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I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 271/2008

of 30 January 2008

amending Regulation (EC) No 794/2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾, and in particular Article 27 thereof,

After consulting the Advisory Committee on State Aid,

Whereas:

- (1) In order to facilitate and accelerate the submission of State aid notifications by Member States, and their assessment by the Commission, it is desirable to generalise the use of the already established electronic systems.
- (2) Since 1 January 2006 Member States have been required to transmit State aid notifications electronically. The web application State Aid Notification Interactive (SANI) ⁽²⁾ has become fully functional and has increased the efficiency of procedures. For these reasons, from 1 July 2008, its use should be rendered obligatory for Member States for the submission of State aid notifications to the Commission.

- (3) Since 1 January 2006, Member States have also been required to transmit all correspondence in connection with notifications electronically. The secured e-mail system Public Key Infrastructure (PKI) ⁽³⁾ tested by the Commission has become fully functional. Its use should therefore be rendered obligatory, from 1 July 2008, for all correspondence from Member States to the Commission in connection with a notification.

- (4) In exceptional cases, upon the agreement of the Commission and the Member State concerned, it should be possible to use a communication channel other than the established web application or secured e-mail system.

- (5) Member States should be invited to submit a separate non-confidential version of the notification, on a voluntary basis, or any correspondence in connection with a notification where these documents contain confidential information. This should lead to shortening of procedures and should enable the Commission to decide more easily on requests for access to documents. The classification of the information as confidential should be justified by the Member State concerned. The submission of a separate non-confidential copy of the notification or any correspondence in connection with a notification is without prejudice to the assessment by the Commission of the confidential character of the information submitted.

⁽¹⁾ OJ L 83, 27.3.1999, p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ Details on the established web application are published in Commission notice 'D including addresses together with the arrangements for the protection of confidential information' (OJ C 237, 27.9.2005, p. 3).

⁽³⁾ Details are published in Commission notice 'D including addresses together with the arrangements for the protection of confidential information'.

- (6) In order to improve transparency of State aid in the Community, Member States should be required to refer to the State aid identification number allocated to the aid scheme concerned by the Commission in each grant of aid to a final beneficiary, save for aid granted through fiscal measures. For the same reason, the notification form should be modified to include an undertaking to publish on the Internet the full text of final aid schemes as approved by the Commission.
- (7) In the light of changes in transmission of notifications, the provisions concerning the calculation of time limits should be also updated.
- (8) The methodology for setting the interest rates applicable in respect of the recovery of unlawful aid follows the methodology for setting the reference and discount rates. The methodology for setting the reference and discount rates has been reviewed. The provisions of Commission Regulation (EC) No 794/2004 ⁽¹⁾ concerning the interest rate applicable in respect of the recovery of unlawful aid should therefore be amended in order to reflect these changes.
- (9) In order to enable the Commission to better assess the effects of the notified aid measures on competition in the internal market, questions concerning the potential of such measures to distort competition and to affect intra-Community trade should be included in the notification form.
- (10) According to the case law of the Court of First Instance of the European Communities ⁽²⁾, when assessing the compatibility of aid with the common market, the Commission must take all the relevant factors into account, including, where relevant, the circumstances already considered in a prior decision and the obligations which that previous decision may have imposed on a Member State. The Commission therefore has power to take into consideration the cumulative effect of any old aid and the new aid, and the fact that the old aid declared unlawful has not been repaid. In order to enable the Commission to apply systematically this case law to individual aid measures as well as to aid schemes, the notification form should be modified.
- (11) In addition to the changes introduced in Part I of Annex I, further amendments to the notification forms are necessary, in particular the deletion of Part II of Annex I to Regulation (EC) No 794/2004, in order to avoid duplication of the information to be submitted by Member States.
- (12) Following the adoption by the Commission of new Community guidelines on State aid to promote risk capital investments in small and medium-sized enterprises ⁽³⁾ and the Community framework for State aid for research and development and innovation ⁽⁴⁾, it is necessary to replace the notification forms contained in Part III.11 and Part III.6(a) and (b) of Annex I, with new notification forms which are in line with the current frameworks. The other notification forms contained in Part III of Annex I remain unchanged.
- (13) In order to ensure legal certainty and to increase transparency in granting the aid in the Community, the simplified notification form provided for in Article 4(2) of Regulation (EC) No 794/2004 and contained in Annex II should also be amended. In particular, Member States should be required confirm that all commitments given for the purposes of a previously approved scheme will remain valid in their entirety in respect of a new notified aid measure.
- (14) Regulation (EC) No 794/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 794/2004 is amended as follows:

1. Article 3 is replaced by the following:

'Article 3

Transmission of notifications

1. The notification shall be transmitted to the Commission by means of the electronic validation carried out by the person designated by the Member State. Such validated notification shall be considered as sent by the Permanent Representative.
2. The Commission shall address its correspondence to the Permanent Representative of the Member State concerned, or to any other address designated by that Member State.
3. As from 1 July 2008, notifications shall be transmitted electronically via the web application State Aid Notification Interactive (SANI).

All correspondence in connection with a notification shall be transmitted electronically via the secured e-mail system Public Key Infrastructure (PKI).

4. In exceptional circumstances and upon the agreement of the Commission and the Member State concerned, an agreed communication channel other than those referred to in paragraph 3 may be used for submission of a notification or any correspondence in connection with a notification.

⁽¹⁾ OJ L 140, 30.4.2004, p. 1. Regulation as last amended by Regulation (EC) No 1935/2006 (OJ L 407, 30.12.2006, p. 1, as corrected by OJ L 44, 15.2.2007, p. 3.)

⁽²⁾ Joined cases T-244/93 and T-486/93 *TWD Textilwerke Deggendorf GmbH v Commission of the European Communities*, [1995] ECR II-2265.

⁽³⁾ OJ C 194, 18.8.2006, p. 2.

⁽⁴⁾ OJ C 323, 30.12.2006, p. 1.

In the absence of such an agreement, any notification or correspondence in connection with a notification sent to the Commission by a Member State through a communication channel other than those referred to in paragraph 3 shall not be considered as submitted to the Commission.

5. Where the notification or correspondence in connection with a notification contains confidential information, the Member State concerned shall clearly identify such information and give reasons for its classification as confidential.

6. The Member States shall refer to the State aid identification number allocated to an aid scheme by the Commission in each grant of aid to a final beneficiary.

The first subparagraph shall not apply to aid granted through fiscal measures.'

2. In Article 8, paragraphs 3 and 4 are replaced by the following:

'3. With regard to timelimits for action by the Commission, the receipt of the notification or subsequent correspondence in accordance with Article 3(1) and Article 3(3) of this Regulation shall be the relevant event for the purpose of Article 3(1) of Regulation (EEC, Euratom) No 1182/71.

4. With regard to timelimits for action by Member States, the receipt of the relevant notification or correspondence from the Commission in accordance with Article 3(2) of this Regulation shall be the relevant event for the purposes of Article 3(1) of Regulation (EEC, Euratom) No 1182/71.'

3. Article 9 is replaced by the following:

'Article 9

Method for fixing the interest rate

1. Unless otherwise provided for in a specific decision, the interest rate to be used for recovering State aid granted in breach of Article 88(3) of the Treaty shall be an annual percentage rate which is fixed by the Commission in advance of each calendar year.

2. The interest rate shall be calculated by adding 100 basis points to the one-year money market rate. Where those rates are not available, the three-month money market rate will be used, or in the absence thereof, the yield on State bonds will be used.

3. In the absence of reliable money market or yield on stock bonds or equivalent data or in exceptional circumstances the Commission may, in close co-operation with the Member State(s) concerned, fix a recovery rate on the basis of a different method and on the basis of the information available to it.

4. The recovery rate will be revised once a year. The base rate will be calculated on the basis of the one-year money market recorded in September, October and November of the year in question. The rate thus calculated will apply throughout the following year.

5. In addition, to take account of significant and sudden variations, an update will be made each time the average rate, calculated over the three previous months, deviates more than 15 % from the rate in force. This new rate will enter into force on the first day of the second month following the months used for the calculation.'

4. In Article 11, paragraph 3 is replaced by the following:

'3. The interest rate referred to in paragraph 1 shall be applied throughout the whole period until the date of recovery. However, if more than one year has elapsed between the date on which the unlawful aid was first put at the disposal of the beneficiary and the date of the recovery of the aid, the interest rate shall be recalculated at yearly intervals, taking as a basis the rate in force at the time of recalculation.'

5. The Annexes are amended in accordance with the Annexes to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 January 2008.

For the Commission
Neelie KROES
Member of the Commission

ANNEX I

Annex I to Regulation (EC) No 794/2004 is amended as follows:

(1) Part I. General Information is replaced by the following:

PART I

GENERAL INFORMATION

STATUS OF THE NOTIFICATION

Does the information transmitted on this form concern:

☐ **a notification pursuant to Article 88(3) of the EC Treaty?**

☐ **a possible unlawful aid ⁽¹⁾?**

If yes, please specify the date of putting into effect of the aid. Please complete this form, as well as the relevant supplementary forms.

☐ **a non-aid measure which is notified to the Commission for reasons of legal certainty?**

Please indicate below the reasons why the notifying Member State considers that the measure does not constitute State aid in the meaning of Article 87(1) of the EC Treaty. Please complete the relevant parts of this form and provide all necessary supporting documentation.

A measure will not constitute State aid if one of the conditions laid down in Article 87(1) EC Treaty is not fulfilled. Please provide a full assessment of the measure in the light of the following criteria focusing in particular on the criterion which you consider not to be met:

- no transfer of public resources (For example, if you consider the measure is not imputable to the State or where you consider that regulatory measures without transfer of public resources will be put in place),
- no advantage (For example, where the private market investor principle is respected),
- no selectivity/specificity (For example, where the measure is available to all enterprises, in all sectors of the economy and without any territorial limitation and without discretion),
- no distortion of competition/no affectation of intra-community trade (For example, where the activity is not of an economic nature or where the economic activity is purely local).

1. Identification of the aid grantor

1.1. Member State concerned:

1.2. Region(s) concerned (if applicable):

1.3. Responsible contact person:

Name:

Address:

Telephone:

Fax:

E-mail:

1.4. Responsible contact person at the Permanent Representation:

Name:

Telephone:

Fax:

E-mail:

1.5. If you wish that a copy of the official correspondence sent by the Commission to the Member State should be forwarded to other national authorities, please indicate here their name and address:

Name:

Address:

.....
.....

⁽¹⁾ According to Article 1(f) of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 83, 27.3.1999, p. 1) (hereinafter 'Procedural Regulation'), unlawful aid shall mean new aid put into effect in contravention of Article 88(3) of the EC-Treaty.

- 1.6. Indicate Member State reference you wish to be included in the correspondence from the Commission:

.....

- 1.7. Please indicate the name and the address of the granting authority:

.....

.....

.....

.....

2. Identification of the aid

- 2.1. Title of the aid (or name of company beneficiary in case of individual aid)

.....

- 2.2. Brief description of the objective of the aid.

Please indicate primary objective and, if applicable, secondary objective(s):

	Primary objective	Secondary objective ⁽²⁾
	<i>(please tick one only)</i>	
Regional development	☐	☐
Research and development	☐	☐
Innovation	☐	☐
Environmental protection	☐	☐
Energy saving	☐	☐
Rescuing firms in difficulty	☐	☐
Restructuring firms in difficulty	☐	☐
Closure aid	☐	☐
SMEs	☐	☐
Employment	☐	☐
Training	☐	☐
Risk capital	☐	☐
Promotion of export and internationalisation	☐	☐
Services of general economic interest	☐	☐
Sectoral development ⁽³⁾	☐	☐
Social support to individual consumers	☐	☐
Compensation of damage caused by natural disasters or exceptional occurrences	☐	☐
Execution of an important project of common European interest	☐	☐
Remedy for a serious disturbance in the economy	☐	☐
Heritage conservation	☐	☐
Culture	☐	☐

⁽²⁾ A secondary objective is one for which, in addition to the primary objective, the aid will be exclusively earmarked. For example, a scheme for which the primary objective is research and development may have as a secondary objective small and medium-sized enterprises (SMEs) if the aid is earmarked exclusively for SMEs. The secondary objective may also be sectoral, in the case for example of a research and development scheme in the steel sector.

⁽³⁾ Please specify sector in point 4.2.

2.3. Scheme — Individual aid ⁽⁴⁾

2.3.1. Does the notification relate to an aid scheme?

☐ yes ☐ no

— If yes, does the scheme amend an existing aid scheme?

☐ yes ☐ no

— If yes, are the conditions laid down for the simplified notification procedure pursuant to Article 4(2) of the Implementation Regulation (EC) No 794/2004 fulfilled?

☐ yes ☐ no

— If yes, please use and complete the information requested by the simplified notification form (see Annex II).

— If no, please continue with this form and specify whether the original scheme which is being amended was notified to the Commission.

☐ yes ☐ no

— If yes, please specify:

Aid number:

Date of Commission approval (reference of the letter of the Commission (SG(..)D/...):

.../.../...

Duration of the original scheme:

.....

Please specify which conditions are being amended in relation to the original scheme and why:

.....

2.3.2. Does the notification relate to individual aid?

☐ yes ☐ no

— If yes, please tick the following appropriate box:

☐ aid based on a scheme which should be individually notified

Reference of the authorised scheme:

Title:

Aid number:

Letter of Commission approval:

☐ individual aid not based on a scheme

2.3.3. Does the notification relate to an individual aid or scheme notified pursuant to an exemption regulation? If yes, please tick the following appropriate box:

☐ Commission Regulation (EC) No 70/2001 on the application of Articles 87 and 88 EC Treaty to State aid to small and medium-sized enterprises ⁽⁵⁾. Please use the supplementary information sheet under part III, 1

☐ Commission Regulation No 68/2001 on the application of Articles 87 and 88 EC Treaty to training aid ⁽⁶⁾. Please use the supplementary information sheet under part III, 2

⁽⁴⁾ According to Article 1(e) of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 83, 27.3.1999, p. 1), individual aid shall mean aid that is not awarded on the basis of an aid scheme and notifiable award of aid on the basis of a scheme.

⁽⁵⁾ Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium sized enterprises, OJ L 10, 13.1.2001, p. 33, as amended by Commission Regulation (EC) No 364/2004 (OJ L 63, 28.2.2004, p. 22), Commission Regulation (EC) No 1857/2006 (OJ L 358, 16.12.2006, p. 3). and Commission Regulation (EC) No 1976/2006 (OJ L 368, 23.12.2006, p. 85).

⁽⁶⁾ Commission Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to training aid (OJ L 10, 13.1.2001, p. 20) as amended by Commission Regulation (EC) No 363/2004 (OJ L 63, 28.2.2004, p. 20) and Commission Regulation (EC) No 1976/2006 (OJ L 368, 23.12.2006, p. 85).

- ☐ Commission Regulation (EC) No 2204/2002 on the application of Articles 87 and 88 EC Treaty to State aid for employment ⁽⁷⁾. Please use the supplementary information sheet under part III, 3
- ☐ Commission Regulation (EC) No 1628/2006 on the application of Articles 87 and 88 of the Treaty to national regional investment aid ⁽⁸⁾.
- ☐ Commission Regulation (EC) No 1857/2006 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001 ⁽⁹⁾

3. National legal basis

- 3.1. Please list the national legal basis including the implementing provisions and their respective sources of references:

Title:

.....

.....

.....

Reference (where applicable):

.....

.....

- 3.2. Please indicate the document(s) enclosed with this notification:

- ☐ A copy of the relevant extracts of the final text(s) of the legal basis (and a web link, if possible)
- ☐ A copy of the relevant extracts of the draft text(s) of the legal basis (and a web link, if existing)

- 3.3. In case of a final text, does the final text contain a clause whereby the aid granting body can only grant after the Commission has cleared the aid (stand still clause)?

☐ yes ☐ no

- 3.4. Access to full text of schemes — in case of an aid scheme please:

— undertake to publish the full text of the final aid schemes on the Internet,

☐ yes

Please provide the Internet address:

— confirm that the scheme will not be applied before the information is published on the Internet,

☐ yes

4. Beneficiaries

- 4.1. Location of the beneficiary(ies):

- ☐ in (an) unassisted region(s):
- ☐ in (a) region(s) eligible for assistance under Article 87(3)(c) of the EC Treaty (specify at NUTS-level 3 or lower):
- ☐ in (a) region(s) eligible for assistance under Article 87(3)(a) of the EC Treaty (specify at NUTS-level 2 or lower):
- ☐ mixed: specify

⁽⁷⁾ Commission Regulation (EC) No 2204/2002 of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment (OJ L 337, 13.12.2002, p. 3 and OJ L 349, 24.12.2002, p. 126) as amended by Commission Regulation (EC) No 1976/2006 (OJ L 368, 23.12.2006, p. 85).

⁽⁸⁾ Commission Regulation (EC) No 1628/2006 of 24 October 2006 on the application of Articles 87 and 88 of the Treaty to national regional investment aid (OJ L 302, 1.11.2006, p. 29).

⁽⁹⁾ Commission Regulation (EC) No 1857/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to State aid to small and medium-sized enterprises active in the production of agricultural products and amending Regulation (EC) No 70/2001 (OJ L 358, 16.12.2006, p. 3).

