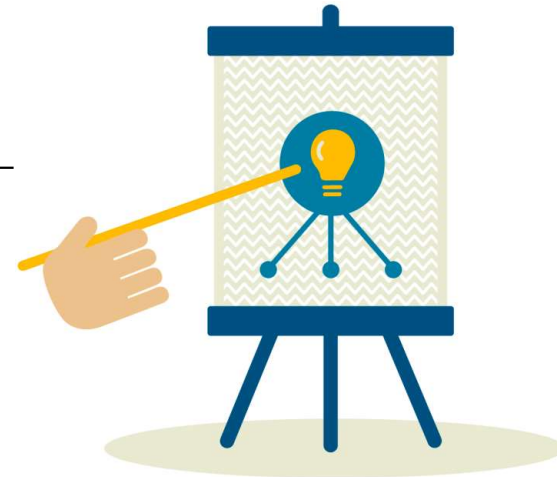


Amended GBER - Q&A with the European Commission

26 October 2021 | Zoom



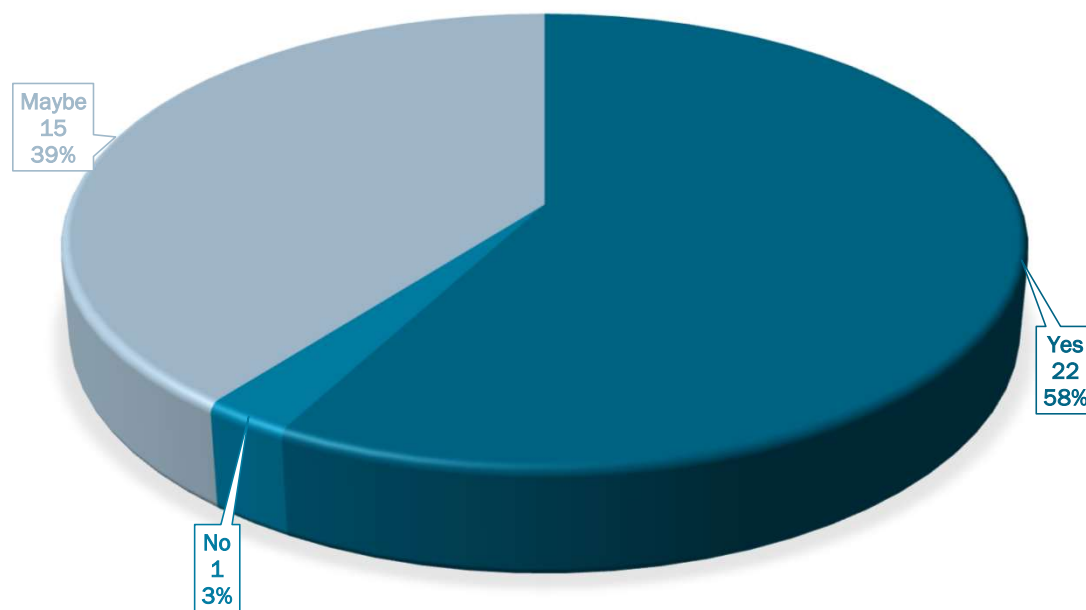
Amended GBER Article 20

- Article 20 open for all: large, medium-sized, small enterprises
- Eligibility catalogue in this article = the eligibility in Art 38 - 44 of Interreg Regulation 2021/1059
- SCOs compatible
- Max. aid intensity optimised with max. co-financing rate in the CPR (no longer 50%, now up to 80%)
- The fishery and aquaculture sector and the primary agricultural production sector eligible
- Deemed to have an incentive effect
- Threshold of aid: EUR 2 million per undertaking, per project as before
(for programmes with 80%, EUR 2 million ERDF + EUR 0,5 million private funds)

