

PART III. SUPPLEMENTARY INFORMATION SHEETS

Part III.4 a

Provisional Supplementary Information Sheet on regional investment aid schemes

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This supplementary information sheet is not mandatory. It is, however, recommended that it is completed, in addition to the 'General information' form, for the notification of any investment aid schemes covered by the Guidelines on regional State aid 2014-2020.¹

1. SCOPE

- 1.1. Reasons for notifying the scheme instead of putting it in place under the General Block Exemption Regulation (“GBER”)² or *de minimis* Regulation³:

- ☐ The notification relates to a sectoral scheme? In this case please indicate the sector covered by the scheme (NACE code):

...

- ☐ The notification relates to a general scheme also covering the shipbuilding sector.

- ☐ Other. Please specify:

...

- 1.2. Scope of the notified scheme

- 1.2.1. Confirm that the legal basis for the notified scheme foresees an obligation to notify to the Commission individual aid to beneficiaries that have closed down the same or similar activity⁴ in the EEA two years preceding the date of applying for aid or at the moment of aid application have the intention to close down such an activity within a period of two years after the investment to be subsidised is completed? (§23 RAG)

¹ Guidelines on regional State aid for 2014-2020 (OJ C 209, 23.07.2013, p.1)

² Regulation adopted by the Commission pursuant to Article 1 of Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid (Enabling Regulation) (OJ L 142, 14.5.1998, p. 1.) (Not yet published in the Official Journal or adopted.)

³ Commission Regulation (EC) No XXXX/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (Not yet published in the Official Journal)

⁴ ‘The same or a similar activity’ means an activity falling under the same class (four-digit numerical code) of the NACE Rev. 2 statistical classification of economic activities.

Please provide the reference to the relevant provision of the legal basis:

...

1.2.2. Confirm that the notified aid scheme provides that no regional investment aid will be granted to categories of companies and sectors listed below? In each case, please list the relevant provision in the legal basis of the scheme.

Excluded categories of companies and sectors	Relevant provision in the legal basis of the scheme
Firms in difficulty ⁵	
The steel sector ⁶	
Synthetic fibres sector ⁷	
Production of agricultural products listed in Annex I to the TFEU	
Processing and/or marketing of agricultural products listed in Annex I to the TFEU ⁸ into products listed in Annex I	
Production, processing and/or marketing of fisheries and/or aquaculture products listed in Annex I to the TFEU	
The transport sector ⁹	
The energy sector	

1.2.3. If the scheme covers investment aid to broadband networks

please specify whether each of these conditions are complied with:

- ☐ aid is granted only to areas where there is no network of the same category (either basic broadband or NGA) and where none is likely to be developed in the near future;
- ☐ the subsidised network operator offers active and passive wholesale access under fair and non-discriminatory conditions with the possibility of effective and full unbundling;
- ☐ aid should be allocated on the basis of a competitive selection process in accordance with paragraphs 78(c) and (d) of the Broadband guidelines¹⁰;

Please provide the reference to the relevant provision of the legal basis:

...

1.2.4. If the scheme covers aid to research infrastructures,

⁵ As defined in the Community guidelines on state aid for Rescuing and Restructuring firms in difficulty OJ C 288, 9.10.1999, p. 2.

⁶ As defined in Annex IV of Guidelines on regional State aid for 2014-2020 (OJ C 209, 23.07.2013, p.1) .

⁷ As defined in Annex IV of Guidelines on regional State aid for 2014-2020 (OJ C 209, 23.07.2013, p.1).

⁸ These Regional Aid Guidelines apply to aid schemes supporting activities outside the scope of Article 42 of the Treaty but covered by the Rural Development Regulation and are either co-financed by the European Agriculture Fund for Rural Development or are being granted as an additional national financing to such co-financed schemes, unless sectoral rules provide for otherwise.

⁹ As defined in footnote 12 of the Regional Aid Guidelines

¹⁰ Communication from the Commission, EU Guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks (OJ C 25, 26.1.2013, p. 1).

is the aid made conditional on giving transparent and non-discriminatory access to this infrastructure?

☐ No

☐ Yes: Please provide the reference to the relevant provision of the legal basis:

...

2. INITIAL INVESTMENT, ELIGIBLE COSTS AND AID

2.1. Types of initial investments covered by the scheme

2.1.1. In case the scheme covers investments in 'a' areas by SMEs or Large Enterprises¹¹ or investments by SME(s) in 'c' areas (§34 RAG), please specify the category/categories of initial investment concerned by the notification (§20(h) RAG):

☐ the setting-up of a new establishment?