4.2. Sector(s) of the beneficiary(ies):

- ☐ Not sector specific
- ☐ Sector specific, please specify according to NACE rev. 2 classification ⁽¹⁰⁾:

4.3. In case of an individual aid:

Name of the beneficiary:

Type of beneficiary:

- ☐ SME

Number of employees:

Annual turnover:

Annual balance-sheet:

Independence:

(please attach a solemn declaration in line with the Commission Recommendation on SME ⁽¹¹⁾ or provide any other evidence to demonstrate the above criteria):

- ☐ large enterprise
- ☐ firm in difficulties ⁽¹²⁾

4.4. In case of an aid scheme:

Type of beneficiaries:

- ☐ all firms (large firms and small and medium-sized enterprises)
- ☐ only large enterprises
- ☐ small and medium-sized enterprises ⁽¹³⁾
- ☐ medium-sized enterprises
- ☐ small enterprises
- ☐ micro enterprises
- ☐ the following beneficiaries:

Estimated number of beneficiaries:

- ☐ under 10
- ☐ from 11 to 50
- ☐ from 51 to 100
- ☐ from 101 to 500
- ☐ from 501 to 1 000
- ☐ over 1 000

⁽¹⁰⁾ NACE is the Statistical Classification of Economic Activities in the European Community. See Regulation (EC) No 1893/2006 of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 (OJ L 393, 30.12.2006, p. 1). NACE Revision 2 comes into force on 1 January 2008.

⁽¹¹⁾ Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36) and Commission Regulation (EC) No 364/2004 amending Regulation (EC) No 70/2001 as regards the extension of its scope to include aid for research and development (OJ L 63, 28.2.2004, p. 22) or any subsequent legislation replacing it.

⁽¹²⁾ As defined in Community guidelines on State aid for rescuing and restructuring firms in difficulty (OJ C 244, 1.10.2004, p. 2).

⁽¹³⁾ As defined by Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36) and Commission Regulation (EC) No 364/2004 amending Regulation (EC) No 70/2001 as regards the extension of its scope to include aid for research and development (OJ L 63, 28.2.2004, p. 22) or any subsequent legislation replacing it.

5. **Amount of aid/Annual expenditure** ⁽¹⁴⁾

In case of an individual aid, indicate the overall amount of each measure concerned:

.....

In case of a scheme, indicate the annual amount of the budget planned and the overall amount:

.....

For tax measures, please indicate the estimated annual and overall revenue losses due to tax concessions for the period covered by the notification:

.....

If the budget is not adopted annually, please specify what period it covers:

.....

If the notification concerns changes to an existing scheme, please give the budgetary effects of the notified changes to the scheme:

.....

6. **Form of the aid and means of funding**

Specify the form of the aid made available to the beneficiary (where appropriate, for each measure):

- ☐ Direct grant
- ☐ Reimbursable grant
- ☐ Soft loan (including details of how the loan is secured)
- ☐ Interest subsidy
- ☐ Tax advantage. Please specify:
 - ☐ Tax allowance
 - ☐ Tax base reduction
 - ☐ Tax rate reduction
 - ☐ Tax deferment
 - ☐ Other:
- ☐ Reduction of social security contributions
- ☐ Provision of risk capital
- ☐ Other forms of equity intervention. Please specify:
- ☐ Debt write-off
- ☐ Guarantee (including amongst others information on the loan or other financial transaction covered by the guarantee, the security required and the premium to be paid)
- ☐ Other. Please specify:

For each instrument of aid, please give a precise description of its rules and conditions of application, including in particular the rate of award, its tax treatment and whether the aid is accorded automatically once certain objective criteria are fulfilled (if so, please mention the criteria) or whether there is an element of discretion by the awarding authorities.

.....

⁽¹⁴⁾ All data should be provided in national currency.

Specify the financing of the aid: if the aid is not financed through the general budget of the State/region/municipality, please explain its way of financing:

- ☐ Through parafiscal charges or taxes affected to a beneficiary, which is not the State. Please provide full details of the charges and the products/activities on which they are levied. Specify in particular whether products imported from other Member States are liable to the charges. Annex a copy of the legal basis for the imposition of the charges:

.....

- ☐ Accumulated reserves

- ☐ Public enterprises

- ☐ Other (please specify):

7. Duration

7.1. In the case of an individual aid:

Indicate the planned date to put into effect the aid. If the aid will be granted in *tranches*, indicate the planned date of each *tranche*:

.....

Specify the duration of the measure for which the aid is granted, if applicable:

.....

7.2. In the case of a scheme:

Indicate the planned date from which the aid may be granted:

.....

Indicate the planned last date until which aid may be granted:

.....

If the duration exceeds six years, please demonstrate that a longer time period is indispensable to achieve the objective(s) of the scheme:

.....

8. Cumulation of different types of aid

Can the aid be cumulated with aid received from other local, regional, national or Community schemes to cover the same eligible costs?

☐ yes

☐ no

If so, describe the mechanisms put in place in order to ensure that the cumulation rules are respected:

.....

9. Professional confidentiality

Does the notification contain confidential information which should not be disclosed to third parties?

☐ yes

☐ no

If so, please indicate which parts are confidential and explain why:

.....

.....

.....

Does the Member State submit a non confidential version of the notification on a voluntary basis?

☐ yes

☐ no

If yes, the Commission may publish this version without further asking the Member State to confirm its content.

10. Compatibility of the aid

10.1. Please identify which of the existing Regulations, frameworks, guidelines and other texts applicable to State aid provide an explicit legal basis for the authorisation of the aid (where appropriate please specify for each measure) and complete the relevant supplementary information sheet(s) in part III:

- ☐ SME aid
 - ☐ Notification of an individual aid pursuant to Article 6 of Regulation (EC) No 70/2001, as amended by Regulation (EC) No 364/2004
 - ☐ Notification of an individual aid or an aid scheme pursuant to Article 6a of Regulation (EC) No 70/2001, as amended by Regulation (EC) No 364/2004
 - ☐ Notification for legal certainty
 - ☐ Aid for SMEs in the agricultural sector
- ☐ Training aid
 - ☐ Notification of an individual aid pursuant to Article 5 of Regulation (EC) No 68/2001, as amended by Regulation (EC) No 363/2004
 - ☐ Notification for legal certainty
- ☐ Employment aid
 - ☐ Notification of an individual aid pursuant to Article 9 of Regulation (EC) No 2204/2002
 - ☐ Notification of a scheme pursuant to Article 9 of Regulation (EC) No 2204/2002
 - ☐ Notification for legal certainty
- ☐ Regional aid
 - ☐ Notification of aid pursuant to Guidelines on national regional aid for 2007-2013 ⁽¹⁵⁾
 - ☐ Notification of aid pursuant to point 64 of Guidelines on national regional aid for 2007-2013 (large investment projects)
 - ☐ Notification of aid pursuant to Article 7 of Regulation (EC) No 1628/2006
 - ☐ Notification for legal certainty
- ☐ Research and development and innovation aid
- ☐ Aid for rescuing firms in difficulty
- ☐ Aid for restructuring firms in difficulty
- ☐ Aid for audiovisual production
- ☐ Environmental protection aid
- ☐ Risk capital aid
- ☐ Aid in the agricultural sector
- ☐ Aid in the fisheries sector
- ☐ Aid in the transport sector
- ☐ Shipbuilding aid

10.2. Where the existing Regulations, frameworks, guidelines or other texts applicable to State aid do not provide an explicit basis for the approval of any of the aid covered by this form, please provide a fully reasoned justification as to why the aid could be considered as compatible with the EC Treaty, referring to the applicable exemption clause of the EC Treaty (Article 86(2), Article 87(2)(a) or (b), Article 87(3)(a), (b), (c) or (d)) as well as other specific provisions relating to Agriculture and Transport.

⁽¹⁵⁾ Guidelines on national regional aid for 2007-2013 (OJ C 54, 4.3.2006, p. 13).

- 10.3. Where the existing Regulations, frameworks, guidelines or other texts applicable to State aid do not provide an explicit basis for the approval and in so far that it is not requested by the relevant supplementary information sheet(s) in part III, please provide the following information concerning the likely impact of the notified measure on competition and trade between Member States.

This information is necessary to complete the assessment made by the Commission which balances the positive impact of the aid measure (reaching an objective of common interest) against its potentially negative side effects (distortions of trade and competition).

10.3.1. *For individual aid:*

- (A) Impact on competition: Please specify and describe the product markets on which the aid is likely to have a significant impact, the structure and dynamics of those markets and the indicative market share of the beneficiary:

.....

- (B) Impact on trade between Member States. Please provide information on the effects on trade (shift of trade flows and location of economic activity):

.....

10.3.2. *For aid schemes:*

- (A) Impact on competition: Please specify and describe the product markets on which the aid scheme is likely to have a significant impact, the structure and dynamics of those markets:

.....

- (B) Impact on trade between Member States. Please provide information on the effects on trade (shift of trade flows and location of economic activity):

.....

11. **Outstanding recovery orders**

11.1. In the case of individual aid:

The authorities of the Member State commit to suspend the payment of the notified aid if the beneficiary still has at its disposal an earlier unlawful aid that was declared incompatible by a Commission Decision (either concerning an individual aid or an aid scheme), until that beneficiary has reimbursed or paid into a blocked account the total amount of unlawful and incompatible aid and the corresponding recovery interest.

☐ yes

☐ no

11.2. In the case of aid schemes:

The authorities of the Member State commit to suspend the payment of any aid under the notified aid scheme to any undertaking that has benefited from earlier unlawful aid declared incompatible by a Commission Decision, until that undertaking has reimbursed or paid into a blocked account the total amount of unlawful and incompatible aid and the corresponding recovery interest.

☐ yes

☐ no

12. **Other information**

Please indicate here any other information you consider relevant to the assessment of the measure(s) concerned under State aid rules.

13. **Attachments**

Please list here all documents which are attached to the notification and provide paper copies or direct Internet links to the documents concerned.

14. **Declaration**

I certify that to the best of my knowledge the information provided on this form, its annexes and its attachments is accurate and complete.

Date and place of signature:

Signature:

Name and position of person signing: '

- (2) Part II is deleted;
- (3) Part III is amended as follows:
- (a) Supplementary information sheet 6.a is replaced by the following:

'PART III.6.a

**SUPPLEMENTARY INFORMATION SHEET FOR RESEARCH AND DEVELOPMENT
AND INNOVATION AID: AID SCHEMES**

This supplementary information sheet must be used for the notification of any aid scheme ⁽¹⁶⁾ covered by the Community framework for State aid for research and development and innovation (thereinafter the R&D&I Framework) ⁽¹⁷⁾. It must also be used for aid schemes for Research and Development to SMEs, which do not fall under a Block Exemption Regulation ⁽¹⁸⁾ as well as for aid intended for the production, processing and marketing of agricultural products.

1. Basic characteristics of the notified measure

Please fill in the relevant parts of the notification form corresponding to the character of the notified scheme. Please find below a basic guidance.

- (A) Please specify the type of aid and fill in the appropriate subsections of **Section 4** (Compatibility of aid under Article 87(3)(c) of the EC Treaty) of this supplementary information sheet:

- ☐ Aid for R&D projects, *fill in Section 4.1;*
- ☐ Aid for technical feasibility studies, *fill in Section 4.2;*
- ☐ Aid for industrial property right costs for SMEs, *fill in Section 4.3;*
- ☐ Aid for young innovative enterprises, *fill in Section 4.4;*
- ☐ Aid for process and organisational innovation in services, *fill in Section 4.5;*
- ☐ Aid for innovations advisory services and for innovation support services, *fill in Section 4.6;*
- ☐ Aid for the loan of highly qualified personnel, *fill in Section 4.7;*
- ☐ Aid for innovation clusters, *fill in Section 4.8.*

*Furthermore, please fill in also **Section 5** (Incentive effect and necessity of aid) and **Section 8** (Reporting and monitoring) in order to provide the requested confirmations.*

- (B) Does the aid scheme involve research organisations ⁽¹⁹⁾/innovation intermediaries?

☐ yes ☐ no

*If yes, please fill in **Section 2 and/or 3** (Research organisations and innovation intermediaries and Indirect State aid to undertakings through publicly funded research organisations) of this supplementary information sheet.*

- (C) Can the aid be combined with other aid?

☐ yes ☐ no

*If yes, fill in **Section 6** (Cumulation) of this supplementary information sheet.*

- (D) Does the R&D aid concern products listed in Annex I to the EC Treaty?

☐ yes ☐ no

*If yes, fill in **Section 7** (Specific questions related to agriculture and fisheries) of this supplementary information sheet.*

⁽¹⁶⁾ As regards the aid for promotion of execution of important projects of common European interest, the Commission may also consider a group of projects as together constituting a project. For details see Section 4 of Supplementary Information Sheet for research and development and innovation aid: individual aid (part III.6.b of Annex I to Commission Regulation (EC) No 794/2004).

⁽¹⁷⁾ Community framework for State aid for research and development and innovation (OJ C 323, 30.12.2006, p. 1).

⁽¹⁸⁾ Currently Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises (OJ L 10, 13.1.2001, p. 33) as amended by Commission Regulation (EC) No 364/2004 of 25 February 2004, amending Regulation (EC) No 70/2001 as regards the extension of its scope to include aid for research and development (OJ L 63, 28.2.2004, p. 22) or any subsequent regulation replacing it.

⁽¹⁹⁾ For definition see Section 2.2(d) of the R&D&I Framework.

- (E) Please confirm that if the SME specific aid ⁽²⁰⁾/bonus is granted, the beneficiaries comply with the SME definition as defined by the Community legislation ⁽²¹⁾:

☐ yes

- (F) If the scheme involves commissioning/purchasing of R&D activities/results from undertakings by the public authorities, are the providers selected in an open tender procedure ⁽²²⁾?

☐ yes

☐ no

If no, please note that such payments from the public authorities to undertakings would normally involve State aid.

- (G) If applicable, please provide an exchange rate which has been used for the purposes of the notification:

- (H) Please confirm that any aid granted under the notified scheme will be notified individually to the Commission if it reaches the thresholds for a detailed assessment laid down in Section 7.1 of the R&D&I Framework.

☐ yes

- (I) All documents provided by the Member States as annexes to the notification form shall be numbered and document numbers shall be indicated in the relevant parts of this supplementary information sheet.

2. Research organisations and innovation intermediaries as recipients of State aid ⁽²³⁾

2.1. Public funding of non-economic activities

- (A) Do the research organisations or non-for-profit innovation intermediaries carry out an economic activity ⁽²⁴⁾ (an activity consisting in offering goods and/or services on a given market)?

☐ yes

☐ no

If yes, please provide description of these activities:

.....

- (B) If the same entity carries out activities of both economic and non-economic ⁽²⁵⁾ nature, can the two kinds of activities and their costs and funding be clearly separated?

☐ yes

☐ no

If yes, provide details:

.....

If yes, please note that public funding of non-economic activities does not fall under Article 87(1) of the EC Treaty. If not, public funding of economic activities generally entails State aid.

2.2. Public funding of economic activities

- (C) Can the Member State prove that:

— the totality of the State funding is passed on from the research organisations or not-for-profit innovation intermediaries (carrying out economic activities) to the final recipients;

AND

— there is no advantage granted to the intermediaries?

☐ yes

☐ no

Please provide details and evidence:

.....

.....

If yes, please note that the intermediary organisations may not be recipient of State aid. As regards the aid to final recipients, normal State aid rules apply.

⁽²⁰⁾ I.e. measures under Sections 4.3, 4.4, 4.6 and 4.7 of this supplementary information sheet. Please note that the measure under Section 4.4 is limited to small enterprises.

⁽²¹⁾ See footnote 20.

⁽²²⁾ Cf. R&D&I Framework, Section 2.1.

⁽²³⁾ Cf. R&D&I Framework, Section 3.1.

⁽²⁴⁾ For details see Section 3.1.1 of R&D&I Framework (footnote 24).

⁽²⁵⁾ For details see Section 3.1.1 (second and third paragraphs) of R&D&I Framework.

3. Indirect State aid to undertakings through publicly funded research organisations ⁽²⁶⁾

3.1. Research on behalf of undertakings

- (A) Are the projects supported under the notified scheme carried out by research organisations on behalf of undertakings?

☐ yes ☐ no

- (B) If yes, do the research organisations (acting as agent) render services to the undertakings (acting as principals) in situations, where:

— the agents receive payment of an adequate remuneration for their services,

☐ yes ☐ no

AND

— do the principals specify the terms and conditions of these services?

☐ yes ☐ no

Please provide details:

.....

- (C) Do the research organisations provide their services at market price?

☐ yes ☐ no

If there is no market price, do the research organisations provide their services at a price which reflects full costs plus a reasonable margin?

☐ yes ☐ no

Please provide details:

.....

If a research organisation renders services and if the answer to one of the questions in Section C is yes, there will be normally no State aid passed to the undertakings through the research organisation.

3.2. Collaboration of undertakings and research organisations

- (A) Is the collaboration project carried out jointly by undertakings and research organisations?

☐ yes ☐ no

If yes, provide details on the partnerships.

.....

- (B) If yes, do the participating undertakings bear the full cost of the projects supported under the notified scheme?

☐ yes ☐ no

Are the results which do not give rise to intellectual property rights widely disseminated AND are any intellectual property rights which result from the activity of the research organisations fully allocated ⁽²⁷⁾ to the research organisations?

☐ yes ☐ no

Do the research organisations receive from the participating undertakings compensation equivalent to the market price for the intellectual property rights ⁽²⁸⁾ which result from the activity of the research organisations carried out in the project and which are transferred to the participating undertakings?

☐ yes ☐ no

Please provide details (please note that any contribution of the participating undertakings to the costs of the research organisations shall be deducted from the compensation):

.....

