# State aid and de minimis controller's perspective.

Grzegorz Golda / Interact / 16.05.2023



# **Controllers and State aid**

#### 2 roles of controllers in SA

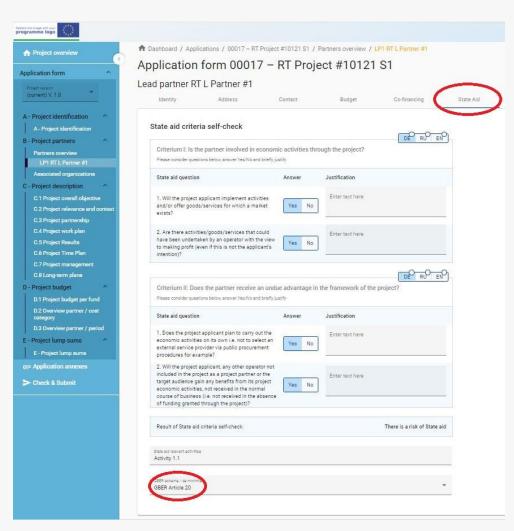
- The pre-verification of State aid relevant <u>partner activities</u> normally already performed by JS;
- Project Partners approved without State aid or with State aid;
- Without State aid: might happen that some activities are SA relevant (on the basis of criteria – keep them in mind);
- With State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



# State aid criteria &

- 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?
- Selectivity: Almost certainly YES in Interreg;
- 5. Potential) distorting effect on competition and trade within the Union: Most often YES.

# **Jems**





# SA - the most important changes

#### Between 2014-2020 & 2021-2027

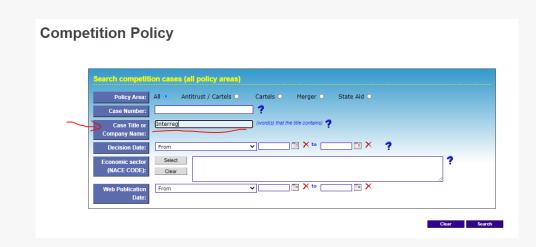
- Definition of state aid in CPR (in 2021-2027 de minimis is excluded from the definition);
- After 2021 GBER amendment large interest in Article 20 / 20 a (new Interreg dedicated schemes);
- Expected in 2023 amendments of GBER (applicable immediately) and de minimis regulations (applicable as of 1 Jan 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 @
  <a href="https://ec.europa.eu/competition/elojade/isef/index.cfm">https://ec.europa.eu/competition/elojade/isef/index.cfm</a>;





# **State aid outside EU?**

#### Where to search – some examples:

- Norway Registeret for offentlig støtte (over 500 000 EUR), <a href="https://data.brreg.no/rofs/">https://data.brreg.no/rofs/</a>;
- The UK (except Northen Ireland) <a href="https://searchforuksubsidies.beis.gov.uk/searchresults">https://searchforuksubsidies.beis.gov.uk/searchresults</a>;
- Northern Macedonia Commission for the Protection of Competition, <a href="http://kzk.gov.mk/en/category/state-aid-notification">http://kzk.gov.mk/en/category/state-aid-notification</a>
- 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 incured 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 prepration.



# **Cooperation works**

All materials will be available on:

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