

# STATE AID

**RECOMMENDATIONS TO COMPLY WITH  
THE REQUIREMENTS RELATED TO THE  
SA QUALIFICATION // GBER ART. 56**

## OVERVIEW

In order to guarantee alignment with the provision of Reg. GBER Art. 56, the following recommendations should be considered for the management and operation of a **business/training center** the financing of which represents aid for local infrastructure (GBER Art. 56).

Please check in your project documents whether the application of GBER Art. 56. is relevant for your investment or not.

### During project implementation:



- ✓ The center should be dedicated to the activities foreseen in the application form, with the modalities there foreseen.
- ✓ Should there be any modifications (e.g. in target groups, in the content of the activities, in the fees applied etc.), you need to have a state aid expert opinion in advance.

### After project implementation:



- ✓ The center should be fully and exclusively dedicated to activities directly “improving the business and consumer environment and modernizing and developing the industrial base” (GBER Art.56 .1);
- ✓ These activities may take the form, for example:
  - Of consultancy/specialized support **services for enterprises**;
  - Of **training** initiatives for individuals and enterprises;
  - Of putting spaces at disposal of enterprises, as a **training, meeting and working facility**, for activities related to their business.
- ✓ The center should respect the condition that it is open to all local actors, on an open, non-discriminatory and transparent basis, i.e. whatever the activity, this should be provided **on an open, transparent and non-discriminatory basis**, against the **payment of a price in line with the market** (Art. 56.3). Openness also requires

that the services of the training center should not be serving the interests of a single economic stakeholder (dedicated infrastructure). The price should be in line with the relevant local market conditions – for justification, a simple market research on the respective prices is advisable.

- ✓ There is the possibility of **externalizing the management of the center**, as long as indirect aid to third parties is avoided (i.e the Center operator shall be selected through an open, transparent and non-discriminatory basis, having due regard to the applicable procurement rules) (Art. 56.4). Contracting the operation of the center to an entity that is controlled by the Beneficiary, meeting the so-called in-house requirements, does not qualify as externalization or third-party operation, therefore in such case no procurement procedure is needed.
- ✓ In case the Center covers only a part of the building, it should be managed **separately** from the rest of the building, from the economic, organizational and operational point of view.

### Recommendations:



- ✓ To set up an operational plan
- ✓ The Center should be managed based on a **plan of activity**, describing:
  - The type of activities that will be performed (the related spaces/equipment, where the case);
  - The targeted users and the conditions/procedures for their access;
  - The publicity/transparency measures;
- ✓ The use of the center should be duly **recorded** in registers, allowing to track user, type of activity, price paid and duration;
- ✓ The financial operation of the centre should also be continuously monitored, based on separated financial accounts, so that the operating profit (if any) can always be calculated. This is necessary to comply with Art. 56. (6): The aid amount shall not exceed the difference between the eligible costs and the operating profit of the investment.