⁽²⁶⁾ Cf. R&D&I Framework, Section 3.2.

⁽²⁷⁾ For details see Section 3.2.2 (footnote 28) of the R&D&I Framework.

⁽²⁸⁾ For details see Section 3.2.2 (footnote 29) of the R&D&I Framework.

- (C) If none of the answers to questions of Section B is yes, the Member State may rely on individual assessment of the collaboration projects ⁽²⁹⁾.

Please provide an individual assessment of the collaboration projects, taking into account the above mentioned elements. Please attach also the contractual agreements to the notification.

If none of the answers to questions of Section B is yes and if the individual assessment of the collaboration projects does not lead to the conclusion that there is no State aid, the Commission will consider the full value of the contribution of the research organisation to the project as aid to undertakings.

4. Compatibility of aid under Article 87(3)(c) of the EC Treaty

4.1. Aid for R&D projects ⁽³⁰⁾

4.1.1. Research category ⁽³¹⁾

- (A) Please indicate which R&D stages ⁽³²⁾ are supported under the notified scheme:

- ☐ fundamental research
- ☐ industrial research
- ☐ experimental development

Give examples of major projects to be covered by the notified scheme:

.....

.....

- (B) If individual R&D projects encompass different research categories, please explain how this will be taken into account in determining the maximum aid intensity of a given project (the maximum aid intensity applicable must reflect the stages of research involved).

.....

.....

4.1.2. Eligible costs

All eligible costs must be allocated to a specific category of R&D ⁽³³⁾. Please specify (or tick) below.

	Fundamental research	Industrial research	Experimental development
Personnel costs			
Costs of instruments and equipment			
Costs for building and land			
Cost of contractual research, technical knowledge and patents bought or licensed from outside sources at market prices			
Additional overheads incurred directly as a result of the research project			
Other operating expenses			

⁽²⁹⁾ There also may be no State aid where the assessment of the contractual agreement between the partners leads to the conclusion that any intellectual property rights to the R&D&I results as well as access rights to the results are allocated to the different partners of the collaboration and adequately reflect their respective interests, work packages, and financial and other contributions to the project.

⁽³⁰⁾ Cf. R&D&I Framework, Section 5.1.

⁽³¹⁾ To classify the activities, you may refer to the Commission practice or the specific examples and explanations provided in the Frascati Manual on the Measurement of Scientific and technological Activities, proposed Standard Practice for Surveys on Research and Experimental Development (Organisation for Economic Cooperation and Development, 2002).

⁽³²⁾ For definitions see Section 2.2(e), (f), (g) of the R&D&I Framework.

⁽³³⁾ Cf. Section 5.1.4 of the R&D&I Framework.

4.1.3. Aid intensities and bonuses

The aid intensity is calculated on the basis of the eligible costs of the project. It must be established for each beneficiary of aid, including in a collaboration project ⁽³⁴⁾.

(A) Basic intensities (without bonuses) ⁽³⁵⁾:

	Fundamental research	Industrial research	Experimental development
Maximum aid intensity			

(B) Bonuses:

Do the supported projects benefit from a bonus?

☐ yes ☐ no

If yes, please specify below.

— Is an SME bonus applied under the notified scheme?

☐ yes ☐ no

Specify the level of bonus applicable ⁽³⁶⁾:

— Is a bonus for effective collaboration between undertakings (i) or collaboration of an undertaking with a research organisation (ii) or (only for projects of industrial research) dissemination of results (iii) applied under the notified scheme?

☐ yes ☐ no

(i) If a bonus for an effective collaboration between at least two undertakings, which are independent of each other, is applied, please confirm that the following conditions are fulfilled:

☐ no single undertaking bears more than 70 % of the eligible costs of the collaboration project;

AND

☐ the project involves collaboration with at least one SME or the collaboration has a cross-border character, i.e. research and development activities are carried out in at least two different Member States.

Specify the level of bonus applicable ⁽³⁷⁾:

(ii) If a bonus for an effective collaboration between an undertaking and a research organisation, particularly in the context of coordination of national R&D policies, is applied, please confirm that the following conditions are fulfilled:

☐ the research organisation bears at least 10 % of the eligible costs;

AND

☐ the research organisation has the right to publish the result of the research projects insofar as they stem from research implemented by that organisation.

Specify the level of bonus applicable ⁽³⁸⁾:

⁽³⁴⁾ In the case of State aid for an R&D project being carried out in collaboration between research organisations and undertakings, the combined aid deriving from direct government support for a specific research project and, where they constitute aid, contributions from research organisations to that project may not exceed the applicable aid intensities for each benefiting undertaking.

⁽³⁵⁾ The aid intensity may not exceed 100 % for fundamental research, 50 % for industrial research and 25 % for experimental development.

⁽³⁶⁾ The aid intensity may be increased by 10 percentage points for medium-sized enterprises and by 20 percentage points for small enterprises.

⁽³⁷⁾ The aid intensity may be increased by 15 percentage points, but up to a maximum of 80 %.

⁽³⁸⁾ The aid intensity may be increased by 15 percentage points, but up to a maximum of 80 %. This bonus does not apply to the research organisation.

- (iii) If in the case of industrial research a bonus for wide dissemination of the results of the project is applied, please specify at least one of the following methods of wide dissemination:

- ☐ technical and scientific conferences;
- ☐ publication in scientific or technical journals;
- ☐ availability in open access repositories (databases where raw research data can be accessed by anyone);
- ☐ availability through free or open source software.

Specify the level of bonus applicable ⁽³⁹⁾:

- (C) Specify the total aid intensity of the projects supported under the notified scheme (taking into account the bonuses) (%):

4.1.4. Special conditions for repayable advance ⁽⁴⁰⁾

- (A) Is the aid to the R&D projects granted in the form of a repayable advance?

☐ yes ☐ no

- (B) If yes, is the aid granted in the form of a repayable advance under the notified scheme expressed as gross grant equivalent ⁽⁴¹⁾?

☐ yes ☐ no

If yes, what is the aid intensity of repayable advance expressed as gross grant equivalent ⁽⁴²⁾ applicable under the notified scheme:

Furthermore, please provide the complete methodology applied AND the underlining verifiable data on which the above mentioned methodology has been based:

.....
.....

- (C) If the aid cannot be expressed in gross grant equivalent, what is the level of the repayable advance expressed as a percentage of the eligible costs:

In case the rates of repayable advance granted to the R&D project are higher than the rates indicated in Sections 5.1.2 and 5.1.3 (up to the maximum rates indicated in Section 5.1.5 of the R&D&I Framework, please):

- notify to the Commission the detailed information on the repayment in the case of success and define clearly what will be considered as a successful outcome of the research activities,

AND

- confirm the following:

- ☐ the measure provides that in case of successful outcome the advance is repaid with an interest rate at least equal to the applicable rate resulting from the application of the Commission notice on the method of setting the reference and discount rates ⁽⁴³⁾;
- ☐ in case of a success exceeding the outcome defined as successful, the Member State is entitled to request payments beyond payments of the advance amount including interest according to the reference rate foreseen by the Commission;
- ☐ in case of partial success, the Member State requires that the repayment secured is in proportion to the degree of success achieved.

⁽³⁹⁾ The aid intensity may be increased by 15 percentage points, but up to a maximum of 80 %.

⁽⁴⁰⁾ Cf. R&D&I Framework, Section 5.1.5.

⁽⁴¹⁾ Gross grant equivalent of a repayable advance reflects the probability that the advance will be repaid by the beneficiaries.

⁽⁴²⁾ The gross grant equivalent must fulfil the conditions on maximum aid intensities laid down in Sections 5.1.2 and 5.1.3 of the R&D&I Framework.

⁽⁴³⁾ OJ C 273, 9.9.1997, p. 3. Also published under: http://ec.europa.eu/comm/competition/state_aid/legislation/reference.html

4.1.5. Special conditions for fiscal measures ⁽⁴⁴⁾

- (A) Is the aid to the R&D projects supported under the notified scheme granted in the form of a fiscal measure?

☐ yes ☐ no

If the aid for the R&D project is granted in the form of a fiscal measure, please provide evaluation studies in order to enable the Commission to assess the incentive effect of the R&D fiscal aid.

- (B) If yes, please specify how the aid intensities are calculated:

- ☐ on the basis of individual R&D project;
- ☐ as the ratio between the overall tax relief and the sum of all eligible R&D costs incurred in a period not exceeding three consecutive fiscal years;
- ☐ other:

Please provide details on the calculation method applied:

.....

4.2. Aid for technical feasibility studies ⁽⁴⁵⁾

4.2.1. General conditions

The studies are preparatory to ⁽⁴⁶⁾:

- ☐ industrial research;
- ☐ experimental development.

4.2.2. Aid intensities

Specify the maximum aid intensity ⁽⁴⁷⁾ (%) for SMEs:

Specify the maximum aid intensity ⁽⁴⁸⁾ (%) for large companies:

The aid intensity is calculated on the basis of cost of feasibility studies of the project.

4.3. Aid for industrial property right costs for SMEs ⁽⁴⁹⁾

4.3.1. Conditions

Which stage of research ⁽⁵⁰⁾ is concerned?

- ☐ fundamental research;
- ☐ industrial research;
- ☐ experimental development.

4.3.2. Eligible costs and aid intensities

- (A) Specify the eligible costs ⁽⁵¹⁾:

- ☐ costs preceding the grant of the right in the first legal jurisdiction:
- ☐ translation and other costs incurred in order to obtain the granting or validation of the right in other legal jurisdiction:
- ☐ costs incurred in defending the validity of the right during the official prosecution of the application and possible opposition proceedings:

⁽⁴⁴⁾ Cf. R&D&I Framework, Section 5.1.6.

⁽⁴⁵⁾ Cf. R&D&I Framework, Section 5.2.

⁽⁴⁶⁾ To classify the activities, you may refer to the Commission practice or the specific examples and explanations provided in the Frascati Manual on the Measurement of Scientific and technological Activities, proposed Standard Practice for Surveys on Research and Experimental Development (Organisation for Economic Cooperation and Development, 2002); for definitions see Section 2.2(e), (f), (g) of the R&D&I Framework.

⁽⁴⁷⁾ For SMEs, the aid intensity may not exceed 75 % for studies preparatory to industrial research activities and 50 % for studies preparatory to experimental development activities.

⁽⁴⁸⁾ For large companies, the aid intensity may not exceed 65 % for studies preparatory to industrial research activities and 40 % for studies preparatory to experimental development activities.

⁽⁴⁹⁾ Cf. R&D&I Framework, Section 5.3.

⁽⁵⁰⁾ For definitions see Section 2.2(e), (f), (g) of the R&D&I Framework.

⁽⁵¹⁾ For details see Section 5.3 (second paragraph) of the R&D&I Framework.

(B) Specify the maximum aid intensity (%) ⁽⁵²⁾:

4.4. Aid for young innovative enterprises ⁽⁵³⁾ (for small enterprises)

Please confirm that:

- (A) ☐ the beneficiaries are exclusively small enterprises as defined by Community legislation ⁽⁵⁴⁾, in existence for less than six years at the time when the aid is granted;
- (B) ☐ the beneficiaries are innovative enterprises.

Please confirm that the compliance with this condition is ensured through:

- ☐ an evaluation carried out by an external expert demonstrating that the beneficiary will in the foreseeable future develop products, services or processes which are technologically new or substantially improved compared to the state of the art in its industry in the Community, and which carry a risk of technological or industrial failure;

OR

- ☐ the evidence that the R&D expenses of the beneficiary represent at least 15 % of its total operating expenses in at least one of the three years preceding the granting of the aid or in the case of a start-up enterprise without any financial history, in the audit of its current fiscal period, as certified by an external auditor.

Please provide details on how this is implemented:

.....

(C) Specify the maximum aid amount applicable under the notified scheme:

Please confirm that the aid for young innovative enterprises will not exceed:

- ☐ EUR 1 million in non-assisted areas;
- ☐ EUR 1,5 million in regions eligible for the derogation in Article 87(3)(a) of the EC Treaty;
- ☐ EUR 1,25 million in regions eligible for the derogation in Article 87(3)(c) of the EC Treaty.

(D) Please confirm that:

- ☐ the beneficiaries didn't receive aid for young innovative enterprises before and will receive this type of aid only once during the period in which they qualify as a young innovative enterprise.

(E) Do the enterprises benefit from a cumulation of aid?

- ☐ yes ☐ no

If yes, please indicate how the specific cumulation rules for young innovative enterprise aid (Section 5.4 of the R&D&I Framework) will be complied with.

.....

4.5. Aid for process and organisational innovation in services ⁽⁵⁵⁾

4.5.1. General conditions

(A) To which type of innovation in service activities ⁽⁵⁶⁾ does the notified scheme refer to?

- ☐ process innovation in service activities;
- ☐ organisational innovation in service activities.

⁽⁵²⁾ Maximum aid levels correspond to the same levels of aid as would have qualified as R&D aid in respect of the research activities which first led to the industrial property rights concerned.

⁽⁵³⁾ Cf. R&D&I Framework, Section 5.4.

⁽⁵⁴⁾ See footnote 20.

⁽⁵⁵⁾ Cf. R&D&I Framework, Section 5.5.

⁽⁵⁶⁾ For definitions see Section 2.2(i), (j) of the R&D&I Framework.

Please provide a detailed description of the innovation in service activities ⁽⁵⁷⁾ (process and/or organisational):

.....

.....

.....

.....

(B) Please confirm that:

- ☐ the organisational innovation is related to the use and exploitation of Information and Communication Technologies (ICT) to change the organisation;
- ☐ the innovation is formulated as a project with an identified and qualified project manager, as well as identified project costs;
- ☐ the result of the aided project is the development of a standard, of a business model, methodology of concept, which can be systematically reproduced, possibly certified, and possibly patented;
- ☐ the process or organisational innovation is new or substantially improved compared to the state of the art in its industry in the Community;
- ☐ the process or organisational innovation projects entail a clear degree of risk;
- ☐ the aid is granted to large enterprises only if they collaborate with SMEs in the aided activity and that the collaborating SMEs incur at least 30 % of the total eligible costs.

Please provide details/evidence concerning all these elements:

.....

.....

4.5.2. Eligible costs and aid intensities

(A) Please specify the eligible costs ⁽⁵⁸⁾:

	Eligible costs
Personnel costs	
Costs of instruments and equipment	
Costs for building and land	
Cost of contractual research, technical knowledge and patents bought or licensed from outside sources at market prices	
Additional overheads incurred directly as a result of the research project	
Other operating expenses	

(B) Specify the maximum aid intensity ⁽⁵⁹⁾ for large enterprises (%):

Specify the maximum aid intensity ⁽⁶⁰⁾ for medium enterprises ⁽⁶¹⁾ (%):

Specify the maximum aid intensity ⁽⁶²⁾ for small enterprises ⁽⁶³⁾ (%):

The aid intensity is calculated on the basis of the eligible costs of the projects.

⁽⁵⁷⁾ In order to classify the activities, you may refer to the Commission practice or the specific definitions provided in the OSLO Manual, Guidelines for Collecting and Interpreting Innovation Data, 3rd Edition (Organisation For Economic Cooperation and Development, 2005).

⁽⁵⁸⁾ For details see Section 5.1.4. Please note that in the case of organisational innovation, the costs of instruments and equipment cover costs of ICT instruments and equipment only.

⁽⁵⁹⁾ The maximum aid intensity is 15 % of the eligible costs.

⁽⁶⁰⁾ The maximum aid intensity is 25 % of the eligible costs.

⁽⁶¹⁾ See footnote No 20.

⁽⁶²⁾ The maximum aid intensity is 35 % of the eligible costs.

⁽⁶³⁾ Idem footnote No 46.

4.6. Aid for innovation advisory services and for innovation support services ⁽⁶⁴⁾ (for SMEs)

4.6.1. General conditions

- (A) Specify the maximum aid amount (not exceeding EUR 200 000 per beneficiary within any three year period):
- (B) Please confirm that:
- ☐ if the service provider does not benefit from a national or European certification the aid will not cover more than 75 % of the eligible costs;
 - ☐ the beneficiaries use the State aid to buy the services at market price (or if the service provider is a non-for-profit entity, at a price which reflects its full costs plus a reasonable margin).

Please provide details on how this will be ensured.

.....

.....

4.6.2. Eligible costs

- (A) What type of aid is granted?
- ☐ aid for innovation advisory services;
 - ☐ aid for innovation support services.
- (B) If it is an aid for innovation advisory services, specify the eligible costs:
- ☐ management consulting:
 - ☐ technological assistance:
 - ☐ technology transfer services:
 - ☐ training:
 - ☐ consultancy for acquisition, protection and trade in Intellectual Property Rights and for licensing agreements:
 - ☐ consultancy on the use of standards:
- (C) If it is an aid for innovation support services, specify the eligible costs:
- ☐ office space:
 - ☐ data banks:
 - ☐ technical libraries services:
 - ☐ market research:
 - ☐ use of laboratory:
 - ☐ quality labelling:
 - ☐ testing and certification:

4.6.3. Special conditions for a non-for-profit entity

If the service providers are non-for-profit entities, the aid may be given in the form of a reduced price, as the difference between the price paid and the market price (or a price which reflects full costs plus a reasonable margin).

- (A) Is the aid given in the form of a reduced price?
- ☐ yes ☐ no

⁽⁶⁴⁾ Cf. R&D&I Framework, Section 5.6.

If yes, provide evidence of the existence of a system ensuring transparency about the full costs of the innovation advisory and innovation support services provided, as well as about the price paid by the beneficiaries, so that the aid received can be measured and monitored.

