

STATE AID INCIDENCE ASSESSMENT GRID – Investment Priority 8/b

Project identification

Project title	
Project acronym	
Project number	
Official name of the Lead Applicant organization	

The assessor will proceed to fill in the following check-list, taking his/her step from the “Declaration on the proposed qualification of the application in relation to state-aid” released by the applicant. However, as this declaration has merely an indicative value, the assessor is required to verify the correspondence between the qualification proposed by the applicant and the criteria foreseen in the GfA, in the approved aid schemes, and in the relevant legislation, jurisprudence and case-law. Whenever needed, the assessor will proceed to a reclassification of the activities accordingly.

For each of the project proposed activities, the assessor is requested to verify its compliance with one of the following sections:

1. Non aid situation
2. State aid under GBER Article 56
3. *De minimis*

Whenever relevant, the assessor should also verify the compliance of the application with the specific situations foreseen within the section:

4. Other criteria (training, public road, etc.)

NB: The assessment should cover, to an equal extent and with the same modalities, all of the following four situations:

- direct aid (aid that, through the programme funding, is to be awarded to the lead applicant or other subjects of the project partnership);

- indirect aid to one or more subjects – different from the lead partner and from the other ones of the project partnership – that can be clearly and finally identified or deduced from the funding application;
- indirect aid to one or more subjects - different from the lead partner and from the other ones of the project partnership – that can be identified or deduced from the funding application in terms of category or group (ex. local SMEs, local training agencies, etc.);
- a combination of the previous situations.

Whenever the assessment is related to an indirect state aid situation, even partially, the assessor has to highlight it with a clear remark in the “comments” section of the grid.

In all situation involving indirect aid, the assessor is required to ask to the applicant all clarifications and documents that are needed for an appropriate assessment.

In those exceptional cases in which the appearance of indirect state aid is not certain, as it remains just a possibility depending on the modalities of the project implementation, the assessor will express all relevant recommendations in order to guarantee that the possible state aid is correctly framed, by the funding beneficiary, in one of the state aid schemes active for the specific IP, according to the GfA and all relevant documents.

I. Check list

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
SECTION 1. Non-aid						
Only for a) jobs fairs activities b) activities for construction,	The assessor will verify if the application is referring to one of	1.1.1. Is the operation corresponding to one of those activities quoted in the GfA as state-aid free (see column 1)?				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
<p>upgrading / modernization of roads improving cross-border accessibility to employment:</p> <p>1.1. Confirmation of the absence of economic activity</p>	<p>those activity considered as non – aid in the GfA and the absence of an economic activity can be confirmed.</p> <p><i>All the questions should be answered with a clear YES in order to consider the operation state-aid free.</i></p> <p><i>The assessor may ask for clarifications.</i></p> <p>(Application Form¹ GfA, general legislation on state-aid)</p>	<p>1.1.2. Can it be confirmed, from a thorough reading of the content of the funding application, that the operation is not to be considered state-aid, based on all the relevant EU criteria, and especially the absence of an economic activity?</p>				

¹ Depending on the type of the call for proposals (either Open or Flagship), whenever reference to the Application Form is made, it shall be deemed to refer to the Concept Note as well.

