

PL observations and experiences

– State aid and the JTF

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Introductory remarks

1. The SA world meets the EU funding – resources coming from the EU funds, are considered State resources if national authorities have discretion as to the use of these resources (in particular the selection of beneficiaries) – see point 60 of the NoA
2. Irrespective of the adoption and approval of the partnership agreement, or particular programmes, disbursement of the funds must remain in line with the SA compatibility rules



Where the funding meets all the criteria
which stem from Art. 107 (1) TFEU

Partnership agreement for cohesion policy (21-27)

5 policy objectives of the cohesion policy:

1. a more competitive and smarter Europe
2. a greener, low carbon transitioning towards a net zero carbon economy
3. a more connected Europe by enhancing mobility
4. a more social and inclusive Europe
5. Europe closer to citizens by fostering the sustainable and integrated development of all types of territories



Additional objective

Allowing regions and populations to mitigate impacts of transformation towards energy and climate objectives

= JTF



In principle reflected in 5 regional programmes:

Śląskie, Dolnośląskie, Łódzkie,
Wielkopolskie, Małopolskie

Programming documents and State aid

For each regional programme (16 of them) there are also

- ‘Detailed descriptions of the priorities’ within each of the programme (with relation to each activity)



- description of the activity,
- budget/allocation,
- EU funding rate,
- State aid implications (!!!)

Example

1. Priority: `EU Funds for transformation` (under JTF)

a) Activity: Support for SMEs for transformation

- Description of the activity (types of projects to be supported)
- Budget (allocation of funds)
- Max rate of the EU financing
- **State aid:**
 - **As de minimis aid or as aid covered by the GBER**
 - **State aid schemes: a) for investment regional aid, b) for de minimis aid**



Assigning types of aid and State aid schemes to the activities in the `Detailed descriptions of the priorities` is traditionally considered a way to help structure spendings

However, this approach is not sufficient

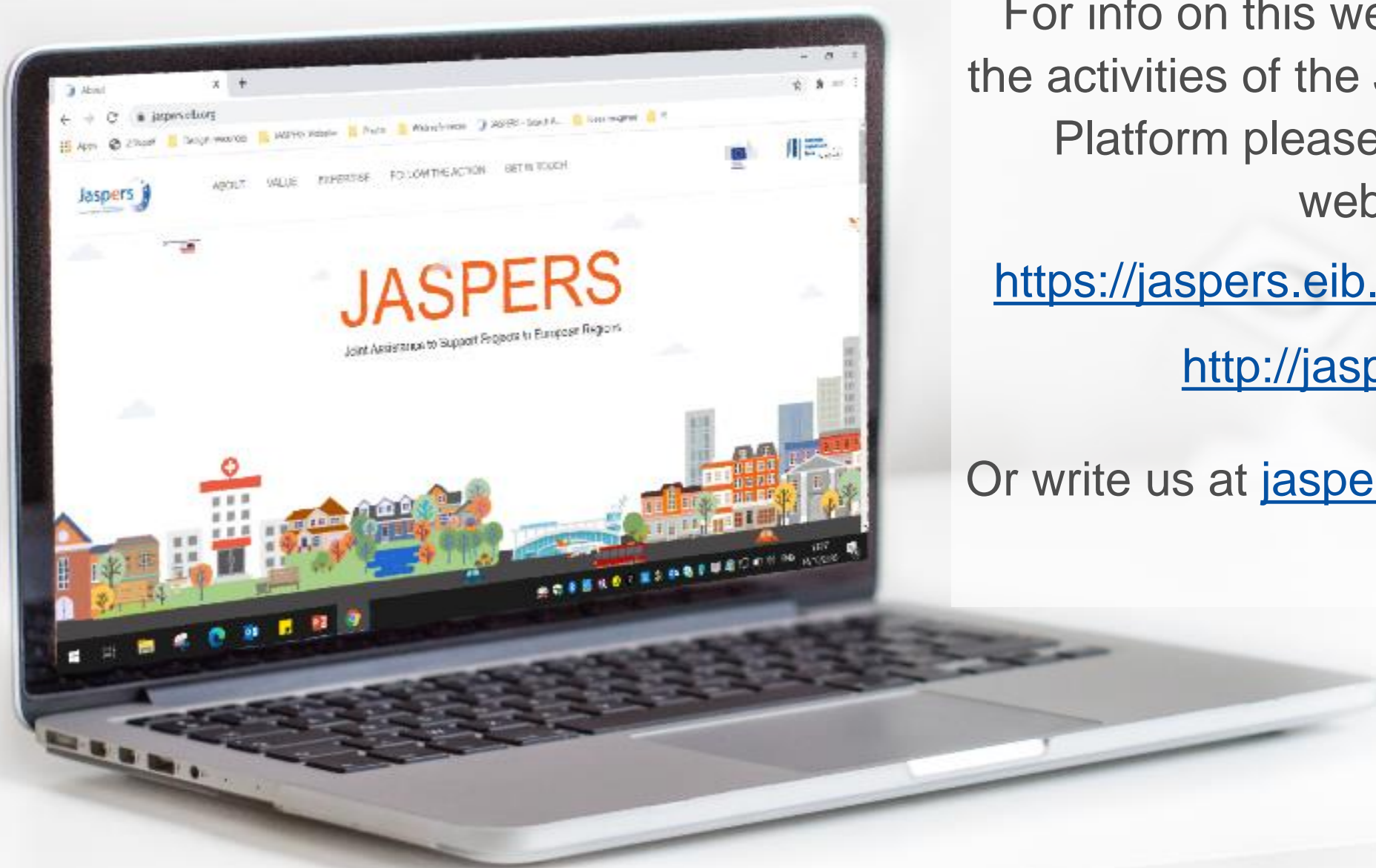
1. With regard to activities under JTF it cannot be considered a universal remedy
2. It only indicates which types of aid are of relevance and might be used (it narrows the search for the relevant objectives of aid)
3. With regard to particular integrated project – where there is a mixture of various objectives and thus various sets of SA rules are of relevance, still the decision on which aid to apply for is in the hands of the beneficiary (**depending on the project characteristics**)
4. Example:
 - Activity `Re-use of post-industrial, devastated, degraded areas – for regional development` (under JTF)
 - SA schemes (under GBER): a) SA for local infrastructure; b) SA for investments into CHP and RES, c) investments into energy efficiency, d) regional investment aid, e) de minimis aid – **WHAT TO CHOOSE????**

More importantly, some MAs report that:

CONSEQUENCES:

1. Various sets of SA rules apply to various detailed functions/objectives of the same integrated project
2. This requires that costs and eligible costs are separated and allocated to various parts
3. Question thus arises whether this can be done in conformity with art. 4 (2) GBER
4. Another question is whether starting of work over one such created subproject can influence the incentive effect for the entire integrated project

Interactions with the national SA authority necessary + where needed with the DG COMP (incl. via SA WIKI)



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