.....

.....

4.7. Aid for the loan of highly qualified personnel ⁽⁶⁵⁾ (for SMEs)

4.7.1. General conditions

(A) Where do the highly qualified personnel ⁽⁶⁶⁾ come from?

☐ research organisations;

☐ large enterprises.

Provide details (if possible) on research organisations and on large enterprises.

.....

.....

(B) Please confirm that:

☐ the seconded personnel are not replacing other personnel;

☐ the seconded personnel are employed in a newly created function within the beneficiary undertaking.

Specify please this newly created function:

.....

.....

☐ the seconded personnel have been employed for at least two years in the research organisations or the large enterprises which are sending the personnel on secondment;

☐ the seconded personnel work on R&D&I activities within the SME receiving aid.

4.7.2. Eligible costs and aid intensities

(A) Specify the eligible costs:

☐ costs for borrowing and employing highly qualified personnel:

.....

☐ mobility allowance for the seconded personnel:

(B) ☐ Please confirm that consultancy costs (payment of the service rendered by the expert without employing the expert in the undertaking) are excluded from eligible costs of the aid for the loan of highly qualified personnel.

(C) Specify the maximum aid intensity ⁽⁶⁷⁾ (%):

4.8. Aid for innovation clusters ⁽⁶⁸⁾

4.8.1. General conditions

(A) What type of aid is granted to the beneficiaries?

☐ investment aid;

☐ operating aid for cluster animation.

⁽⁶⁵⁾ Cf. R&D&I Framework, Section 5.7.

⁽⁶⁶⁾ For definition see Section 2.2. (k) of the R&D&I Framework.

⁽⁶⁷⁾ The maximum aid intensity is 50 % of the eligible costs, for a maximum of three years per undertaking and per person borrowed.

⁽⁶⁸⁾ Cf. R&D&I Framework, Section 5.8.

(B) Please confirm that:

- ☐ the aid is exclusively granted to the legal entities operating the innovation clusters;
- ☐ the beneficiaries are in charge of managing the participation and access to the clusters' premises, facilities and activities.

Please provide details:

.....

.....

- ☐ access to the clusters' premises, facilities and activities is not restricted.

(C) Do the fees charged for using the cluster's facilities and for participating in the cluster's activities reflect their costs?

- ☐ yes ☐ no

If yes, please demonstrate how this is ensured:

.....

.....

If not, please provide details (especially with respect to the existence of aid within the meaning of Article 87(1) of the EC Treaty, see Section 3.1 of the R&D&I Framework):

.....

.....

(D) Please attach an analysis of the technological specialisation of the innovation cluster, existing regional potential, existing research capacity, presence of clusters in the Community with similar purposes and potential market volumes of the activities in the cluster:

.....

.....

4.8.2. Specific conditions concerning investment aid for cluster animation

(A) What type of investment is carried out?

- ☐ setting up of innovation clusters;
- ☐ expansion of innovation clusters;
- ☐ animation of innovation clusters.

(B) For which facilities is the aid granted?

- ☐ facilities for training and research centre;
- ☐ open-access research infrastructures, laboratory, testing facility;
- ☐ broadband network infrastructures.

(C) Specify the eligible costs:

- ☐ costs relating to investment in land:
- ☐ buildings:
- ☐ machinery:
- ☐ equipment:

(D) What is the basic aid intensity (%) ⁽⁶⁹⁾:

If applicable, what is the basic aid intensity for regions falling under Article 87(3)(a) of the EC Treaty:

- with less than 75 % of average EU-25 GDP per capita, outermost regions with higher GDP per capita and statistical effect regions (until 1 January 2011)(%) ⁽⁷⁰⁾:

⁽⁶⁹⁾ The maximum aid intensity is 15 % of the eligible costs.

⁽⁷⁰⁾ The maximum aid intensity is 30 % of the eligible costs.

- with less than 60 % of average EU-25 GDP per capita (%) ⁽⁷¹⁾:
- with less than 45 % of average EU-25 GDP per capita (%) ⁽⁷²⁾:

If applicable, what is the basic aid intensity for statistical effect regions falling under Article 87(3)(c) of the EC Treaty from 1 January 2011 (%) ⁽⁷³⁾:

(E) Is any bonus granted to beneficiaries?

☐ yes ☐ no

If yes, specify below:

— Do you apply an SME bonus?

☐ yes ☐ no

Specify the level of bonus applicable to small enterprises ⁽⁷⁴⁾:

Specify the level of bonus applicable to medium-sized enterprises ⁽⁷⁵⁾:

— Do you apply a bonus for undertakings located in outermost regions?

☐ yes ☐ no

If yes, specify the level of bonus applicable to undertakings located in outermost regions:

— where their GDP per capita falls below 75 % of EU-25 GDP average (%) ⁽⁷⁶⁾:

— other outermost regions (%) ⁽⁷⁷⁾:

4.8.3. Specific conditions concerning operating aid for cluster animation

(A) For how long is such aid granted: years

If the aid is granted for a longer period than five years, please provide convincing evidence in order to justify such longer period ⁽⁷⁸⁾.

.....
.....

(B) Is the aid degressive?

☐ yes ☐ no

(C) Specify the eligible costs:

☐ marketing of the cluster to recruit new companies to take part in the cluster:

☐ management of the cluster's open-access facilities:

☐ organisation of training programmes, workshops and conferences to support knowledge sharing and networking between the members of the cluster:

(D) Aid intensity:

— degressive aid (please specify degressive rates for each year) ⁽⁷⁹⁾:

— non-degressive aid (%) ⁽⁸⁰⁾:

⁽⁷¹⁾ The maximum aid intensity is 40 % of the eligible costs.

⁽⁷²⁾ The maximum aid intensity is 50 % of the eligible costs.

⁽⁷³⁾ The maximum aid intensity is 20 % of the eligible costs.

⁽⁷⁴⁾ The aid intensity may be increased by maximum 20 percentage points for small enterprises.

⁽⁷⁵⁾ The aid intensity may be increased by maximum 10 percentage points for medium-sized enterprises.

⁽⁷⁶⁾ The aid intensity may be increased by maximum 20 percentage points.

⁽⁷⁷⁾ The aid intensity may be increased by maximum 10 percentage points.

⁽⁷⁸⁾ In any case, the period may never exceed 10 years.

⁽⁷⁹⁾ The intensity may amount 100 % for the eligible costs the first year but must have fallen in a linear fashion to zero by the end of the fifth year.

⁽⁸⁰⁾ The maximum aid intensity is 50 % of the eligible costs.

5. **Incentive effect and necessity of aid** ⁽⁸¹⁾

5.1. *General conditions*

Please confirm that when granting the aid under the notified measure, it will be ensured that the R&D&I activities of individual beneficiaries will not commence prior to their aid application or granting decision in case of fiscal aid.

☐ yes

Please provide details on how the compliance with this condition will be ensured:

.....

In case the aid is granted for projects of large enterprises, to SMEs if it exceeds EUR 7,5 million, for process and organisational innovation in services and for innovation clusters, please confirm that the incentive effect will be evaluated on the basis of at least one of the following indicators:

- ☐ increase in project size;
- ☐ increase in scope;
- ☐ increase in speed;
- ☐ increase in total amount spent on R&D&I;
- ☐ other:

Please provide details on how this evaluation will be carried out:

.....

6. **Cumulation** ⁽⁸²⁾

(A) Is the aid granted under the notified scheme combined with other aid ⁽⁸³⁾?

☐ yes ☐ no

(B) If yes, please describe the cumulation rules applicable to the notified aid scheme:

.....

(C) Please specify how the respect of cumulation rules will be verified in the notified aid scheme:

.....

7. **Specific questions relating to agriculture and fisheries** ⁽⁸⁴⁾

(A) Does the R&D aid concern products listed in Annex I to the EC Treaty?

☐ yes ☐ no

If yes, specify the type of products:

.....

⁽⁸¹⁾ Cf. R&D&I Framework, Chapter 6.

⁽⁸²⁾ Cf. R&D&I Framework, Chapter 8.

⁽⁸³⁾ Please note that the aid for R&D&I shall not be cumulated with de minimis support in respect of the same eligible expenses in order to circumvent the maximum aid intensities laid down in the R&D&I Framework.

⁽⁸⁴⁾ Cf. R&D&I Framework, Chapter 9.

(B) If yes, please provide the answers to the following questions:

— is the aid of general interest to the particular sector or sub-sector concerned?

☐ yes ☐ no

If yes, provide evidence:

.....

— is the information that research will be carried out, and with which goal published on Internet prior to the commencement of the research AND does the information published include an approximate date of the expected results and their place of publication on the Internet, as well as a mention that the result will be available at no cost?

☐ yes ☐ no

If yes, provide evidence and specify the Internet address:

.....

— are the results of the research made available on Internet, for a period of at least five years AND can it be confirmed that the information on the Internet will be published no later than any which may be given to members of any particular organisation?

☐ yes ☐ no

If yes, provide evidence:

.....

— is the aid granted directly to the researching institution or body AND does it exclude the direct granting of non-research related aid to a company producing, processing or marketing agricultural products, as well as the provision of price support to producers of such products?

☐ yes ☐ no

If yes, provide evidence:

.....

If the answers to all four conditions of Section B above are yes, the aid intensity up to 100% can be allowed. If not, cases of R&D aid for products listed in Annex I to the EC Treaty are to be examined under the normal rules of the R&D&I Framework.

(C) Specify the total aid intensity (%):

(D) Cooperation pursuant to Council Regulation (EC) No 1698/2005 on support for rural development by the EAFRD ⁽⁸⁵⁾

Has the cooperation been approved for Community co-financing under Article 29 of Regulation (EC) No 1698/2005 AND/OR is the State aid granted as additional financing pursuant to Article 89 of this Regulation under the same conditions and at the same intensity as the co-financing ⁽⁸⁶⁾?

☐ yes ☐ no

If not, cases of R&D aid for products listed in Annex I to the EC Treaty are to be examined under the normal rules of the R&D&I Framework.

⁽⁸⁵⁾ Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p. 1), as amended by Regulation (EC) No 1463/2006 (OJ L 277, 9.10.2006, p. 1).

⁽⁸⁶⁾ Commission will allow State aid for cooperation pursuant to Article 29 of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) if such cooperation has been approved for Community co-financing under that Article and/or the State aid is granted as additional financing pursuant to Article 89 of Regulation (EC) No 1698/2005 under the same conditions and at the same intensity as the co-financing.

8. Reporting and monitoring ⁽⁸⁷⁾

8.1. Annual reports

Please note that this reporting obligation is without prejudice to the reporting obligation pursuant to Commission Regulation (EC) No 794/2004 implementing Council Regulation (EC) No 659/1999 ⁽⁸⁸⁾.

- (A) Please undertake to submit annual reports on the implementation of the notified scheme to the Commission, containing all the elements listed below ⁽⁸⁹⁾:

- name of the beneficiary;
- aid amount per beneficiary;
- aid intensity;
- sectors of activity where the aided projects are undertaken.

☐ yes

- (B) Please undertake to explain in the annual report for all aid granted under an approved scheme to large undertakings how the incentive effect has been respected for aid given to such undertakings ⁽⁹⁰⁾.

☐ yes

8.2. Access to full text of schemes

- (A) Please undertake to publish the full text of the final aid schemes as approved by the Commission on the Internet.

☐ yes

Please provide the Internet address:

- (B) Please confirm that the scheme as approved by the Commission will not be applied before the information is published on the Internet (as required under Section A above).

☐ yes

8.3. Information sheets, monitoring

- (A) Please undertake, whenever aid for R&D&I is granted on the basis of aid schemes without falling under the duty for individual notification, and exceeds EUR 3 million ⁽⁹¹⁾, to provide the Commission within 20 working days starting from the granting of the aid by the competent authority with the information requested in the standard form laid down in the Annex to the R&D&I Framework.

☐ yes

- (B) Please undertake to maintain detailed records regarding the granting of aid, with all information necessary to establish that the eligible costs and maximum allowable aid intensity have been observed.

☐ yes

- (C) Please undertake to ensure that detailed records referred to in Section B above are maintained for 10 years from the date on which the aid was granted.

☐ yes

- (D) Please undertake to submit the records referred to in Section B above on request of the Commission.

☐ yes

9. Other information

Please give any other information you consider necessary to assess the measure(s) in question under the Community Framework for State aid for research, development and innovation.'

⁽⁸⁷⁾ Cf. R&D&I Framework, Section 10.1.

⁽⁸⁸⁾ Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 140, 30.4.2004, p. 1).

⁽⁸⁹⁾ As regards the specific reporting requirements for fiscal aid and clusters, please see Section 10.1.1 (third and fourth paragraphs) of the R&D&I Framework.

⁽⁹⁰⁾ Notably using the criteria specified in section 6 of the R&D&I Framework.

⁽⁹¹⁾ If applicable, please provide an exchange rate used when answering this question.

- (b) Supplementary information sheet 6.b is replaced by the following:

'PART III.6.b

**SUPPLEMENTARY INFORMATION SHEET FOR RESEARCH AND DEVELOPMENT
AND INNOVATION AID: INDIVIDUAL AID**

This supplementary information sheet must be used for the notification of any individual aid covered by the Community framework for State aid for research and development and innovation (hereinafter the R&D&I Framework) ⁽⁹²⁾. It must also be used for individual aid for Research and Development to SMEs, which does not fall under a Block Exemption Regulation ⁽⁹³⁾ or is subject to individual notification obligation as it exceeds the individual notification thresholds laid down in the block exemption. This notification sheet also covers the individual aid intended for the production, processing and marketing of agricultural products.

1. Basic characteristics of the notified measure

*Please fill in the relevant parts of the notification form corresponding to the character of the notified measure. In particular, please note that **Section 8** is to be completed only if the notified measure is subject to a detailed assessment, i.e. only if condition(s) of **Section 7** are met. Please find below a basic guidance.*

- (A) Is the aid granted in order to promote the execution of an important project of common European interest?

☐ yes

☐ no

*If yes, please fill in **Section 4** (Compatibility of aid under Article 87(3)(b) of the EC Treaty) of this supplementary information sheet. Furthermore please fill in **Section 11** (Reporting and monitoring).*

- (B) If no, please specify the type of aid and fill in the appropriate subsections of **Section 5** (Compatibility of aid under Article 87(3)(c) of the EC Treaty) of this supplementary information sheet:

☐ Aid for R&D projects, fill in Section 5.1;

☐ Aid for technical feasibility studies, fill in Section 5.2;

☐ Aid for industrial property right costs for SMEs, fill in Section 5.3;

☐ Aid for young innovative enterprises, fill in Section 5.4;

☐ Aid for process and organisational innovation in services, fill in Section 5.5;

☐ Aid for innovations advisory services and for innovation support services, fill in Section 5.6;

☐ Aid for the loan of highly qualified personnel, fill in Section 5.7;

☐ Aid for innovation clusters, fill in Section 5.8.

*Furthermore, please fill in: **Section 6** (Incentive effect and necessity of aid) in order to verify the incentive effect, **Section 7** (Criteria triggering a detailed assessment) in order to verify if the notified aid is subject to the detailed assessment of **Section 8** (Additional information for detailed assessment) and **Section 11** (Reporting and monitoring).*

- (C) Does the aid involve research organisations ⁽⁹⁴⁾/innovation intermediaries?

☐ yes

☐ no

*If yes, fill in **Section 2 and/or 3** (Research organisations and innovation intermediaries and Indirect State aid to undertakings through publicly funded research organisations) of this supplementary information sheet.*

- (D) Can the aid be combined with other aid?

☐ yes

☐ no

*If yes, fill in **Section 9** (Cumulation) of this supplementary information sheet.*

⁽⁹²⁾ Community framework for State aid for research and development and innovation (OJ C 323, 30.12.2006, p. 1).

⁽⁹³⁾ Currently Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises (OJ L 10, 13.1.2001, p. 33) as amended by Commission Regulation (EC) No 364/2004 of 25 February 2004 amending Regulation (EC) No 70/2001 as regards the extension of its scope to include aid for research and development (OJ L 63, 28.2.2004, p. 22) or any subsequent regulation replacing it.

⁽⁹⁴⁾ For definition see Section 2.2.(d) of the R&D&I Framework.

- (E) Does the R&D aid concern products listed in Annex I to the EC Treaty?

☐ yes ☐ no

*If yes, fill in **Section 10** (Specific questions related to agriculture and fisheries) of this supplementary information sheet.*

- (F) In case the notified individual aid is based on an approved scheme, please provide details concerning that scheme, including its publication reference (Internet address) and State aid registration number:

.....

- (G) Please confirm that if the SME specific aid ⁽⁹⁵⁾/bonus is granted, the beneficiary complies with the SME definition as defined by the Community legislation ⁽⁹⁶⁾:

☐ yes

Please provide relevant information and evidence:

.....

- (H) If the aid involves commissioning/purchasing of R&D activities/results from undertakings by the public authorities, are the providers selected in an open tender procedure ⁽⁹⁷⁾?

☐ yes ☐ no

If no, please note that such payments from the public authorities to undertakings would normally involve State aid.

- (I) If applicable, please provide an exchange rate which has been used for the purposes of the notification:

- (J) All documents provided by the Member States as annexes to the notification form shall be numbered and document numbers shall be indicated in the relevant parts of this supplementary information sheet.

2. Research organisations and innovation intermediaries as recipients of state aid ⁽⁹⁸⁾

If there are several research organisations or innovation intermediaries involved in the notified project, please provide the information below for each of them.

