

## State aid in the management of the Structural and Cohesion Funds programmes and projects 2021-2027

Online, 26-27-28-29 February 2024  
(all PM)

The training has been organised by EIPA and CPVA  
under the Framework Contract Nr 2023CE160AT004.

1

### House rules on Zoom

- Make sure your name is the same as the one you have used for the registration : **otherwise pls rename yourself**
- Keep **muted while listening** but do raise your **Digital Hand** for a question or a comment !
- Use the **Zoom Chat function to share** any good practice of interest to everybody !
- **Break Out Rooms**: accept the invitation, download the file from the chat, save it to your desktop, activate your camera/microphone and start discussions
- **Recordings done for DG REGIO**

2



### **Agenda DAY 1 PM (Jean Pierre Bove)**

- **Concept of State Aid**
- **Temporary Framework for State Aid (TFSA)**
- **Break out rooms on notion of State Aid**

### **Agenda DAY 2 PM (Stephen Moore)**

- **State Aid and ESI funds**
- **De Minimis**
- **Break out rooms on De Minimis**



3



### **Agenda DAY 3 PM (Jean Pierre Bove)**

- **GBER regulation**
- **Break out rooms on SME definition**
- **Break out rooms on GBER/investment aid to SME**
- **Marie-Laure Wyss/Tess Crean DG COMP Q&A**

### **Agenda DAY 4 PM (Stephen Moore and Marco Lopriore)**

- **Regional aid**
- **Break out rooms on R&D aid case**
- **Simplified Cost Options (SCO) & State Aid**



4



## NEEDS OF THE GROUP (1)

- General:
  - Latest developments of SA legislation (2023 GBER Amendment, New *De Minimis* Reg)
  - Control on the SA during verification of expenditures to the beneficiary and related irregularities
  - The parameter set for the monitoring of the economic activity may be modified within the monitoring period? Is it possible to set different parameters for different relevant entities, financed within the same investment project?
  - Evaluation of SA programmes
- DM:
  - Rules of accumulation in the new de minimis regulation
- GBER:
  - Granting of state aid in CBC, GBER exemptions in different states
  - Regional aid
  - Health, social and education area; relevant GBERs for ESF+
  - Infrastructure support, tourism support
  - Funding for R&D units within private companies; SA for R&D; monitoring of the economic activity for the organization for research and knowledge dissemination
  - Application of CEEAG (Climate, Energy and Environmental Aid Guidelines)
  - SA in the management of the ERDF in connection with farmers/landowners.



5



## NEEDS OF THE GROUP (2)

- SCO:
- SCOs and state aid
  - Indirect costs under CPR and GBER rules
- Further needs:
- SGEI
  - Combination of FI and grants under GBER (651/2014), discounting, evaluation of single investment project
  - Calculation of GGE in case of loan + grant. Discounting in case of loan.



6



## Q&A with DG COMP

- GBER: What requirements of GBER - articles 20 and 20-bis - shall be checked for all candidates and which ones can be checked only for a sample of candidates? Is it possible to combine GBER aid in countries participating in specific Interreg programme?
- DM: How have DM rules changed, concerning the certification of expenses to the EC?
- SGEI: If no reference is made to the SGEI exemption decision in the entrustment act for a service of general interest, is this a formal or a financial error?
- SME definition: If an entity could be considered an undertaking because of their broader work e.g. a social enterprise supporting individuals with addiction but who also provide a paid recycling service, but the revenue generation is unrelated to the project we are funding i.e. addiction supports, can they still be considered an undertaking, or can the state aid criteria apply on a project specific basis?



7



## Questions on SA and SCO

- Is it possible to correctly apply flat rate in that case when among the indirect costs there are costs of activities affected by state aid, and these activities can be supported with different intensities, and the de minimis framework of the beneficiaries has been exhausted?
- A company receives funding through standardized unit costs and the remaining cost flat rate. The company does not have to pay rent to the city. Shouldn't the rental expenses provided be considered aid and deducted from the eligible costs? Or is this covered by the residual cost flat rate?



8



## Additional Q&A with DG COMP

- Is there a possibility that TFSA will be prolonged after summer 2024?
- Concept of Aid:
  - While Horizon Europe is not SA since it is not under MS control but should the resources of HE be considered public ? or private resources? (EIB/EIF are mentioned by EC as private resources)
  - There is no SA when you organise a Public Procurement. Can we then be sure there is no SA when you give a contract to your in-house company?



9



## Q&A: Incentive effect and changes in project

- The project total cost is 100 000 EUR and consists of industrial research (50 000) and experimental development (50 000).
- Later the beneficiary would like to change the activities within the project and to reduce industrial research aid by 10 000 EUR and increase respectively aid for experimental development.
- Can we accept the beneficiary's request for changing the project? We do not increase the total aid amount (the aid amount decreases due to lower aid rates to experimental development).



10

## Question on DM

- Concerning the obligations to report to the central registry, the DM regulation establishes that financial intermediaries implementing de DM aid schemes shall report the total amount of de DM aid received by them
- How should we calculate the aid received by the financial intermediaries?

## Q&A: art 20 GBER ETC

- Art 20 GBER ETC: Projects are getting 80% from ERDF but need to respect the aid intensity by matching the 20% with private resources
- We then have an issue with public bodies submitting projects in Interreg as they cannot co-fund the project with their own resources.
- Is there a way out?



## Q&A

- GBER:
  - can you cumulate art. 20 and art 20-bis?
  - that is, on top of an aid of 22.000 EUR for an ETC beneficiary, give a second aid for more expenses on the same cost categories, with art. 20?

