

## Notifying Schemes and projects

No aid may be awarded without the prior written approval of the EU - Commission. Approval is much more likely to be gained if the proposed aid measure fully complies with the terms of one of the Commission's Regulations, guidelines or frameworks setting out the special conditions applying to certain types of aid of aid for certain purposes. The golden rule for any new scheme or modification to an existing scheme (including ad hoc awards of aid) is to make sure that the possible need to obtain the Commission's prior approval is considered at the earliest stage – and to involve the State Aid and Competition Division of UOKIK who can help you take full account of the requirements of the State aid rules. As already emphasised earlier, the range of types of support or assistance that may be regarded as State aid is very wide and goes far beyond straightforward grant assistance. The risks of going ahead and launching a new scheme or paying an ad hoc aid without being absolutely sure that that the proposed assistance is not subject to the State aid provisions or to actually getting the prior approval of the Commission are very serious.

### The process step by step

1. Think State aid from the start. Identify new proposals to provide assistance or to change the terms of an existing aid scheme.
2. Contact the State Aid and Competition Division of UOKIK to consider whether the proposed assistance is likely to be considered a State aid within the meaning of Art. 87 I EC and to discuss the way forward. They welcome informal approaches to discuss general concerns as well as in anticipation of a particular notification. It is to your advantage to make the best use of these contacts to identify any particular difficulties with what is proposed and to ensure that UOKIK has all the information needed to make quick and favourable decision.
3. Prepare a formal notification to UOKIK. There is are standard formats for doing this. The most important questions you will have to answer are:
  - Aim of scheme/ad hoc aid, e.g.
    - Horizontal – what is its purpose (e.g. SME, R&D, environment, energy saving, etc)?
    - Regional – which regions are eligible for support?
    - Sectoral – which sectors are eligible?
    - Ad hoc – which company is to be supported, where is it located, what are its business activities and who are its main competitors (include market share details), what is its financial position? Provide a detailed description of the project and its benefits.
  - What is the legal basis of the proposed aid?
  - What are the forms of aid? E.g. grants, low-interest loan (details of how loan secured), tax relief, guarantee (details of how guarantee secured), aid tied to an R&D contract, other (specify).
  - What are the eligible costs on which the State aid is calculated (e.g. land, buildings, equipment, personnel, training, consultant's fees, etc)?
  - What will be the level of expenditure and over what period?
  - If more than one type of aid is involved, to what extent can aid beneficiaries cumulate assistance? What account is made for cumulation of assistance from other sources towards the same project?
  - What is the justification for the proposed aid and how is it compatible with the State aid rules.