2.1. Public funding of non-economic activities

- (A) Does the research organisation or non-for-profit innovation intermediary carry out an economic activity ⁽⁹⁹⁾ (an activity consisting in offering goods and/or services on a given market)?

☐ yes ☐ no

If yes, please provide description of these activities:

.....

- (B) If the same entity carries out activities of both economic and non-economic ⁽¹⁰⁰⁾ nature, can the two kinds of activities and their costs and funding be clearly separated?

☐ yes ☐ no

If yes, provide details:

.....

If yes, please note that public funding of non-economic activities does not fall under Article 87(1) of the EC Treaty. If not, public funding of economic activities generally entails State aid.

⁽⁹⁵⁾ I.e. measures under Sections 5.3, 5.4, 5.6 and 5.7 of this supplementary information sheet. Please note that the measure under Section 5.4 is limited to small enterprises.

⁽⁹⁶⁾ See footnote 20.

⁽⁹⁷⁾ Cf. R&D&I Framework, Section 2.1.

⁽⁹⁸⁾ Cf. R&D&I Framework, Section 3.1.

⁽⁹⁹⁾ For details see Section 3.1.1 of R&D&I Framework (footnote 24).

⁽¹⁰⁰⁾ For details see Section 3.1.1 (2nd and 3rd paragraph) of R&D&I Framework.

2.2. Public funding of economic activities

Can the Member State prove that:

- the totality of the State funding has been passed on from the research organisation or not-for-profit innovation intermediary (carrying out economic activities) to the final recipients;

AND

- there is no advantage granted to the intermediary?

☐ yes

☐ no

Please provide details and evidence:

.....

If yes, please note that the intermediary organisations may not be recipient of State aid. As regards the aid to final recipients, normal State aid rules apply.

3. Indirect State aid to undertakings through publicly funded research organisations ⁽¹⁰¹⁾

If there are more research organisations or innovation intermediaries involved in the notified project, please provide the information below for each of them.

3.1. Research on behalf of undertakings

- (A) Is the supported project carried out by research organisations on behalf of undertakings?

☐ yes

☐ no

- (B) If yes, do the research organisations (acting as agent) render services to the undertakings (acting as principals) in situations, where:

- the agents receive payment of an adequate remuneration for their services,

☐ yes

☐ no

AND

- do the principals specify the terms and conditions of these services?

☐ yes

☐ no

Please provide details:

.....

- (C) Do the research organisations provide their services at market price?

☐ yes

☐ no

If there is no market price, do the research organisations provide their services at a price which reflects full costs plus a reasonable margin?

☐ yes

☐ no

Please provide details:

.....

If a research organisation renders services and if the answer to one of the questions in Section C is yes, there will be normally no State aid passed to the undertakings through the research organisation.

3.2. Collaboration of undertakings and research organisations

- (A) Is the collaboration project carried out jointly by undertakings and research organisations?

☐ yes

☐ no

If yes, provide details on the partnerships:

.....

⁽¹⁰¹⁾ Cf. R&D&I Framework, Section 3.2.

- (B) If yes, do the participating undertakings bear the full cost of the projects supported under the notified scheme?

☐ yes

☐ no

Are the results which do not give rise to intellectual property rights widely disseminated AND are any intellectual property rights which result from the activity of the research organisations fully allocated ⁽¹⁰²⁾ to the research organisations?

☐ yes

☐ no

Do the research organisations receive from the participating undertakings compensation equivalent to the market price for the intellectual property rights ⁽¹⁰³⁾ which result from the activity of the research organisations carried out in the project and which are transferred to the participating undertakings?

☐ yes

☐ no

Please provide details (please note that any contribution of the participating undertakings to the costs of the research organisations shall be deducted from the compensation):

.....

- (C) If none of the answers to questions of Section B is yes, the Member State may rely on individual assessment of the collaboration projects ⁽¹⁰⁴⁾.

Please provide an individual assessment of the collaboration projects, taking into account the above mentioned elements. Please attach also the contractual agreements to the notification.

If none of the answers to questions of Section B is yes and if the individual assessment of the collaboration projects does not lead to the conclusion that there is no State aid, the Commission will consider the full value of the contribution of the research organisation to the project as aid to undertakings.

4. Compatibility of aid under article 87(3)(b) of the EC treaty

Aid for R&D&I to promote the execution of an important project ⁽¹⁰⁵⁾ of common European interest may be considered to be compatible with the common market pursuant to Article 87(3)(b) of the EC Treaty.

4.1. General conditions (cumulative)

- (A) Please confirm that:

☐ the project contributes in a concrete, clear and identifiable manner to the Community interest ⁽¹⁰⁶⁾;

AND

☐ the advantage achieved by the objective of the project is not limited to one Member State or to the Member States implementing it, but extends to the Community as a whole ⁽¹⁰⁷⁾;

AND

☐ the project presents a substantive leap forward for the Community objectives.

Please provide details and evidence:

.....

⁽¹⁰²⁾ For details see Section 3.2.2 (footnote 28) of the R&D&I Framework.

⁽¹⁰³⁾ For details see Section 3.2.2 (footnote 29) of the R&D&I Framework.

⁽¹⁰⁴⁾ There also may be no State aid where the assessment of the contractual agreement between the partners leads to the conclusion that any intellectual property rights to the R&D&I results as well as access rights to the results are allocated to the different partners of the collaboration and adequately reflect their respective interests, work packages, and financial and other contributions to the project.

⁽¹⁰⁵⁾ The Commission may also consider a group of projects as together constituting a project.

⁽¹⁰⁶⁾ Please note that the common European interest must be demonstrated in practical terms, e.g. it must be demonstrated that the project enables significant progress to be made towards achieving specific Community objectives.

⁽¹⁰⁷⁾ The fact that the project is carried out by undertakings in different countries is not sufficient.

(B) Specify the positive effects of the aid:

- ☐ important spill-overs for society;
- ☐ contribution of the measure to the improvement of the Community situation regarding R&D&I in the international context;
- ☐ creation of new markets;
- ☐ development of new technologies;
- ☐ other positive effects.

.....

(C) Please provide the terms of implementation of the project (including participants, objectives) ⁽¹⁰⁸⁾:

.....

(D) Please provide details and evidence illustrating that the aid is necessary to achieve the defined objective of common interest AND presents an incentive for the execution of the project ⁽¹⁰⁹⁾:

.....

(E) Please provide details and evidence demonstrating that the project involves a high level of risk:

.....

(F) Please provide details and evidence illustrating that the project is of great importance with respect to its character and its volume ⁽¹¹⁰⁾:

.....

4.2. Description of the project

Please provide a detailed description of the project. For orientation please see Section 5.1 of this supplementary information sheet.

.....

5. Compatibility of aid under article 87(3)(c) of the EC treaty

If there are several beneficiaries involved in the notified project, please provide the information below for each of them.

5.1. Aid for R&D projects ⁽¹¹¹⁾

5.1.1. Research category ⁽¹¹²⁾

(A) Please indicate which R&D stages ⁽¹¹³⁾ are supported under the notified aid measure:

- ☐ fundamental research;
- ☐ industrial research;
- ☐ experimental development.

⁽¹⁰⁸⁾ Please note that the projects must be clearly defined as regards these aspects.

⁽¹⁰⁹⁾ For orientation please see the criteria included in Section 6 of this supplementary information sheet.

⁽¹¹⁰⁾ I.e. is meaningful with respect to its objective and is of substantial size.

⁽¹¹¹⁾ Cf. R&D&I Framework, Section 5.1.

⁽¹¹²⁾ To classify the activities, you may refer to the Commission practice or the specific examples and explanations provided in the Frascati Manual on the Measurement of Scientific and technological Activities, proposed Standard Practice for Surveys on Research and Experimental Development (Organisation for Economic Cooperation and Development, 2002).

⁽¹¹³⁾ For definitions see Section 2.2(e), (f), (g) of the R&D&I Framework.

- (B) If the R&D projects encompass different research categories, please list and qualify the different tasks as falling under the categories of fundamental research, industrial research or experimental development or as not falling under any of those categories at all.

.....

.....

5.1.2. Eligible costs

All eligible costs must be allocated to a specific category of R&D ⁽¹¹⁴⁾. Please specify the eligible costs and indicate their amount.

	Fundamental research	Industrial research	Experimental development
Personnel costs			
Costs of instruments and equipment			
Costs for building and land			
Cost of contractual research, technical knowledge and patents bought or licensed from outside sources at market prices			
Additional overheads incurred directly as a result of the research project			
Other operating expenses			

5.1.3. Aid intensities and bonuses

The aid intensity is calculated on the basis of the eligible costs of the project. It must be established for each beneficiary of the aid, including in a collaboration project ⁽¹¹⁵⁾.

- (A) Basic intensities (without bonuses) ⁽¹¹⁶⁾:

	Fundamental research	Industrial research	Experimental development
Maximum aid intensity			

⁽¹¹⁴⁾ Cf. Section 5.1.4 of the R&D&I Framework. These eligible costs apply to aid for R&D projects (Section 5.1) research projects and to process and organisational innovation in services (Section 5.5).

⁽¹¹⁵⁾ In the case of State aid for an R&D project being carried out in collaboration between research organisations and undertakings, the combined aid deriving from direct government support for a specific research project and, where they constitute aid, contributions from research organisations to that project may not exceed the applicable aid intensities for each benefiting undertaking.

⁽¹¹⁶⁾ The aid intensity may not exceed 100 % for fundamental research, 50 % for industrial research and 25 % for experimental development.

(B) Bonuses:

Are bonuses applied under the notified measure?

☐ yes ☐ no

If yes, please specify below:

— Is an SME bonus applied?

☐ yes ☐ no

Specify the level of bonus applicable ⁽¹¹⁷⁾:

— Is a bonus for effective collaboration between undertakings (i) or collaboration of an undertaking with a research organisation (ii) or (only for projects of industrial research) dissemination of results (iii) applied under the notified aid measure?

☐ yes ☐ no

(i) If a bonus for an effective collaboration between at least two undertakings, which are independent of each other, is applied, please confirm that the following conditions are fulfilled:

☐ no single undertaking bears more than 70 % of the eligible costs of the collaboration project;

AND

☐ the project involves collaboration with at least one SME or the collaboration has a cross-border character, i.e. research and development activities are carried out in at least two different Member States.

Specify the level of bonus applicable ⁽¹¹⁸⁾:

(ii) If a bonus for an effective collaboration between an undertaking and a research organisation, particularly in the context of coordination of national R&D policies, is applied, please confirm that the following conditions are fulfilled:

☐ the research organisation bears at least 10 % of the eligible costs;

AND

☐ the research organisation has the right to publish the result of the research projects in so far as they stem from research implemented by that organisation.

Specify the level of bonus applicable ⁽¹¹⁹⁾:

(iii) If in the case of industrial research a bonus for wide dissemination of the results of the project is applied, please specify at least one of the following methods of wide dissemination:

☐ technical and scientific conferences;

☐ publication in scientific or technical journals;

☐ availability in open access repositories (databases where raw research data can be accessed by anyone);

☐ availability through free or open source software.

Specify the level of bonus applicable ⁽¹²⁰⁾:

(C) Specify the total aid intensity of the projects supported under the notified aid measure (taking into account the bonuses) (%):

⁽¹¹⁷⁾ The aid intensity may be increased by 10 percentage points for medium-sized enterprises and by 20 percentage points for small enterprises.

⁽¹¹⁸⁾ The aid intensity may be increased by 15 percentage points, but up to a maximum of 80 %.

⁽¹¹⁹⁾ The aid intensity may be increased by 15 percentage points, but up to a maximum of 80 %. This bonus does not apply to the research organisation.

⁽¹²⁰⁾ The aid intensity may be increased by 15 percentage points, but up to a maximum of 80 %.

5.1.4. Special conditions for repayable advance ⁽¹²¹⁾

(A) Is the aid to the R&D projects granted in the form of a repayable advance?

☐ yes ☐ no

(B) Is the aid granted in the form of a repayable advance under the notified measure expressed as gross grant equivalent ⁽¹²²⁾?

☐ yes ☐ no

If yes, what is the aid intensity of repayable advance expressed as gross grant equivalent ⁽¹²³⁾:

.....

Furthermore, please specify on the basis of which approved aid scheme ⁽¹²⁴⁾ is the aid granted and provide details on the complete methodology applied in order to determine the gross grant equivalent, underlying verifiable data.

.....

.....

(C) If the aid cannot be expressed in gross grant equivalent, what is the level of the repayable advance expressed as a percentage of the eligible costs:

.....

In case the rates of repayable advance granted to the R&D project are higher than the rates indicated in Sections 5.1.2 and 5.1.3 (up to the maximum rates indicated in Section 5.1.5) of the R&D&I Framework, please:

— notify to the Commission the detailed information on the repayment in the case of success and define clearly what will be considered as a successful outcome of the research activities;

AND

— confirm the following:

☐ the measure provides that in case of successful outcome the advance is repaid with an interest rate at least equal to the applicable rate resulting from the application of the Commission notice on the method of setting the reference and discount rates ⁽¹²⁵⁾;

☐ in case of a success exceeding the outcome defined as successful, the Member State is entitled to request payments beyond payments of the advance amount including interest according to the reference rate foreseen by the Commission;

☐ in case of partial success, the Member State requires that the repayment secured is in proportion to the degree of success achieved.

5.1.5. Matching clause ⁽¹²⁶⁾

Is the matching clause used in this notified measure?

☐ yes ☐ no

If yes, higher intensities than generally permissible may be authorised.

If yes, provide details and evidence that competitors located outside the Community have received in the last three years or are going to receive, aid of an equivalent intensity for similar projects, programmes, research, development or technology:

.....

.....

⁽¹²¹⁾ Cf. R&D&I Framework, Section 5.1.5.

⁽¹²²⁾ Gross grant equivalent of a repayable advance reflects the probability that the advance will be repaid by the beneficiaries.

⁽¹²³⁾ The gross grant equivalent must fulfil the conditions on maximum aid intensities laid down in Sections 5.1.2 and 5.1.3 of the R&D&I Framework.

⁽¹²⁴⁾ For details see Section 5.1.5 of the R&D&I Framework (2nd paragraph).

⁽¹²⁵⁾ OJ C 273, 9.9.1997, p. 3. Also published under: http://ec.europa.eu/comm/competition/state_aid/legislation/reference.html.

⁽¹²⁶⁾ Cf. R&D&I Framework, Section 5.1.7.

Do actual or potential direct or indirect distortions of international trade exist?

☐ yes ☐ no

If yes, provide evidence:

.....

Provide also sufficient information to enable the Commission to assess the situation, in particular regarding the need to take account of the competitive advantage enjoyed by a third-country competitor:

.....

5.2. *Aid for technical feasibility studies* ⁽¹²⁷⁾

5.2.1. General conditions

The studies are preparatory to ⁽¹²⁸⁾:

- ☐ industrial research;
☐ experimental development.

5.2.2. Aid intensities

Specify the maximum aid intensity ⁽¹²⁹⁾ (%):

The aid intensity is calculated on the basis of cost of feasibility studies of the project.

5.3. *Aid for industrial property right costs for SMEs* ⁽¹³⁰⁾

5.3.1. Conditions

Which stage of research ⁽¹³¹⁾ is concerned?

- ☐ fundamental research;
☐ industrial research;
☐ experimental development.

5.3.2. Eligible costs and aid intensities

(A) Specify the eligible costs ⁽¹³²⁾ and indicate their amount:

- ☐ costs preceding the grant of the right in the first legal jurisdiction:

☐ translation and other costs incurred in order to obtain the granting or validation of the right in other legal jurisdiction:

☐ costs incurred in defending the validity of the right during the official prosecution of the application and possible opposition proceedings:

(B) Specify the maximum aid intensity (%) ⁽¹³³⁾:

⁽¹²⁷⁾ Cf. R&D&I Framework, Section 5.2.

⁽¹²⁸⁾ To classify the activities, you may refer to the Commission practice or the specific examples and explanations provided in the Frascati Manual on the Measurement of Scientific and technological Activities, proposed Standard Practice for Surveys on Research and Experimental Development (Organisation for Economic Cooperation and Development, 2002); for definitions see Section 2.2(e), (f), (g) of the R&D&I Framework.

⁽¹²⁹⁾ For SMEs, the aid intensity may not exceed 75 % for studies preparatory to industrial research activities and 50 % for studies preparatory to experimental development activities; for large companies, the aid intensity may not exceed 65 % for studies preparatory to industrial research activities and 40 % for studies preparatory to experimental development activities.

⁽¹³⁰⁾ Cf. R&D&I Framework, Section 5.3.

⁽¹³¹⁾ For definitions see Section 2.2(e), (f), (g) of the R&D&I Framework.

⁽¹³²⁾ For details see Section 5.3 (second paragraph) of the R&D&I Framework.

⁽¹³³⁾ Maximum aid levels correspond to the same levels of aid as would have qualified as R&D aid in respect of the research activities which first led to the industrial property rights concerned.

5.4. *Aid for young innovative enterprises* ⁽¹³⁴⁾ (for small enterprises)

Please confirm that:

- (A) ☐ the beneficiary is a small enterprise as defined by Community legislation ⁽¹³⁵⁾, in existence for less than six years at the time when the aid is granted;

Please provide details and evidence:

.....

- (B) ☐ the beneficiary is an innovative enterprise.