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
SECTION 2. GBER						
2.1. Absence of the status of undertaking in difficulty and eligibility to the GBER scheme.	<i>In order to conclude for a positive classification of the application under the GBER scheme, all the questions for the administrative part and for the quality part should be replied with a clear YES answer.</i>	I. ADMINISTRATIVE 2.1.1. Is the GBER declaration attached to the application Form?				
	<i>The assessor may ask for completion; the assessor shall identify the undertaking in order to ask for this declaration.</i>	2.1.2. Is the provided template used? Are all the foreseen declarations completely provided? Is the declaration provided in English?				
	(Applicant documents for the assessment: application form, GBER	2.1.3. Is the declaration signed and stamped by the entity's legal representative?				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	Declaration, (on own responsibility regarding the eligibility to the GBER scheme, underlining that it is not in difficulty))	2.1.4. Is the declaration provided by the final beneficiary of State aid, in case this does not correspond with one of the subjects included in the project's partnership?				
		II. QUALITY 2.1.5. Are the relevant financial criteria correctly calculated and corresponding to the data from the latest version of the relevant financial documents of the applicant?				
2.2. Compliance with Article 56 GBER – local infrastructure and the specific GBER Aid scheme approved for the Programme	The assessor will analyze the compliance of the application based on the provisions of the approved exempted scheme related to local infrastructure - Article 56 of GBER	QUALITY 2.2.1. Is the content of the application in line with the domain of the exempted aid scheme approved for the Programme?				
		2.2.2. Do the activities foreseen in the application fall				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<p><i>In order to conclude for a positive classification of the application under the GBER scheme, all the questions should be replied with a clear YES answer.</i></p> <p><i>The assessor may ask for clarifications.</i></p> <p>(Applicant documents for the assessment: application form)</p>	within the ones mentioned in the exempted aid scheme approved for the Programme?				
		2.2.3. Do the costs foreseen in the project fall within the eligible ones foreseen at Art.56.5 GBER and the ones foreseen in the exempted aid scheme approved for the Programme?				
		2.2.4. Will the infrastructure be made available to interested users on an open, transparent and non-discriminatory basis?				
		2.2.5. Will the price charged for the use of the infrastructure correspond to market price?				
		2.2.6. Is it established that any concession or other entrustment to a third party to operate the infrastructure				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
		shall be assigned on an open, transparent and non-discriminatory basis, having due regard to the applicable procurement rules?				
		2.2.7. Is the funding requested not exceeding the ceilings foreseen in the exempted aid scheme approved for the Programme?				
SECTION 3. DE MINIMIS						
3.1. Presence of the declaration regarding the <i>de minimis</i> aid and single undertaking status (to be provided by the final beneficiary of State aid)	In order to conclude for a positive classification of the application under the <i>De minimis</i> scheme, all the questions should be replied with a clear YES answer. The assessor may ask for completion; the assessor shall identify	I. ADMINISTRATIVE				
		3.1.1. Is the declaration attached to the Application Form?				
		3.1.2. Is the provided template used? Are all the declarations foreseen in the template completed provided?				
		3.1.3. Is the declaration signed and stamped by the entity's				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<p><i>the undertaking in order to ask for this declaration.</i></p> <p>(Applicant documents for the assessment: application form, <i>De minimis</i> Declaration - regarding <i>de minimis</i> aid and single undertaking status)</p>	legal representative?				
		3.1.4. Is the declaration provided by the final beneficiary of State aid, in case it does not correspond with one of the project applicants?				
3.2. Compliance with the approved <i>de minimis</i> scheme	<p>See the provisions of the scheme related to <i>de minimis</i>.</p> <p><i>In order to conclude for a positive classification of the application under the De minimis scheme, all the questions should be replied with a clear YES answer.</i></p>	II. QUALITY				
		3.2.1. Is the <i>De minimis</i> beneficiary operating in one of the sectors eligible to the approved <i>de minimis</i> scheme?				
		3.2.2. Do the activities foreseen in the application fall within the ones mentioned in the approved <i>de minimis</i> scheme?				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<p><i>The assessor may ask for clarifications; the assessor shall identify the undertaking in order to ask for this declaration.</i></p> <p>(Applicant documents for the assessment: application form, <i>De minimis</i> Declaration - regarding <i>de minimis</i> aid and single undertaking status)</p>	3.2.3. Is the funding requested fitting within the available <i>de minimis</i> plafond as resulting from the beneficiary declaration?				
SECTION 4. Other aspects						
4.1. Training activities (when relevant)	<p><i>In order to exclude the presence of state aid in relation to this part of the investment, all the questions should be answered with a clear</i></p>	4.1.1. Is the training activity directly related to an entity not engaged in any economic activity or to an activity that have merely a local impact? (See section 1)				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<p>YES.</p> <p><i>The assessor may ask for clarifications.</i></p> <p>(Applicant documents for the assessment: application form)</p>	4.1.2. In case the training is related to an entity engaged in an economic activity, are the specific requirements established by the GfA about training respected?				
4.2. Public roads construction/modernization activity (when relevant)	<p><i>In order to exclude the presence of state aid in relation to this part of the investment, all the questions should be answered with a clear YES.</i></p> <p><i>The assessor may ask for clarifications.</i></p> <p><i>In case of complete absence of these aspects, the assessor can point to the</i></p>	4.2.1. Are the roads included within a national, regional or local strategy or government decision in force at the time of the application?				
		4.2.2. Are the roads supposed to operate without any fee imposed on their users?				
		4.2.3. Is the destination of the public road ² not limited to the exclusive use of an entity engaged in an economic activity (cultural or other)?				

² Please note that state aid does not apply if the road is not intended to serve only a certain enterprise, but to serve the general public, free of charge

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<p><i>correlation with the proper recommendations in the guide.</i></p> <p>(Applicant documents for the assessment: application form)</p>					

II. Result of the Assessment

As a result of the assessment, I conclude that:

- ☐ For the project, the following activities are considered State aid free, based on type of the activity/complying with recommendations:

Relevant activity	Concerned budget of the activity	Partner(s) involved	Justification of decision	Recommendations

As a result of the assessment, I conclude that:

- ☐ For the project, the following activities are considered to be under Article 56 of GBER:

Relevant activity	Concerned budget of the activity	Partner(s) involved	Justification of decision	Recommendations

As a result of the assessment, I conclude that:

- ☐ For the project, the following activities are considered to be under *de minimis*:

Relevant activity	Concerned budget of the activity	Partner(s) involved	Justification of decision	Recommendations

III. Conclusions:

As a result of the assessment process, the project.....is:

- ☐ Rejected as non-compliant (the project does not meet the necessary criteria to be qualified under any of the state-aid related acceptable situations and/or the applicant failed to submit the requested completions/clarifications by the set deadline)
- ☐ Passed for the Quality (technical and financial) assessment step, subject to observe the recommendations³ herein above

³ The state aid assessor may recommend the rejection of non-compliant activities (i.e activities not meeting the necessary criteria to be qualified under any of the state-aid related acceptable situations). In case such activities represent a significant proportion at project level and/or the potential cutting-offs

- ☐ Passed for the Quality (technical and financial) assessment step⁴ under conditions to be met until set deadline (yyyy/mm/dd)
- ☐ Passed for the Quality (technical and financial) assessment step

Date:

Place:

Name of signing person:

Signature:

might lead to either the ineligibility of partner/project or to the impossibility of project implementation, the Quality assessor may recommend the rejection of the project proposal, within the Quality assessment phase; Please see the Methodology and criteria for assessment of projects in relation to State Aid, section 3.5 Outcome of the state-aid assessment process

⁴ If possible, deadlines will be set (e.g. until contracting); Please see the Methodology and criteria for assessment of projects in relation to State Aid, section 3.4 Procedural steps