☐ the extension of the capacity of an existing establishment?

☐ the diversification of the output of an establishment into products not previously produced in the establishment?

☐ a fundamental change in the overall production process of an existing establishment?

☐ an acquisition of assets directly linked to an establishment provided the establishment has closed or would have closed if it had not been purchased, and is bought by an investor unrelated to the seller¹²?

2.1.2. In case the scheme covers investments in 'c' areas by Large Enterprises, please specify the category/categories of initial investment concerned by the notification (§20(i) and §15 RAG):

☐ the setting-up of a new establishment?

☐ the diversification of the activity of an establishment, under the condition that the new activity is not the same or a similar activity¹³ to the activity previously performed in the establishment?

☐ diversification of an existing establishment into new products?

☐ new process innovation at an existing establishment?

¹¹ 'SMEs' means undertakings that fulfil the conditions laid down in Commission recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises - OJ L 124, 20.5.2003, p. 36.

¹² The sole acquisition of the shares of an undertaking does not qualify as initial investment.

¹³ 'The same or a similar activity' means an activity falling under the same class (four-digit numerical code) of the NACE Rev. 2 statistical classification of economic activities.

- ☐ the acquisition of the assets belonging to an establishment that has closed or would have closed if it had not been purchased, and is bought by an investor unrelated to the seller, under the condition that the new activity to be performed using the acquired assets is not a same or similar activity to the activity performed in the establishment prior to the acquisition?

2.1.3. Please provide the reference to the relevant provisions of the legal basis where it is stipulated that you will individually notify to the Commission any aid to be granted under the legal basis of the scheme to large enterprises in 'c' areas for (§24 and §34 RAG):

- diversification of an existing establishment into new products;
- new process innovation at an existing establishment.

...

2.1.4. Please provide the reference to the relevant provisions of the legal basis where it is stipulated that you will notify to the Commission any individual aid to be granted under the legal basis of the scheme that would lead to the notification threshold being exceeded¹⁴ (§23 RAG).

...

2.2. Eligible costs calculated on the basis of investment costs

2.2.1. Where the eligible expenditure (§20(x) RAG) under the scheme relates to tangible assets, is the value of the investment is established as a percentage on the basis of land, buildings and plant, machinery and equipment? ¹⁵:

- ☐ land
- ☐ buildings
- ☐ plant/machinery/equipment?

Please provide the reference to the relevant parts of the legal basis:

...

2.2.2. Please provide a reference to the relevant provision of the legal basis where it is stipulated that the acquired assets should be new ¹⁶? (§94 RAG)

...

2.2.3. Please provide a reference to the relevant provision in the legal basis where it is stipulated that in the case of SMEs not more than 50% of the costs of

¹⁴ The notification threshold is defined in paragraph 20(n) of the RAG.

¹⁵ In the transport sector, expenditure on the purchase of transport equipment cannot be included in the uniform set of items of expenditure. Such expenditure is not eligible for initial investment.

¹⁶ This provision does not have to apply for SMEs or in case of acquisition of an establishment.

preparatory studies or consultancy costs linked to the investment can be considered as eligible costs (§95 RAG).

...

- 2.2.4. Please provide a reference to the relevant provision of the legal basis where it is stipulated that for aid awarded for a fundamental change in the production process, the eligible costs exceed the depreciation of the assets linked to the activity to be modernised in the course of the preceding three fiscal years (§96 RAG).

....

- 2.2.5. Please provide a reference to the relevant provision of the legal basis where it is stipulated that for aid awarded for a diversification of an existing establishment, the eligible costs exceed by at least 200 % the book value of the assets that are reused, as registered in the fiscal year preceding the start of works (§97 RAG).

...

- 2.2.6. In cases involving the lease of tangible assets, please provide a reference to the relevant provisions of the legal basis where it is stipulated that the following conditions should be respected (§98 RAG).

- for land and buildings, the lease must continue for at least five years after the expected date of completion of the investment for large companies, and three years for SMEs;

..

- for plant or machinery, the lease must take the form of financial leasing and must contain an obligation for the beneficiary of the aid to purchase the asset at the expiry of the term of the lease.

...

- 2.2.7. §99 RAG provides that "In the case of acquisition of an establishment only the costs of buying the assets from third parties unrelated to the buyer should be taken into consideration. The transaction must take place under market conditions. Where aid has already been granted for the acquisition of assets prior to their purchase, the costs of those assets should be deducted from the eligible costs related to the acquisition of an establishment. If the acquisition of an establishment is accompanied by an additional investment eligible for aid, the eligible costs of this latter investment should be added to the costs of purchase of the assets of the establishment".