Please confirm that the compliance with this condition is ensured through:

- ☐ an evaluation carried out by an external expert demonstrating that the beneficiary will in the foreseeable future develop products, services or processes which are technologically new or substantially improved compared to the state of the art in its industry in the Community, and which carry a risk of technological or industrial failure;

OR

- ☐ the evidence that the R&D expenses of the beneficiary represent at least 15 % of its total operating expenses in at least one of the three years preceding the granting of the aid or in the case of a start-up enterprise without any financial history, in the audit of its current fiscal period, as certified by an external auditor.

Please provide details on how this is implemented:

.....

- (C) Specify the maximum aid amount applicable under the notified measure ⁽¹³⁶⁾:

- (D) Please confirm that:

- ☐ the beneficiary did not receive aid for young innovative enterprises before and will receive this type of aid only once during the period in which it qualifies as a young innovative enterprise.

- (E) Does the enterprise benefit from a cumulation of aid?

☐ yes ☐ no

If yes, please indicate how the specific cumulation rules for young innovative enterprise aid (Section 5.4 of the R&D&I Framework) will be complied with:

.....

5.5. *Aid for process and organisational innovation in services* ⁽¹³⁷⁾

5.5.1. General conditions

- (A) To which type of innovation in service activities ⁽¹³⁸⁾ does the notified measure refer?

- ☐ process innovation in service activities;
☐ organisational innovation in service activities.

Please provide a detailed description of the innovation in service activities ⁽¹³⁹⁾ (process and/or organisational):

.....

⁽¹³⁴⁾ Cf. R&D&I Framework, Section 5.4.

⁽¹³⁵⁾ See footnote 20.

⁽¹³⁶⁾ The aid may not exceed EUR 1 million in non-assisted areas; EUR 1,5 million in regions eligible for the derogation in Article 87(3)(a) of the EC Treaty; EUR 1,25 million in regions eligible for the derogation in Article 87(3)(c) of the EC Treaty.

⁽¹³⁷⁾ Cf. R&D&I Framework, Section 5.5.

⁽¹³⁸⁾ For definitions see Section 2.2(i), (j) of the R&D&I Framework.

⁽¹³⁹⁾ In order to classify the activities, you may refer to the Commission practice or the specific definitions provided in the OSLO Manual, Guidelines for Collecting and Interpreting Innovation Data, 3rd Edition (Organisation For Economic Cooperation and Development, 2005).

(B) Please confirm that:

- ☐ the organisational innovation is related to the use and exploitation of Information and Communication Technologies (ICT) to change the organisation;
- ☐ the innovation is formulated as a project with an identified and qualified project manager, as well as identified project costs;
- ☐ the result of the aided project is the development of a standard, of a business model, methodology of concept, which can be systematically reproduced, possibly certified, and possibly patented;
- ☐ the process or organisational innovation is new or substantially improved compared to the state of the art in its industry in the Community;
- ☐ the process or organisational innovation project entails a clear degree of risk;
- ☐ the aid is granted to large enterprise only if collaborates with SMEs in the aided activity and that the collaborating SMEs incur at least 30 % of the total eligible costs.

Please provide details/evidence for all these elements:

.....

5.5.2. Eligible costs and aid intensities

(A) Please specify the eligible costs ⁽¹⁴⁰⁾ and indicate their amount:

	Eligible costs
personnel costs	
costs of instruments and equipment	
costs for building and land	
cost of contractual research, technical knowledge and patents bought or licensed from outside sources at market prices	
additional overheads incurred directly as a result of the research project	
other operating expenses	

(B) Specify the maximum aid intensity ⁽¹⁴¹⁾ (%):

The aid intensity is calculated on the basis of the eligible costs of the projects.

5.6. Aid for innovation advisory services and for innovation support services ⁽¹⁴²⁾ (for SMEs)

5.6.1. General conditions

(A) Specify the maximum aid amount (not exceeding EUR 200 000 per beneficiary within any three year period):

(B) Please confirm that:

- ☐ if the service provider does not benefit from a national or European certification, the aid will not cover more than 75 % of the eligible costs;
- ☐ the beneficiaries use the State aid to buy the services at market price (or if the service provider is a non-for-profit entity, at a price which reflects its full costs plus a reasonable margin).

Please provide details on how this will be ensured:

.....

⁽¹⁴⁰⁾ For details see Section 5.1.4 R&D&I Framework. Please note that in the case of organisational innovation, the costs of instruments and equipment cover costs of ICT instruments and equipment only.

⁽¹⁴¹⁾ The maximum aid intensity is 15 % of the eligible costs for a large enterprise; 25 % of the eligible costs for a medium enterprise; 35 % of the eligible costs for a small enterprise.

⁽¹⁴²⁾ Cf. R&D&I Framework, Section 5.6.

5.6.2. Eligible costs

(A) What type of aid is granted?

- ☐ aid for innovation advisory services;
- ☐ aid for innovation support services.

(B) If it is an aid for innovation advisory services, specify the eligible costs and indicate their amount:

- ☐ management consulting:
- ☐ technological assistance:
- ☐ technology transfer services:
- ☐ training:
- ☐ consultancy for acquisition, protection and trade in Intellectual Property Rights and for licensing agreements:
- ☐ consultancy on the use of standards:

(C) If it is an aid for innovation support services, specify the eligible costs and indicate their amount:

- ☐ office space:
- ☐ data banks:
- ☐ technical libraries services:
- ☐ market research:
- ☐ use of laboratory:
- ☐ quality labelling:
- ☐ testing and certification:

5.6.3. Special conditions for a non-for-profit entity

If the service provider is a non-for-profit entity, the aid may be given in the form of a reduced price, as the difference between the price paid and the market price (or a price which reflects full costs plus a reasonable margin).

Is the aid given in the form of a reduced price?

- ☐ yes ☐ no

If yes, provide evidence of the existence of a system ensuring transparency about the full costs of the innovation advisory and innovation support services provided, as well as about the price paid by the beneficiaries, so that the aid received can be measured and monitored.

.....

.....

5.7. Aid for the loan of highly qualified personnel ⁽¹⁴³⁾ (for SMEs)

5.7.1. General conditions

(A) Where do the highly qualified personnel ⁽¹⁴⁴⁾ come from?

- ☐ research organisations;
- ☐ large enterprises.

Provide details (if possible) on research organisations and on large enterprises.

.....

.....

⁽¹⁴³⁾ Cf. R&D&I Framework, Section 5.7.

⁽¹⁴⁴⁾ For definition see Section 2.2(k) of the R&D&I Framework.

(B) Please confirm that:

- ☐ the seconded personnel are not replacing other personnel;
- ☐ the seconded personnel are employed in a newly created function within the beneficiary undertaking.

Specify please this newly created function:

.....

.....

- ☐ the seconded personnel have been employed for at least two years in the research organisations or the large enterprises which are sending the personnel on secondment;
- ☐ that the seconded personnel work on R&D&I activities within the SME receiving aid.

5.7.2. Eligible costs and aid intensities

(A) Specify the eligible costs and indicate their levels:

- ☐ costs for borrowing and employing highly qualified personnel:
- ☐ mobility allowance for the seconded personnel:

(B) ☐ please confirm that consultancy costs (payment of the service rendered by the expert without employing the expert in the undertaking) are excluded from eligible costs of the aid for the loan of highly qualified personnel.(C) Specify the maximum aid intensity ⁽¹⁴⁵⁾ (%):5.8. Aid for innovation clusters ⁽¹⁴⁶⁾

5.8.1. General conditions

(A) What type of aid is granted to the beneficiary?

- ☐ investment aid;
- ☐ operating aid for cluster animation.

(B) Please confirm that:

- ☐ the aid is exclusively granted to the legal entity operating the innovation cluster;
- ☐ the beneficiary is in charge of managing the participation and access to the cluster's premises, facilities and activities;

Please provide details:

.....

.....

- ☐ access to the clusters' premises, facilities and activities is not restricted.

(C) Do the fees charged for using the cluster's facilities and for participating in the cluster's activities reflect their costs?

- ☐ yes ☐ no

If yes, please demonstrate how this is ensured:

.....

.....

If not, please provide details (especially with respect to the existence of aid within the meaning of Article 87(1) of the EC Treaty, see Section 3.1 of the R&D&I Framework):

.....

.....

(D) Please attach an analysis of the technological specialisation of the innovation cluster, existing regional potential, existing research capacity, presence of clusters in the Community with similar purposes and potential market volumes of the activities in the cluster:

.....

.....

⁽¹⁴⁵⁾ The maximum aid intensity is 50 % of the eligible costs, for a maximum of three years per undertaking and per person borrowed.

⁽¹⁴⁶⁾ Cf. R&D&I Framework, Section 5.8.

5.8.2. Specific conditions concerning investment aid for cluster animation

- (A) What type of investment is carried out?
- ☐ setting up of innovation clusters;
 - ☐ expansion of innovation clusters;
 - ☐ animation of innovation clusters.
- (B) For which facilities is the aid granted?
- ☐ facilities for training and research centre;
 - ☐ open-access research infrastructures, laboratory, testing facility;
 - ☐ broadband network infrastructures.
- (C) Specify the eligible costs and indicate their amount:
- ☐ costs relating to investment in land:
 - ☐ buildings:
 - ☐ machinery:
 - ☐ equipment:
- (D) What is the basic aid intensity (%) ⁽¹⁴⁷⁾:
- (E) Is any bonus granted to the beneficiary?
- ☐ yes ☐ no
- If yes, specify below:*
- Do you apply an SME bonus?
- ☐ yes ☐ no
- Specify the level of the bonus ⁽¹⁴⁸⁾:
- Do you apply a bonus for undertakings located in outermost regions?
- ☐ yes ☐ no
- If yes, specify the level of bonus applicable to an undertaking located in outermost regions ⁽¹⁴⁹⁾:

5.8.3. Specific conditions concerning operating aid for cluster animation

- (A) For how long is such aid granted: years
- If the aid is granted for a longer period than 5 years, please provide convincing evidence in order to justify such longer period ⁽¹⁵⁰⁾.
-
-
- (B) Is the aid degressive?
- ☐ yes ☐ no
- (C) Specify the eligible costs and indicate their amount:
- ☐ marketing of the cluster to recruit new companies to take part in the cluster:
 - ☐ management of the cluster's open-access facilities:
 - ☐ organisation of training programmes, workshops and conferences to support knowledge sharing and networking between the members of the cluster:

⁽¹⁴⁷⁾ The maximum aid intensity is 15 % of the eligible costs; for regions falling under Article 87(3)(a) of the EC Treaty the maximum aid intensity is the following: 30 % of the eligible costs for regions with less than 75 % of average EU-25 GDP per capita, outermost regions with higher GDP per capita and statistical effect regions (until 1 January 2011); 40 % for regions with less than 60 % of average EU-25 GDP per capita (%); 50 % for regions with less than 45 % of average EU-25 per capita. For statistical effect regions falling under Article 87(3)(c) of the EC Treaty from 1 January 2011 the maximum aid intensity is 20 % of the eligible costs.

⁽¹⁴⁸⁾ The aid intensity may be increased by maximum 20 percentage points for small enterprises and by maximum 10 percentage points for medium-sized enterprises.

⁽¹⁴⁹⁾ The aid intensity may be increased by maximum 20 percentage points for outermost regions where GDP per capita falls below 75 % of EU-25 average and by maximum 10 percentage points for other outermost regions.

⁽¹⁵⁰⁾ In any case, the period may never exceed 10 years.

- (D) Aid intensity:
- degressive aid (please specify degressive rates for each year) ⁽¹⁵¹⁾:
 - non-degressive aid (%) ⁽¹⁵²⁾:

6. **Incentive effect and necessity of aid** ⁽¹⁵³⁾

6.1. *General conditions*

- (A) Has the R&D&I activity already commenced prior to the aid application by the beneficiary to the national authorities ⁽¹⁵⁴⁾?

☐ yes ☐ no

If yes, the Commission considers that the aid does not present an incentive for the beneficiary.

- (B) If no, specify the relevant dates:

- the R&D&I activity commenced on:
- the aid application by the beneficiary was submitted to the national authorities on:

Please provide the relevant supporting documents.

6.2. *Evaluation of the incentive effect*

If the aid is granted for:

- process and organisational innovation in services,
- innovation clusters,
- R&D project for large undertakings,
- feasibility studies for large undertakings,
- R&D project for SMEs for aid exceeding EUR 7,5 million,
- feasibility studies for SMEs for aid exceeding EUR 7,5 million,

the Commission will require that the incentive effect is demonstrated by means of an evaluation. Go to the next questions.

Otherwise, the Commission considers that the incentive effect is automatically met for the measure at hand.

6.2.1. *General conditions*

If it is necessary to demonstrate an incentive effect for several beneficiaries participating in the notified project, please provide the information below for each of them.

In order to verify that the planned aid will induce the aid recipient to change its behaviour so that it increases its level of R&D&I, the Commission requires an evaluation for the research categories in which it considers that the incentive effect is not automatically met (listed in Section 4.2 of this notification form).

Please fill in the evaluation of the increased R&D&I activity (below), on the basis of an analysis comparing a situation without aid and a situation with aid being granted.

6.2.2. *Criteria*

- (A) Will the project size be increased?

☐ yes ☐ no

If yes, specify the type of increase:

- ☐ increase in the total project costs (without decreased spending by the beneficiary by a comparison with a situation without aid);
- ☐ increase in the number of people assigned to R&D&I activities;
- ☐ other type of increase:

Provide evidence of the relevant increases:

.....

⁽¹⁵¹⁾ The intensity may amount 100 % for the eligible costs the first year but must have fallen in a linear fashion to zero by the end of the fifth year.

⁽¹⁵²⁾ The maximum aid intensity is 50 % of the eligible costs.

⁽¹⁵³⁾ Cf. R&D&I Framework, Chapter 6.

⁽¹⁵⁴⁾ If the aid proposal is to grant aid for an R&D&I-project, this does not exclude that the potential beneficiary has already carried out feasibility studies which are not covered by the request for State aid.

(B) Will the scope be increased?

☐ yes ☐ no

If yes, specify the type of increase:

- ☐ increase in the number of the expected deliverables from the project;
- ☐ more ambitious project illustrated by a higher possibility of a scientific or technological breakthrough or a higher risk of failure;
- ☐ other kind of increase:

Provide evidence of the relevant increases:

.....

.....

(C) Will the project speed be increased?

☐ yes ☐ no

If yes, provide evidence that the project will be completed in a shorter time with the aid than without the aid:

.....

.....

(D) Will the total amount spent on R&D&I be increased?

☐ yes ☐ no

If yes, specify the type of increase:

- ☐ increase in total R&D&I spending by the aid beneficiary;
- ☐ changes in the committed budget for the project (without corresponding decrease in the budget of other projects);
- ☐ increase in R&D&I spending by the aid beneficiary as a proportion of total turnover;
- ☐ other type of increase:

.....

.....

Provide evidence for the relevant increases:

.....

.....

(E) The Member State can also demonstrate the presence of incentive effect through other relevant quantitative and/or qualitative criteria. Please provide details and evidence:

.....

.....

.....

7. Criteria triggering a detailed assessment ⁽¹⁵⁵⁾

If the aid concerns an R&D&I project or a feasibility study, please fill in Section 7.1 below. If the aid is granted for process or organisational innovation in service activities or for innovation clusters, please go to Section 7.2 of this supplementary information sheet. Otherwise, no detailed assessment is required.

7.1. Projects and feasibility studies

(A) Eligible costs corresponding to fundamental research represent ... % of the total eligible costs (ratio I).

If ratio I is superior to 50 %, does one undertaking receive an aid amount exceeding EUR 20 million ⁽¹⁵⁶⁾ per project/feasibility study?

☐ yes ☐ no

⁽¹⁵⁵⁾ Cf. R&D&I Framework, Section 7.1.

⁽¹⁵⁶⁾ If applicable, please provide an exchange rate used when answering this question.

- (B) Eligible costs corresponding to industrial research and feasibility studies preparatory to industrial research represent ... % of the total eligible costs (**ratio II**).

If **ratio I + II** is superior to 50 %, does one undertaking receive an aid amount exceeding EUR 10 million per project/feasibility study?

☐ yes ☐ no

- (C) If **ratio I + II** is inferior to 50 %, does one undertaking receive an aid amount exceeding EUR 7,5 million per project/feasibility study?

☐ yes ☐ no

If the answer to one of these three questions is yes, then the notified aid is subject to a detailed assessment and additional information should be provided in order to enable the Commission to carry out a detailed assessment (Section 8 of this supplementary information sheet).

7.2. Process or organisational innovation in service activities and innovation clusters

If the aid is granted for process or organisational innovation in service activities, does one undertaking receive an aid amount exceeding EUR 5 million per project?

☐ yes ☐ no

If the aid is granted for innovation clusters, does the cluster (legal entity operating the innovation cluster) receive an aid amount exceeding EUR 5 million?

☐ yes ☐ no

If yes, then the notified aid is subject to a detailed assessment and additional information should be provided in order to enable the Commission to carry out a detailed assessment (Section 8 of this supplementary information sheet).

Please note that the Commission will carry out a detailed assessment also in all cases notified to the Commission following an obligation to notify individually as prescribed in the block exemption regulation.

8. Additional information for detailed assessment ⁽¹⁵⁷⁾

If there are several beneficiaries participating in the notified project subject to a detailed assessment, please provide the information below for each of them. This is without prejudice to the full description of the notified project, including all participants, in the previous sections of this supplementary information sheet.

8.1. General observations

The purpose of this detailed assessment is to ensure that high amounts of aid for R&D&I do not distort competition to an extent contrary to the common interest, but actually contribute to the common interest. This happens when the benefits of State aid in terms of additional R&D&I outweigh the harm for competition and trade.

