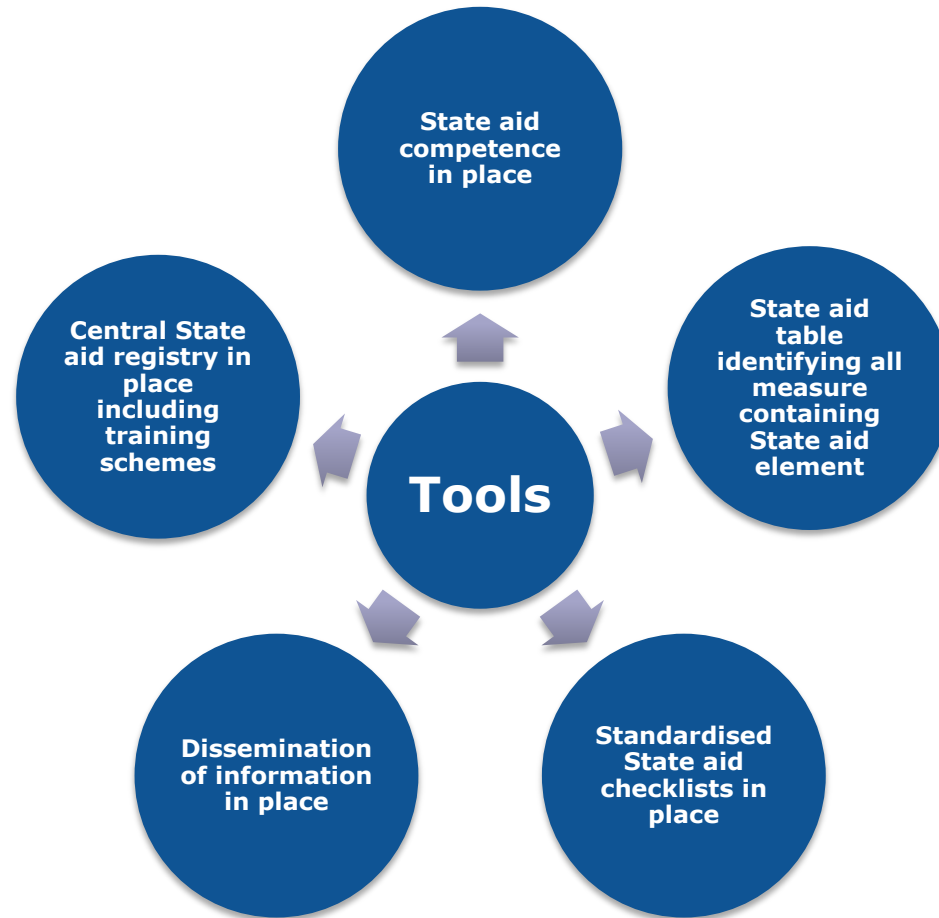
GOOD PRACTICE

Central Registry in place

Dedicated training schemes

3. CONCLUSIONS

Good practice tools - conclusion



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