If relevant in the notified scheme, please provide a reference to the provisions of the legal basis where it is stipulated that the above conditions should be respected.

...

- 2.2.8. Where the eligible expenditure under the scheme relates to intangible assets (§20 (j) RAG), is the value of the investment established on the basis of

expenditure entailed by the transfer of technology through the acquisition of patent rights, licences, know-how or unpatented technical knowledge?

- ☐ patent rights
- ☐ licences
- ☐ know-how
- ☐ unpatented technical knowledge?

Please provide the reference to the relevant parts of the legal basis:

..

- 2.2.9. Please provide a reference to the relevant provisions of the legal basis where it is stipulated that for large undertakings the expenditure on eligible intangible investment must not exceed 50% of the total eligible investment costs of the project (§100 RAG).

...

- 2.2.10. Please provide a reference to the relevant provisions of the legal basis where it is stipulated that the conditions set out in § 101-102 RAG¹⁷ should be respected.

...

2.3. Eligible costs calculated on the basis of wage costs

- 2.3.1. Please provide a reference to the relevant provisions of the legal basis where it is stipulated how the eligible cost calculated on the basis of wage costs should be established (§103 RAG), how the number of jobs created should be calculated with reference to §20(k) RAG and how the wage costs of the persons hired should be established with reference to §20(z) RAG.

...

2.4. Calculation of discounted eligible costs

- 2.4.1. Please indicate which forms of aid are allowed under the scheme:

- ☐ grants. Please provide the reference to the relevant provisions of the legal basis:

...

¹⁷ §101 RAG provides that intangible assets that Intangible assets which are eligible for the calculation of the investments costs must remain associated with the assisted area concerned and must not be transferred to other regions. To this end, the intangible assets must fulfil the following conditions:

- they must be used exclusively in the establishment receiving the aid;
- they must be amortisable;
- they must be purchased under market conditions from third parties unrelated to the buyer

§102 RAG provides that the intangible assets must be included in the assets of the undertaking receiving the aid and must remain associated with the project for which the aid is awarded for at least five years (three years for SMEs).

- ☐ soft loans. Please indicate how the grant equivalent will be calculated and provide the reference to the relevant provisions of the legal basis:

...

- ☐ guarantees. Please indicate how the grant equivalent will be calculated and provide the reference to the relevant provisions of the legal basis:

...

- ☐ tax measures. Please specify which type of measures and indicate how the grant equivalent will be calculated. Please also provide the reference to the relevant provisions of the legal basis:

...

- ☐ other. Please specify and indicate how the grant equivalent will be calculated. Please also provide the reference to the relevant provisions of the legal basis:

....

- 2.4.2. Is the aid scheme eligible to be co-financed by the ESI Funds? If so, please mention under which operational programmes ESI Funds finance might be obtained. Please also indicate the amount of ESI Funds finance that will be involved, if known at this stage.

...

- 2.4.3. Please provide the reference to the relevant provisions of the legal basis stipulating that the aid granting authority should establish before granting individual aid under the notified scheme whether the beneficiary (at group level) received aid for one (or more) initial investment(s) started in the same NUTS3 region in a period of three years from the date of start of works on the investment project.

...

- 2.4.4. Please provide the reference to the relevant provisions of the legal basis that stipulate that the total amount of aid that will be granted under the scheme to any initial investment project does not exceed the 'maximum aid intensity' (as defined in §20(m) RAG), taking into account the increased aid intensity for SMEs (as determined in §177 RAG) or the 'adjusted aid amount' (as defined in §20(c) RAG), where applicable.

...

- 2.4.5. Please provide the reference to the relevant provisions of the legal basis that stipulate that where individual aid is awarded under several regional aid schemes or cumulated with ad hoc aid, the maximum permissible aid intensity that may be granted to the project will be calculated in advance by the first granting authority? (§92 RAG)

...

- 2.4.6. Where the aid scheme allows for aid to initial investment linked to European Territorial Cooperation (ETC) projects please provide the reference to the relevant provisions of the legal basis that stipulate (with reference to the provisions set out in §93 RAG) how the maximum aid intensity applicable to the project and the different beneficiaries involved will be established.

...

3. COMPATIBILITY ASSESSMENT OF THE AID SCHEME

3.1. Contribution to regional objective and need for State intervention

- 3.1.1. Is the scheme part of an Operational Programme¹⁸ (§32 RAG)?

- ☐ Yes. Please provide the reference(s) to the Operational Programme(s) concerned:

...

- ☐ No. Please explain how the scheme is consistent and contributes to the development strategy of the area concerned (§33 RAG):

...