Provisions below represent a guidance as to the type of information the Commission may require in order to carry out a detailed assessment. The guidance is intended to make the Commission's decisions and their reasoning transparent and foreseeable in order to create predictability and legal certainty.

- (A) The Member States are in particular invited to rely on the information sources listed below. Please indicate if these supporting documents are attached to the notification:

- ☐ evaluations of past State aid schemes or measures;
- ☐ impact assessments made by the granting authority;
- ☐ risk assessments;
- ☐ financial reports;
- ☐ internal business plans;
- ☐ expert opinions;
- ☐ other studies related to R&D&I.

⁽¹⁵⁷⁾ Cf. R&D&I Framework, Chapter 7.

- (B) Similarly, please indicate the relevant positive effects of the notified measure and provide the supporting documents:

- ☐ net increase of R&D&I conducted by the undertaking;
- ☐ contribution of the measure to the global improvement of the sector concerned as regards the level of R&D&I;
- ☐ contribution of the measure to the improvement of the Community situation regarding R&D&I in the international context;
- ☐ other:

For each of the sections below please provide the documents which are relevant for the notified measure. Member States are invited to provide any other elements that they consider useful for the assessment of the notified measure.

8.2. *Existence of a market failure* ⁽¹⁵⁸⁾

- (A) Please identify the market failure(s) hampering R&D&I in the present case and justifying the need for State aid and provide the supporting documents:

- ☐ knowledge spillovers (positive externalities/public goods);
- ☐ imperfect and asymmetric information;
- ☐ coordination failures.

- (B) If State aid targets R&D&I projects or activities located in assisted areas, please provide information on:

- ☐ disadvantages caused by the peripherality and other regional specificities;
- ☐ specific local economic data, social and/or historic reasons for a low level of R&D&I activity in comparison with the relevant average data and/or situation at national and/or Community level as appropriate;;
- ☐ other relevant indicator showing an increased degree of market failure.

8.3. *Appropriate instrument* ⁽¹⁵⁹⁾

Please indicate on what basis the Member State decided to use a selective instrument such as State aid in order to increase R&D&I activities and provide supporting documents:

- ☐ impact assessment of the proposed measure;
- ☐ comparison with other policy options considered by the Member State;
- ☐ other:

8.4. *Incentive effect and analysis of the aid* ⁽¹⁶⁰⁾

- (A) Please specify the intended change in the behaviour of the beneficiary induced by the aid (e.g. new project triggered, size, scope or speed of a project enhanced) and provide supporting documents:

.....

.....

- furthermore, please provide a description by means of counterfactual analysis of the behaviour of the beneficiary with respect to the project if it had not received the aid:

.....

.....

- please describe why the aid is necessary in order to make the project under scrutiny more attractive than the project described by means of counterfactual analysis, i.e. the project to be carried out without the aid:

.....

.....

⁽¹⁵⁸⁾ Cf. R&D&I Framework, Section 7.3.1.

⁽¹⁵⁹⁾ Cf. R&D&I Framework, Section 7.3.2.

⁽¹⁶⁰⁾ Cf. R&D&I Framework, Section 7.3.3.

- (B) The following elements may be used for the purposes of demonstration of an incentive effect. Please specify those relevant for the notified measure and provide supporting documents:

- ☐ level of profitability;
- ☐ amount of investment and the time path of cash flows;
- ☐ level of risk involved in the research project ⁽¹⁶¹⁾;
- ☐ continuous evaluation.

8.5. *Proportionality of the aid* ⁽¹⁶²⁾

- (A) If there were multiple (potential) candidates for undertaking the R&D&I project in the Member State, was the beneficiary selected in an open selection process?

- ☐ yes ☐ no

Please provide details and supporting documents:

.....

.....

- (B) Please explain how it is ensured that the aid is limited to the minimum necessary and provide supporting documents:

.....

.....

8.6. *Analysis of the distortion of competition and trade* ⁽¹⁶³⁾

8.6.1. Relevant markets and effects on trade

- (A) When relevant, please describe the likely impact of the aid on competition in the innovation process ⁽¹⁶⁴⁾:

.....

.....

- (B) Please indicate whether the aid is likely to have impact on any product market.

- ☐ yes ☐ no

Please specify the product markets on which the aid is likely to have impact:

.....

.....

.....

- (C) For each of these markets please provide some indicative market share of the beneficiary:

.....

.....

For each of these markets please provide some indicative market shares of the other companies present in the market. If possible, please provide the associated Herfindahl-Hirschman Index (HHI):

.....

.....

- (D) Please describe the structure and dynamics of the relevant markets and provide supporting documents:

.....

.....

⁽¹⁶¹⁾ Please note in this context that for State aid targeting R&D&I projects or activities located in assisted areas, the Commission will take into account disadvantages caused by the peripherality and other regional specificities, which negatively impact on the level of risk in the research project.

⁽¹⁶²⁾ Cf. R&D&I Framework, Section 7.3.4.

⁽¹⁶³⁾ Cf. R&D&I Framework, Section 7.4.

⁽¹⁶⁴⁾ The impact on competition in the innovation process will be relevant insofar as it has a foreseeable impact on the outcome of future product market competition. For details see Section 7.4 (third paragraph) of the R&D&I Framework.

- (E) If relevant, please provide information on the effects on trade (shift of trade flows and location of economic activity):

.....

8.6.2. Distorting dynamics incentives

The following elements will be considered by the Commission in its analysis of effects of the aid on competitors' dynamic incentives to invest. Please, indicate those in relation to which supporting documents are provided:

- ☐ aid amount;
☐ closeness to the market/category of aid;
☐ open selection process;
☐ exit barriers;
☐ incentives to compete for a future market;
☐ product differentiation and intensity of competition.

8.6.3. Creating market power

The following elements will be considered by the Commission in its analysis of effects of the aid on beneficiary's market power. Please, indicate those in relation to which details and supporting documents are provided:

- ☐ market power of aid beneficiary and market structure;
☐ level of entry barriers;
☐ buyer power;
☐ selection process.

8.6.4. Maintaining inefficient market structures

Please specify if the aid is granted:

- ☐ in markets featuring overcapacity;
☐ in declining industries;
☐ in sensitive sectors.

Please provide details and supporting documents:

.....

9. Cumulation ⁽¹⁶⁵⁾

- (A) Is the aid granted under the notified measure combined with other aid ⁽¹⁶⁶⁾?

☐ yes ☐ no

- (B) If yes, please describe the cumulation rules applicable to the notified aid measure:

.....

- (C) Please specify how the respect of cumulation rules will be verified under the notified aid measure:

.....

⁽¹⁶⁵⁾ Cf. R&D&I Framework, Chapter 8.

⁽¹⁶⁶⁾ Please note that the aid for R&D&I shall not be cumulated with *de minimis* support in respect of the same eligible expenses in order to circumvent the maximum aid intensities laid down in the R&D&I Framework.

10. **Specific questions relating to agriculture and fisheries** ⁽¹⁶⁷⁾

(A) Does the R&D aid concern products listed in Annex I to the EC Treaty?

☐ yes☐ no

If yes, specify the type of products:

.....

.....

(B) If yes, please provide the answers to the following questions:

— is the aid of general interest to the particular sector or sub-sector concerned?

☐ yes☐ no

If yes, provide evidence:

.....

.....

— is the information that research will be carried out, and with which goal published on Internet prior to the commencement of the research AND does the information published include an approximate date of the expected results and their place of publication on the Internet, as well as a mention that the result will be available at no cost?

☐ yes☐ no

If yes, provide evidence and specify the Internet address:

.....

.....

— are the results of the research made available on Internet, for a period of at least five years AND can it be confirmed that the information on the Internet will be published no later than any which may be given to members of any particular organisation?

☐ yes☐ no

If yes, provide evidence:

.....

.....

— is the aid granted directly to the researching institution or body AND does it exclude the direct granting of non-research related aid to a company producing, processing or marketing agricultural products, as well as the provision of price support to producers of such products?

☐ yes☐ no

If yes, provide evidence:

.....

.....

If the answers to all four conditions of Section B above are yes, the aid intensity up to 100 % can be allowed. If not, cases of R&D aid for products listed in Annex I to the EC Treaty are to be examined under the normal rules of the R&D&I Framework.

(C) Specify the total aid intensity (%):

⁽¹⁶⁷⁾ Cf. R&D&I Framework, Chapter 9.

- (D) Cooperation pursuant to Regulation (EC) No 1698/2005 on support for rural development by the EAFRD ⁽¹⁶⁸⁾

Has the cooperation been approved for Community co-financing under Article 29 of Regulation (EC) No 1698/2005 AND/OR is the State aid granted as additional financing pursuant to Article 89 of this Regulation under the same conditions and at the same intensity as the co-financing ⁽¹⁶⁹⁾?

☐ yes ☐ no

If not, cases of R&D aid for products listed in Annex I to the EC Treaty are to be examined under the normal rules of the R&D&I Framework.

11. Reporting and monitoring ⁽¹⁷⁰⁾

11.1. Annual reports

Please note that this reporting obligation is without prejudice to the reporting obligation pursuant to Commission Regulation (EC) No 794/2004 implementing Council Regulation (EC) No 659/1999 ⁽¹⁷¹⁾.

Please undertake to submit annual reports on the implementation of the notified aid measure to the Commission, containing all the elements listed below ⁽¹⁷²⁾.

- name of the beneficiary;
- aid amount per beneficiary;
- aid intensity;
- sectors of activity where the aided project is undertaken.

☐ yes

11.2. Information sheets, monitoring

- (A) Please undertake to maintain detailed records regarding the granting of aid, with all information necessary to establish that the eligible costs and maximum allowable aid intensity have been observed.

☐ yes

- (B) Please undertake to ensure that detailed records referred to in Section A above are maintained for 10 years from the date on which the aid was granted.

☐ yes

- (C) Please undertake to submit the records referred to in Section A above on request of the Commission.

☐ yes

12. Other information

Please give any other information you consider necessary to assess the measure(s) in question under the Community Framework for State aid for research, development and innovation.¹

⁽¹⁶⁸⁾ Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p. 1) as amended by Regulation (EC) no 1463/2006 (OJ L 277, 9.10.2006, p. 1).

⁽¹⁶⁹⁾ Commission will allow State aid for cooperation pursuant to Article 29 of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) if such cooperation has been approved for Community co-financing under that Article and/or the State aid is granted as additional financing pursuant to Article 89 of Regulation (EC) No 1698/2005 under the same conditions and at the same intensity as the co-financing.

⁽¹⁷⁰⁾ Cf. R&D&I Framework, Section 10.1.

⁽¹⁷¹⁾ Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 140, 30.4.2004, p. 1).

⁽¹⁷²⁾ As regards the specific reporting requirements for clusters, please see Section 10.1.1 (fourth paragraph) of the R&D&I Framework.

(c) Supplementary information sheet 11 is replaced by the following:

'PART III.11

SUPPLEMENTARY INFORMATION SHEET ON RISK CAPITAL AID

This supplementary information sheet must be used for the notification of any aid scheme covered by the Community Guidelines on State aid to promote risk capital investments in small and medium-sized enterprises ⁽¹⁷³⁾. Please note that if the scheme is covered by another framework or guidelines, the corresponding standard notification form for the relevant framework or guidelines should be used instead.

1. Possible beneficiaries and scope of the aid measure

1.1. *Who is involved in the scheme ⁽¹⁷⁴⁾ (please tick one or more boxes as appropriate):*

- ☐ investors setting up a fund or providing equity in a company or a set of companies. Please specify the advantage(s) granted:

.....

Please specify possible selection criteria for the beneficiary (e.g. a call for tender or a public invitation):

.....

Are the investments effected *pari passu* between public and private investors?

☐ yes

☐ no

Please provide details:

.....

- ☐ investment fund or other investment vehicle and/or its manager. Please specify the advantage(s) granted:

.....

Please specify possible selection criteria for the beneficiary (fund/investment vehicle and the management) and the way it has been selected (e.g. an open and transparent public tender procedure):

.....

Do the fund's managers or the management company receive a remuneration, which fully reflects the current market remuneration in comparable situations?

☐ yes

☐ no

If yes, please provide evidence and attach relevant documents:

.....

⁽¹⁷³⁾ Community Guidelines on State aid to promote risk capital investments in small and medium-sized enterprises (OJ C 194, 18.8.2006, p. 2) thereafter 'the RCG'.

⁽¹⁷⁴⁾ For details see Section 3.2 of the RCG.

Is the fund involved in any other activities?

☐ yes ☐ no

If yes, please specify:

.....

☐ the target SMEs invested in. Please specify the advantage(s):

.....

Please specify possible selection criteria for the beneficiary:

.....

1.2. Can you confirm that the risk capital ⁽¹⁷⁵⁾ measure excludes ⁽¹⁷⁶⁾:

— aid to enterprises in the shipbuilding, coal and steel industry?

☐ yes

— and aid to enterprises in difficulty?

☐ yes

1.3. Can you confirm that the measure does not apply to aid to export to export-related activities, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity, as well as aid contingent upon the use of domestic in preference to imported goods ⁽¹⁷⁷⁾?

☐ yes

2. Form of aid: the size and time frame of the measure

2.1. The scheme envisages the following measure(s) and/or instrument(s) (please tick one or more boxes as appropriate) ⁽¹⁷⁸⁾:

☐ constitution of an investment fund (i.e. venture capital ⁽¹⁷⁹⁾ fund) in which the State is a partner, investor, or participant. Please specify:

.....

☐ guarantees where the public coverage for potential losses does not exceed 50 % of the nominal amount of the investment guaranteed to risk capital investors or to venture capital funds, or in respect of loans to investors or funds for investment in risk capital. Please specify:

.....

☐ other financial instruments in favour of risk capital investors or of venture capital funds to provide extra capital for investment. Please specify:

.....

⁽¹⁷⁵⁾ For definition of 'risk capital' and 'risk capital measures' see Section 2.2(k), (l) of the RCG.

⁽¹⁷⁶⁾ Cf. Section 2.1 of the RCG.

⁽¹⁷⁷⁾ Idem.

⁽¹⁷⁸⁾ Cf. Section 4.2 of the RCG.

⁽¹⁷⁹⁾ For definition see Section 2.2(i) of the RCG.

- ☐ fiscal incentives to investment funds and/or their managers or to investors to undertake risk capital investments. Please specify:

.....

.....

.....

- ☐ others. Please specify:

.....

.....

.....

- 2.2. *What is the overall size of budget of the measure and in case of a fund what is the size of the fund? Please specify:*

.....

.....

.....

Is the measure to be co-financed by Community funds (European Social Fund, European Regional Development Fund, other)? Please specify:

.....

.....

.....

- 2.3 *What is the duration of the measure or in case of a fund in which time period can the fund commit itself to investment and for how long can the fund hold the investments? Please specify:*

.....

.....

.....

3. **General information about the design of the measure**

- 3.1. *Maximum tranches of investments per target SME ⁽¹⁸⁰⁾*

What is the total maximum size of the tranche of finance (including both, the public and private investments) per target enterprise over a period of 12 months. Please specify:

.....

.....

.....

Are the target enterprises in which the investments can be made, restricted to SMEs ⁽¹⁸¹⁾ and not to large companies?

☐ yes

- 3.2. *Restrictions to seed, start-up and expansion financing ⁽¹⁸²⁾*

Are the investments restricted to financing (please tick one or more boxes as appropriate):

- ☐ up to the seed stage for small enterprises;
- ☐ up to the seed stage for medium-sized enterprises;
- ☐ up to start-up stage for small enterprises;
- ☐ up to start-up stage for medium-sized enterprises;
- ☐ up to expansion stage for small enterprises;

⁽¹⁸⁰⁾ For details and restrictions see Section 4.3.1 of the RCG.

⁽¹⁸¹⁾ For definition see Section 2.2(q) of the RCG.

⁽¹⁸²⁾ For details see Section 4.3.2 of the RCG. For definitions of 'seed', 'start-up' and 'expansion capital' see Section 2.2(e), (f) and (h) of the RCG.

☐ up to expansion stage for medium-sized enterprises located in assisted regions qualifying under Article 87(3)(a) of the EC Treaty and/or under Article 87(3)(c) of the EC Treaty;

☐ other restrictions. Please specify:

.....

.....

.....

Are the investments restricted to SMEs located in assisted regions qualifying under Article 87(3)(a) of the EC Treaty and/or under Article 87(3)(c) of the EC Treaty?

☐ yes

☐ no

3.3. *The composition of financing in the form of equity, quasi-equity and debt* ⁽¹⁸³⁾

Does the measure provide financing to SMEs in the form of equity ⁽¹⁸⁴⁾?

☐ yes

☐ no

If yes, please specify the details regarding the conditions on which the financing is invested (type of remuneration, level of subordination, securitisation, etc.):

.....

.....

.....

Does the measure provide financing to SMEs in the form of quasi-equity ⁽¹⁸⁵⁾?

☐ yes

☐ no

If yes, please specify the details regarding the conditions on which the financing is invested (type of remuneration, level of subordination, securitisation, etc.):

.....

.....

.....

Does the measure provide that at least 70 % of its total budget to SMEs is in the form of equity and quasi-equity investment instruments?

☐ yes

☐ no

Please specify the percentage of equity and quasi-equity, of the total budget:

.....

.....

.....

Does the measure provide financing to SMEs in the form of debt ⁽¹⁸⁶⁾?