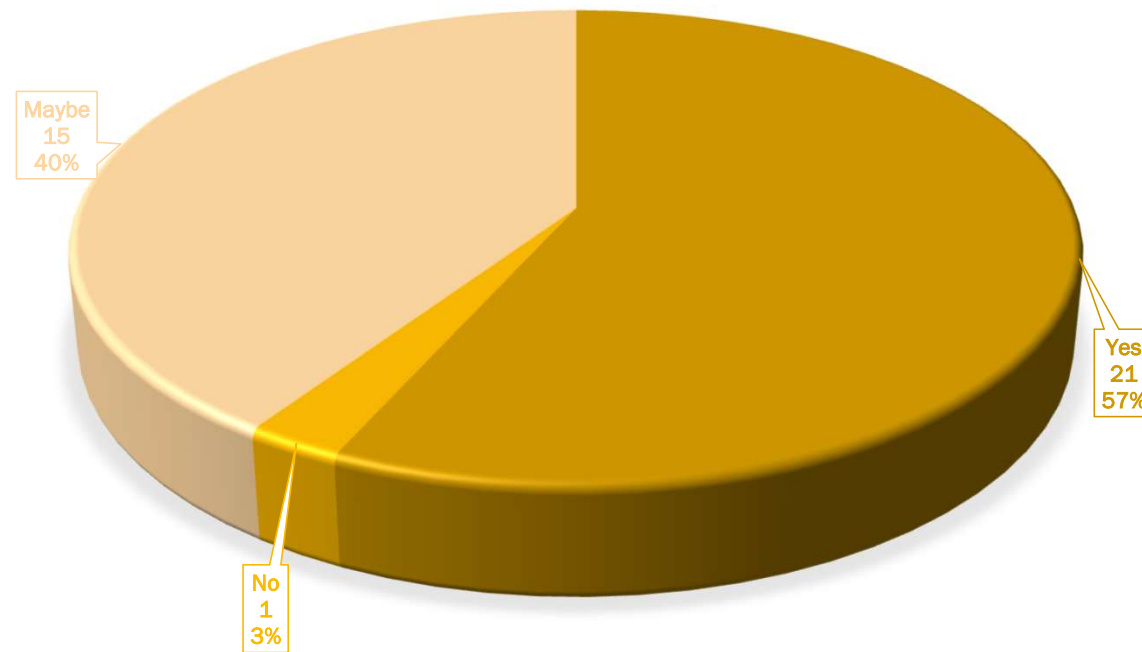
New GBER Article 20a

- Threshold of aid: up to EUR 20 000 per undertaking per project
- Can be applied to voucher schemes, trainings etc.
- The fishery and aquaculture sector and the primary agricultural production sector eligible
- Deemed to have an incentive effect
- No need to inform in SANI, no annual reporting needed in SARI
- The detailed records with supporting documentation kept for 10 years – do not apply
- The MA shall ensure that all supporting documents are kept at the appropriate level for a 5-year period from 31 December of the year in which the last payment by the managing authority to the beneficiary is made (Article 82.1 CPR)

Do you plan to use GBER Art. 20?



Do you plan to use Art. 20a?



Where we are and our approach

Current status

- Programmes preparing the schemes at the moment: BSR, CE, NSR
- PL (5 programmes) + FR (one scheme for all FR programmes prepared)

Approach

- The programmes will use GBER, but will keep the *de minimis* (with 1 exception)
- Article 20 and Article 20a preferred by the majority
- Both articles be applied to indirect and direct SA
- Other articles to be used only when 2 million EUR limit in Art. 20 not sufficient or the project meets the requirements of other articles and could have higher max. intensity

Which other articles are we considering?