- 3.1.2. Please provide the reference to the relevant provisions of the legal basis containing the requirement to carry out an Environmental Impact Assessment ("EIA") for the investments concerned before granting aid to individual projects, when so required by law (§39 RAG).

...

- 3.1.3. Please explain how the granting authorities will prioritise and select the investment projects according to the objectives of the scheme (for example, on the basis of a formal scoring approach) (§33 RAG). Please also provide the reference to the relevant provisions of the legal basis or other related administrative acts.

...

- 3.1.4. Please explain how, when awarding aid to individual investment projects under the notified scheme, the aid granting authority will establish that the selected project(s) contribute towards the objective of the scheme and thus towards the development strategy of the area concerned. (§35 RAG)

...

- 3.1.5. Please explain how the provision requiring that any investment supported under the notified scheme will be maintained in the area concerned for at least

¹⁸ Operating Programme or development programme defined in the context of the European Regional Development Fund (ERDF), the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development or the European Maritime and Fisheries Fund

five years (three years for SMEs) after its completion is implemented (§36 RAG). Please provide the reference to the relevant provisions in the legal basis.

...

- 3.1.6. In cases where the aid granted under the notified scheme is calculated on the basis of wage costs, please explain how the provision requiring that jobs are created within three years of the investment completion and that each job created by the investment concerned is maintained within the area for a period of five years (three years for SMEs) from the date the post is first filled is implemented (§37 RAG). Please provide the reference to the relevant provision in the legal basis.

...

- 3.1.7. Please provide a reference to the relevant provisions of the legal basis where it is stipulated that recipients have to make a contribution of at least 25% of the eligible costs, through their own resources or by external financing, in a form that is exempted of any public financial support.¹⁹ (§ 38 RAG)

...

- 3.1.8. Please provide a reference to the relevant provisions of the legal basis showing that the scheme should respect the ceilings of the regional aid map applicable at the time of awarding the aid (§81 RAG). Please also provide the reference to the Commission decision approving the regional aid map concerned.

...

3.2. Appropriateness of the scheme

- 3.2.1. If the scheme is not eligible under an Operational Programme, please explain why regional aid is an appropriate instrument to tackle the common objective of equity or cohesion²⁰ (§52 RAG):

...

- 3.2.2. Where the scheme is sector-specific and is not eligible for co-financing by Structural Funds, please demonstrate the advantages of such an instrument compared to a multi-sectoral scheme or other policy options (§53 RAG):

...

- 3.2.3. Will individual aid under the notified scheme be granted:

- ☐ automatically, should the conditions of the scheme be fulfilled or
☐ on a discretionary basis, following a decision of the authorities?

¹⁹ This question does not apply to subsidised loans, public equity-capital loans or public participations which do not meet the market investor principle, state guarantees containing elements of aid, or public support granted within the scope of *de minimis* rule.

²⁰ For this purpose reference can be made, among others, to impact assessments of the proposed scheme or ex post evaluations of similar schemes.

Please provide the reference to the relevant provision of the legal basis:

...

If aid is to be granted on a discretionary basis, please provide a short description of the criteria used and attach a copy of the internal administrative provisions of the granting authority applicable for the awarding of aid:

...

- 3.2.4. If the aid under the scheme is granted in forms that provide a direct pecuniary advantage²¹, please demonstrate why other potentially less distortive forms of aid such as repayable advances or forms of aid that are based on debt or equity instruments²² are not appropriate (§57 RAG):

...

3.3. Incentive effect and proportionality of the scheme

- 3.3.1. Please provide the reference to the relevant provisions of the legal basis stipulating that any application for aid must be submitted before work is started on the investment project concerned (§64 RAG).

...

- 3.3.2. Please provide the reference to the relevant provisions of the legal basis stipulating that those applying for aid under the notified scheme will be obliged to submit a standard application form provided by the aid granting authority in which they must explain counterfactually what would happen if they do not receive the aid and indicating which of the scenarios (*scenario 1* – investment decision or *scenario 2* – location decision) applies (§66 and §61 RAG). If this application form differs from the example provided in Annex V to the RAG, please provide a copy of this form.

...

- 3.3.3. Please provide the reference to the relevant provisions of the legal basis stipulating that Large Enterprises who apply for aid under the notified scheme are required to provide documentary evidence in support of the counterfactual described. (§67 RAG). Please also explain what type of documents will be required.

...

- 3.3.4. Please provide the reference to the relevant provisions of the legal basis stipulating that when assessing individual aid applications the aid granting authority is obliged to carry out a credibility check of the counterfactual

²¹ For example, direct grants, exemptions or reductions in taxes, social security or other compulsory charges, or the supply of land, goods or services at favourable prices, etc.