☐ yes

☐ no

If yes, please specify the details regarding the conditions on which the debt is provided (type of remuneration, level of subordination, securitisation, etc.):

.....

.....

.....

Is the debt provided on market terms or is an aid element in the debt instrument authorised under an existing scheme, please specify:

.....

.....

.....

⁽¹⁸³⁾ For details and conditions see Section 4.3.3 of the RCG.

⁽¹⁸⁴⁾ For definition see Section 2.2(a) of the RCG.

⁽¹⁸⁵⁾ For definition see Section 2.2(c) of the RCG.

⁽¹⁸⁶⁾ For definition of 'debt' see Section 2.2(d) of the RCG.

3.4. *Participation by private ⁽¹⁸⁷⁾ investors ⁽¹⁸⁸⁾*

What percentage of funding of the investments in SMEs is provided directly or indirectly by private investors. Please specify:

.....

.....

.....

3.5. *Profit driven character of investment decisions ⁽¹⁸⁹⁾*

Does the measure ensure that at least 50 % of the funding of the investments is provided by private investors, or for at least 30 % in the case of measures targeting SMEs located in assisted areas ⁽¹⁹⁰⁾?

☐ yes ☐ no

Please provide details:

.....

.....

.....

Does the measure ensure that private investors invest on a commercial basis (that is only for profits) directly or indirectly in the equity of the target enterprises?

☐ yes ☐ no

Please provide details:

.....

.....

.....

Does the measure ensure that there is a business plan for each investment containing details of the product, sales and profitability development and establishing the ex ante viability of the project?

☐ yes ☐ no

Please provide details:

.....

.....

.....

Is there a clear and realistic exit strategy ⁽¹⁹¹⁾ for each investment?

☐ yes ☐ no

Please provide details:

.....

.....

.....

3.6. *Commercial management ⁽¹⁹²⁾*

Is there an agreement between a professional manager or a management company and participants in the fund which:

— provides that the manager's remuneration is linked to the performance?

☐ yes ☐ no

⁽¹⁸⁷⁾ For details concerning private investments/funding, see Section 2.2(b) and 3.2 (second paragraph) of the RCG.

⁽¹⁸⁸⁾ For details and conditions see Section 4.3.4 of the RCG.

⁽¹⁸⁹⁾ For details and conditions see Section 4.3.5 of the RCG.

⁽¹⁹⁰⁾ For definition see Section 2.2(t) of the RCG.

⁽¹⁹¹⁾ For definition see Section 2.2(p) of the RCG.

⁽¹⁹²⁾ For details and conditions, see Section 4.3.6 of the RCG.

— sets out the objectives of the fund and proposed timing of investments?

☐ yes

☐ no

Please attach a copy of the agreement or an outline of the principles of the agreement.

Are private market investors represented in the decisionmaking, such as through an investors' advisory committee?

☐ yes

☐ no

If yes, please specify their role in the decisionmaking:

.....

Is there an application of best practice and regulatory supervision in the management of the fund?

☐ yes

☐ no

Please provide details:

.....

3.7. *Sectoral focus* ⁽¹⁹³⁾

Is the measure open to all sectors?

☐ yes

☐ no

If no, please specify the technologies or sectors and the underlying reason for the choice of these technologies or sectors:

.....

3.8. *Other information*

Please provide any further information considered relevant to clarify the answers above:

.....

4. **Establishing the need to conduct detailed assessment** ⁽¹⁹⁴⁾

Does the total maximum level of investment tranches (including both the public and private capital) exceed EUR 1,5 million per target SME over each period of 12 months?

☐ yes

☐ no

Does the measure provide financing up to the expansion stage for medium-sized enterprises in non-assisted areas?

☐ yes

☐ no

Does the measure provide for follow-on investments into target companies that already received aided capital injections to fund subsequent financing rounds even beyond the general safe-harbour thresholds and the companies' early-growth financing?

☐ yes

☐ no

⁽¹⁹³⁾ For details and conditions, see Section 4.3.7 of the RCG.

⁽¹⁹⁴⁾ Cf. Section 5.1 of the RCG.

Does the risk capital measure provide less than 70 % of its total budget in the form of equity and quasi-equity investment instruments into target SMEs?

☐ yes ☐ no

Does the measure provide less than 50 % of the funding of the investments provided by private investors for investments targeting SMEs in non-assisted areas or at least 30 % for SMEs in assisted areas?

☐ yes ☐ no

Does the measure provide seed capital to small enterprises which foresee (i) less or no private participation by private investors, and/or (ii) predominance of debt investment instruments as opposed to equity and quasi-equity?

☐ yes ☐ no

Does the measure specifically involve an investment vehicle (alternative stock markets specialised in SMEs including high-growth companies)?

☐ yes ☐ no

Does the measure cover costs linked to the first screening of companies (scouting costs)?

☐ yes ☐ no

Does the scheme envisage a measure(s) and/or instrument which is not covered by Section 4.2 of the RCG, i.e. necessitating that the fifth box others was ticked under Section 2.1 of this form, and is not explicitly referred to above?

☐ yes ☐ no

Does the measure involve any other element leading to non-compliance with one or more conditions set out in Section 4 of the RCG?

☐ yes ☐ no

If yes, please specify:

.....

If the answer to one or more of the questions in this section 4 is yes, please go to section 5, otherwise go to section 6.

5. Additional information for the detailed assessment ⁽¹⁹⁵⁾

5.1. Positive effects of the aid

5.1.1. Existence and evidence of market failure ⁽¹⁹⁶⁾

Please, attach supporting evidence of the presence of the market failure the measure is designed to tackle. In particular, for measures:

- providing tranches above EUR 1,5 million per target SME (including both, the public and private capital) over each period of twelve months,
- providing follow-on investments,
- financing of the expansion stage of medium-sized enterprises in non-assisted areas,
- specifically involving an investment vehicle.

The evidence must be based on a study showing the level of the equity gap with regard to the enterprises and sectors targeted by the risk capital measure. Please attach the study.

The relevant information concerns the supply of risk capital to SMEs and the capital raised by private investors, as well as the significance of the venture capital industry in the local economy. It should ideally be provided for periods of three to five years preceding the implementation of the measure and also for the future, on the basis of reasonable projections, if available. The evidence submitted could also include the following elements:

- development of the fundraising over the past five years, also in comparison with the correspondent national and/or European averages,

⁽¹⁹⁵⁾ For details on detailed assessment and balancing test see Sections 5(1) to (3) and 1.3 of the RCG.

⁽¹⁹⁶⁾ Cf. Section 5.2.1 of the RCG.

- the current overhang of money, i.e. the difference between the amount of funds raised by private investors for investments and the amount actually invested,
- the share of government aided investment programs in the total venture capital investment over the preceding three to five years,
- the percentage of new start-ups receiving venture capital,
- the distribution of investments provided by private market investors by categories of amount of investment,
- a comparison of the number of business plans presented with the number of investments made by segment (amount of investment, sector, round of financing, etc.),
- any other relevant indicator showing the existence of market failure.

For measures targeting SMEs located in assisted areas, the relevant information must be supplemented by any other relevant evidence as regards the regional specificities which justify the features of the measure envisaged. The following elements may be relevant:

- estimation of the additional size of the equity gap caused by the peripherality and other regional specificities, in particular in terms of total amount of risk capital invested, number of funds or investment vehicles present in the territory or at a short distance, availability of skilled managers, number of deals and average and minimum size of deals if available;
- specific local economic data, social and/or historic reasons for an underprovision of risk capital, in comparison with the relevant average data and/or situation at national and/or Community level as appropriate;
- any other relevant indicator showing an increased degree of market failure.

5.1.2. Appropriateness of the instrument ⁽¹⁹⁷⁾

Is there an impact assessment of the measure?

☐ yes ☐ no

If yes, please attach a summary or the full text of the impact assessment.

Have other policy options to tackle the equity gap than State aid instruments been considered?

☐ yes ☐ no

If yes, please specify:

.....

.....

.....

Have other policy initiatives been taken to address the supply and demand side issues leading to the equity gap affecting the targeted SMEs?

☐ yes ☐ no

If yes, please specify:

.....

.....

.....

Are there evaluations of how these other policy initiatives will interact with the notified risk capital measure?

☐ yes ☐ no

If yes, please specify:

.....

.....

.....

⁽¹⁹⁷⁾ Cf. Section 5.2.2 of the RCG.

5.1.3. Incentive effect and necessity of aid ⁽¹⁹⁸⁾

Is the risk capital measure or fund managed by professionals from the private sector?

☐ yes ☐ no

Is the measure managed by independent professionals chosen according to a transparent, non-discriminatory procedure, preferably an open tender?

☐ yes ☐ no

Will the management have a proven experience and a track record in capital market investments ideally in the same sector(s) targeted by the fund, as well as an understanding of the relevant legal and accounting background for the investment?

☐ yes ☐ no

If yes, please specify:

.....

.....

.....

Is there an investment committee, independent of the fund management company and composed of independent experts coming from the private sector with significant experience in the targeted sector, and preferably also of representatives of investors, or independent experts chosen according to a transparent, non-discriminatory procedure, preferably an open tender?

☐ yes ☐ no

If yes, please specify:

.....

.....

.....

Will the experts provide the managers or management company with analyses of the existing and the expected future market situation and would scrutinise and propose to them potential target enterprises with good investment prospects?

☐ yes ☐ no

If yes, please specify:

.....

.....

.....

Please specify the size of budget/size of the fund:

.....

Please specify the estimated transaction costs:

.....

Will there be a direct involvement from business angels ⁽¹⁹⁹⁾ in investments in the seed stage?

☐ yes ☐ no

If yes, please specify:

.....

.....

.....

⁽¹⁹⁸⁾ Cf. Section 5.2.3 of the RCG.

⁽¹⁹⁹⁾ For definition see Section 2.2(s) of the RCG.

Are there other mechanisms in place to ensure an incentive effect and the necessity of aid?

☐ yes ☐ no

If yes, please specify:

.....

.....

.....

5.1.4. Proportionality ⁽²⁰⁰⁾

Does the measure involve (Please tick one or more boxes as appropriate):

☐ open tender for managers or management company? Please specify:

.....

.....

.....

☐ call for tender or public invitation to investors? Please specify:

.....

.....

.....

☐ other mechanisms to ensure that management or investors are not overcompensated? Please specify:

.....

.....

.....

5.2. *Negative effects of the aid*

5.2.1. Crowding-out ⁽²⁰¹⁾

Please attach evidence as regards the risk of crowding-out of investments at the level of investors, funds and/or investment vehicles.

The following elements may for instance be relevant:

- the number of venture capital firms/funds/investment vehicles present at national level or in the area in case of a regional fund and the segments in which they are active,
- the targeted enterprises in terms of size of companies, growth stage, and business sector,
- the average deal size and possibly the minimum deal size the funds or investors would scrutinise,
- the total amount of venture capital available for the target enterprises, sector and stage targeted by the relevant measure.

If investments are not restricted to assisted regions and if they go beyond the start-up stage for medium-sized enterprises, is there a limit per enterprise on total funding through the measure.

☐ yes ☐ no

If yes, please specify:

.....

.....

.....

⁽²⁰⁰⁾ Cf. Section 5.2.4 of the RCG.

⁽²⁰¹⁾ Cf. Section 5.3.1 of the RCG.

For measures providing for follow-on investment, does the measure foresee specific limits to the maximum amount to be invested into each target SME, to the investment stage eligible for intervention, and/or to the period during which aid may be granted, having also regard to the sector concerned and to the size of the fund?

☐ yes

☐ no

If yes, please specify:

.....

.....

.....

Does the measure foresee a limitation related to the number of investment rounds per target SME or a maximum amount which can be invested in on target enterprise?

☐ yes

☐ no

If yes, please specify:

.....

.....

.....

If follow-on investment is foreseen, is there a maximum amount to be invested into each target SME, to the investment stage eligible for intervention, and/or to the period during which aid may be granted, having also regard to the sector concerned and to the size of the fund?

☐ yes

☐ no

If yes, please specify:

.....

.....

.....

If a lower participation of private investors is foreseen, is there a progressive increase of the participation of private investors over the life of the fund, having particular regard to the business stage, the sector, the respective levels of profit-sharing and subordination, and possibly the localisation in assisted areas of the target SMEs.

☐ yes

☐ no

If yes, please specify:

.....

.....

.....

For measures providing seed capital only, is there any mechanism ensuring that the State receives an adequate return on its investment commensurate with the risks incurred for these investments, in particular where the State finances the investment in the form of quasi-equity or debt instruments, the return on which should, for instance, be linked to potential rights of exploitation (for example, royalties) generated by intellectual property rights created as a result of the investment.

☐ yes

☐ no

If yes, please specify:

.....

.....

.....

5.2.2. Other distortions of competition ⁽²⁰²⁾

What is the expected overall profitability of the firms invested in over time and prospects of future profitability? Please specify:

.....

.....

.....

What is the expected rate of enterprise failure targeted by the measure? Please specify:

.....

.....

.....

What is the total maximum size of investment tranche (including both the public and private investments) envisaged by the measure as compared to the turnover and costs of the target SMEs? Please specify:

.....

.....

.....

In case of sectoral focus of the measure, is there over-capacity of the sector benefiting from the aid? Please give a brief description of the economic situation in the sector(s):

.....

.....

.....

Are there any other mechanisms in place in order to limit the distortions of competition? Please specify:

.....

.....

.....

6. Cumulation of the aid ⁽²⁰³⁾

Can be the aid granted under the notified measure combined with other aid ⁽²⁰⁴⁾?

☐ yes ☐ no

If yes, please provide the details (e.g. type of aid with which the aid granted under the notified measure is combined):

.....

.....

.....

If yes, please confirm the following:

The Member State undertakes to reduce the relevant aid ceilings or maximum eligible amounts by 50 % in general and by 20 % for target SMEs located in assisted areas during the first three years of the first risk capital investment and up to the total amount received, where the capital provided to a target enterprise under the risk capital measure is used to finance initial investment or other costs eligible for aid under other block exemption regulations, guidelines, frameworks, or other State aid documents. This reduction does not apply to aid intensities provided for in the Community Framework for State aid for Research and Development ⁽²⁰⁵⁾ or any successor framework or block exemption regulation in this field.

☐ yes

⁽²⁰²⁾ Cf. Section 5.3.2 of the RCG.

⁽²⁰³⁾ Cf. Section 6 of the RCG.

⁽²⁰⁴⁾ For cumulation of *de minimis* aid please see Article 2(5) of *de minimis* block exemption (Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to *de minimis* aid (OJ L 389, 28.12.2006, p. 5).

⁽²⁰⁵⁾ OJ C 45, 17.2.1996, p. 5.

7. Monitoring ⁽²⁰⁶⁾

The Member State undertakes to submit annual reports to the Commission containing a summary table with a breakdown of the investments effected by a fund or under the risk capital measure including a list of all the enterprise beneficiaries of risk capital measures as well as a brief description of the activity of investments funds with details of potential deals scrutinised and of the transactions actually undertaken as well as the performance of investment vehicles with aggregate information about the amount of capital raised through the vehicle.

☐ yes

The Member State undertakes to publish the full text of the final aid schemes as approved by the Commission on the Internet and to communicate the Internet address of the publication to the Commission

☐ yes

The Member State undertakes to maintain for at least 10 years detailed records regarding the granting of aid for the risk capital measure containing all information necessary to establish that the conditions laid down in the RCG have been observed, notably as regards the size of the tranche, the size of the company (small or medium-sized), the development stage of the company (seed, start-up or expansion), its sector of activity (preferably at 4 digit level of the NACE classification) as well as information on the management of the funds and on the other criteria mentioned in these guidelines.

☐ yes

The Member State undertakes to submit the records referred to above on request of the Commission.

☐ yes

8. Other information

Please indicate here any other information you consider relevant to the assessment of the measure(s) concerned under the *Community Guidelines on State aid to promote risk capital investments in small and medium-sized enterprises*.

⁽²⁰⁶⁾ Cf. Section 7.1 of the RCG.'

ANNEX II

Annex II to Regulation (EC) No 794/2004 is replaced by the following:

‘ANNEX II

SIMPLIFIED NOTIFICATION FORM

This form may be used for the simplified notification pursuant to Article 4(2) of Commission Regulation (EC) No 794/2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽¹⁾.

1. Prior approved aid scheme ⁽²⁾.

- 1.1. Aid number allocated by the Commission:
- 1.2. Title:
- 1.3. Date of approval [by reference to the letter of the Commission SG(..)D/...]:
- 1.4. Publication in the *Official Journal of the European Union*:
- 1.5. Primary objective (please specify one):
- 1.6. Legal basis:
- 1.7. Overall budget:
- 1.8. Duration:

2. Instrument subject to notification

- ☐ New budget (please specify the overall as well as the annual budget in the respective national currency):
- ☐ New duration (please specify the starting date from which the aid may be granted and the last date until which the aid may be granted):
- ☐ Tightening of criteria (please indicate if the amendment concerns a reduction of aid intensity or eligible expenses and specify details):

3. Validity of commitments

- ☐ Please confirm that the commitments provided by the Member State for the purposes of the prior approved aid scheme are valid in their entirety also for the new notified measure.

Please attach a copy (or a web link) of the relevant extracts of the final text(s) of the legal basis.

⁽¹⁾ Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 140, 20.4.2004, p. 1). Regulation as last amended by Regulation No 1935/2006 (OJ L 407, 30.12.2006, p. 1).

⁽²⁾ If the aid scheme has been notified to the Commission on more than one occasion, please provide details for the latest complete notification that has been approved by the Commission.’