- Only 3 Programmes clearly plan to use other GBER articles
- Article 19 a - Aid for costs incurred by SMEs participating in community-led local development ('CLLD') or European Innovation Partnership for agricultural productivity and sustainability ('EIP') Operational Group projects
- Article 19 b - Limited amounts of aid to SMEs benefitting from community-led local development ('CLLD') or European Innovation Partnership for agricultural productivity and sustainability ('EIP') Operational Group projects
- Article 22 - Aid for Start-ups
- Article 25 - Aid for R&D
- Article 53 - Aid for culture and heritage conservation
- Article 56 - Investment aid for local infrastructures

State aid in Jems

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

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?	<input type="button" value="Yes"/> <input type="button" value="No"/>	<input type="text" value="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)?	<input type="button" value="Yes"/> <input type="button" value="No"/>	<input type="text" value="Enter text here"/>

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?	<input type="button" value="Yes"/> <input type="button" value="No"/>	<input type="text" value="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)?	<input type="button" value="Yes"/> <input type="button" value="No"/>	<input type="text" value="Enter text here"/>

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

State aid relevant activities

Activity 1.1

GBER scheme / de minimis

GBER Article 20

Interact tools

- Draft Report – GBER and Interreg
- Draft report – Article 20a GBER and Interreg interpretations
- Q&A on State aid revision in prepration
- After this meeting we will prepare a written document
- Possiblity to repeat GBER training for beginners next year – please indicate your interest in the evaluation form at the end

Questions to EC

Questions to EC

Identifiable eligible costs

1. How to differentiate “aid with identifiable eligible costs” from “aid without identifiable eligible costs”? Is there a definition?

Article 20a

1. In our programme, Art. 20a will be applied to aid of limited amount given by project partners (in the form of free of charge services, trainings, etc.) to final beneficiaries. The value of the aid given is verified by the programme ex-ante. Is this correct?
2. The only monitoring measure we are planning to enforce for aid granted under Art. 20a is the verification of the respect of the EUR 20.000 threshold. No further measures are planned. Is this correct?

Questions to EC

Article 20a – Case study

A project partner receives ERDF co-financing of EUR 200,000. The Programme grants the full amount as **de minimis aid**. Can the partner use part of the EUR 200,000 to support a company which participates in the project with e.g. **consultancy services under Article 20a (indirect aid)**? Or is this in contradiction with the rules because two different State aid measures are used? Or does the support to the company (indirect aid) not have to be covered by a State aid instrument, because it was already covered at the level of the project partner? Or does the Programme have to split the amount into EUR 180,000 under de minimis and EUR 20,000 under Article 20a? What is the implication of the latter on the actual implementation of the project, i.e. what happens if the project supports the company with less than EUR 20,000 and needs more for other project activities? **Does this require close monitoring of actual spending and modification of the project in case it is not?** The application of Article 20a is supposed to be simple but close monitoring of actual spending would make it more complicated and would move the focus from direct aid (which is simple in application) to indirect aid.

Questions to EC

Aid granted in the sector of processing and marketing of agricultural products

Article 1(3) states that "This Regulation shall not apply to: [...] (c) aid granted in the sector of processing and marketing of agricultural products, in the following cases: (i) where the amount of the aid is fixed on the basis of the price or quantity of such products purchased from primary producers or put on the market by the undertakings concerned; (ii) where the aid is conditional on being partly or entirely passed on to primary producers;". Theoretically spoken: If there is a project partner that provides indirect aid in a way that it fulfils the criteria of Article 1(3)(c), does this mean that the partner is providing aid in the sector of primary agricultural production instead? And then Article 1(3)(b) would apply? Or is it clearly out of the scope of the regulation then?

Questions to EC

1. Can SCOs be used for the implementation of small projects in a small project fund, even if the project is subject to State aid?
2. We still have problems with the unsolved situation in which the state aid can not be recovered from the entity due to the bankruptcy. There are no provisions as such in the GBER. The situation might be problematic for MA granting the aid in particular to foreign beneficiaries.

Questions to EC

Plans for the future

1. Is de minimis regulation to be revised after the fitness check?
2. Current GBER is applicable until the end of 2023. Can we expect that the Articles 20 and 20a will be kept in the future GBER?

Cooperation works

All materials will be available on:

[**www.interact-eu.net**](http://www.interact-eu.net)