²² For example, low-interest loans or interest rebates, state guarantees, the purchase of a shareholding or an alternative provision of capital on favourable terms.

provided and to verify that regional aid has the required incentive effect corresponding to *scenario 1* or *scenario 2*²³ (§68 RAG).

...

- 3.3.5. Please provide the reference to the relevant provisions of the legal basis stipulating that individual aid granted to Large Enterprises under the notified scheme will be limited to the net extra costs of implementing the investment in the area concerned compared to the counterfactual in the absence of aid, using the method explained in §79 and §80 RAG (§88 RAG).

...

3.4. Avoidance of undue negative effects on competition and trade

- 3.4.1. Please explain how the distortions of competition and trade caused by the notified aid scheme will be limited to the minimum (§125 RAG)²⁴:

...

- 3.4.2. Please provide references to the relevant provisions in the legal basis stipulating that when awarding aid under the scheme to individual projects, the granting authority shall verify and confirm that without aid the investment would have been located in a region with a regional aid intensity which is higher or the same as the target region (§126 RAG).

...

- 3.4.3. Please provide references to the relevant provisions in the legal basis stipulating that when awarding aid under the scheme to individual projects, the granting authority shall notify individual aid grants in cases where the beneficiary has closed down the same or similar activity in another area in the EEA two years preceding the date of applying for aid or at the moment of the aid application has the intention to close down such an activity within a period of two years after the investment to be subsidised is completed. (§ 122 RAG)

...

3.5. Transparency

- 3.5.1. Please provide references to the relevant provisions in the legal basis stipulating that the granting authority should publish on a central website, or on a single website retrieving information from several websites (for example, regional websites), at least the following information on the notified State aid schemes: the text of the notified aid scheme and its implementing provisions, granting authority, individual beneficiaries, aid amount per beneficiary, and aid intensity. (§ 141 RAG)

²³ A counterfactual is credible if it is genuine and relates to the decision-making factors prevalent at the time of the decision by the beneficiary regarding the investment.

²⁴ In order to enable the Commission to assess the likely negative effects the Member State could submit any impact assessment at its disposal as well as ex-post evaluations carried out for similar predecessor schemes (as specified in § 125 RAG).

If such provisions are not in place, please explain why not. Similarly, if such provisions are not contained in the legal basis for the notified scheme, but are contained in other legislative documents, please indicate this.

...

- 3.5.2. Please provide references to the relevant provisions in the legal basis stipulating that the above-mentioned information will be made available for the general public without restrictions for at least 10 years from the date of award of the aid. (§ 141 RAG)

...

4. EVALUATION, REPORTING AND MONITORING

4.1. Evaluation

- 4.1.1. Please indicate whether the notified scheme is considered for ex post evaluation (§144 RAG), according to the rules specified in the RAG or in the general block exemption regulation, in particular whether the scheme is:

- ☐ A scheme with large aid budgets;
- ☐ A scheme containing novel characteristics;
- ☐ A scheme where significant market, technology or regulatory changes can be foreseen;
- ☐ A scheme that you plan for evaluation even if the above criteria do not apply.

If any of the above criteria is fulfilled, please indicate the period of evaluation and provide the draft evaluation plan in annex²⁵.

...

- ☐ The scheme is not considered for evaluation.

In this case, please explain why you consider the criteria for obligatory evaluation not to be fulfilled.

...

- 4.1.2. Please indicate whether any ex-post evaluation has already been carried out for a similar scheme (where relevant, with a reference and a link)

...

4.2. Reporting and Monitoring

²⁵ For guidance see the draft Methodological Guidance Paper for Evaluation in the field of State aid: http://ec.europa.eu/competition/consultations/2013_state_aid_modernisation/index_en.html.

4.2.1. Please confirm that you will:

- transmit to the Commission information on each individual aid exceeding EUR 3 million granted under the scheme, in the format laid down in Annex VI to the RAG, within 20 working days from the day on which the aid is granted;

☐ Yes

- Please confirm that submit annual reports to the Commission in accordance with Council Regulation (EC) N) 659/1999 of 22 March 1999, as amended by Regulation 734/2013, laying down detailed rules for the application of Article 108 TFEU and Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Regulation (EC) No 659/1999, as amended; and

- ☐ Yes maintain for at least 10 years from the date of award of any aid under the scheme detailed records containing the information and supporting documentation necessary to establish that all compatibility conditions are met, and that these records will be provided to the Commission upon request.

☐ Yes