

State aid and JTF

- Main issues raised in the questionnaire

11 July 2023

Main issues raised in preparation to the webinar

1. Presence of aid (economic activity, impact on trade)
2. Combining various GBER sets of rules for one non-homogenous (multisectoral/integrated) project
 - a) Incl. where part of the financing does not entail State aid
3. Selecting the optimal objective of aid

Presence of aid

https://competition-policy.ec.europa.eu/state-aid/legislation_en

State Aid Legislation

State aid rules and Ukraine

Recovery and Resilience Facility (RRF) templates and guidance

Foreign subsidies

State aid rules and coronavirus

Treaty provisions on Competition policy

Guidance on the notion of State aid

Rules on Procedure

Horizontal Rules

Forms for notifications and reporting

Specific aid instruments

State aid Regulations

Sector-specific rules

State Aid Modernisation

Services of General Economic Interest (SGEI)

Reference/discount rates and recovery interest rates

Transparency of public undertakings

Notice on the notion of State aid (NoA)

For R&D&I - Framework for State aid for research and development and innovation

Presence of aid – infrastructure

Universal approach – undertaking has a functional meaning



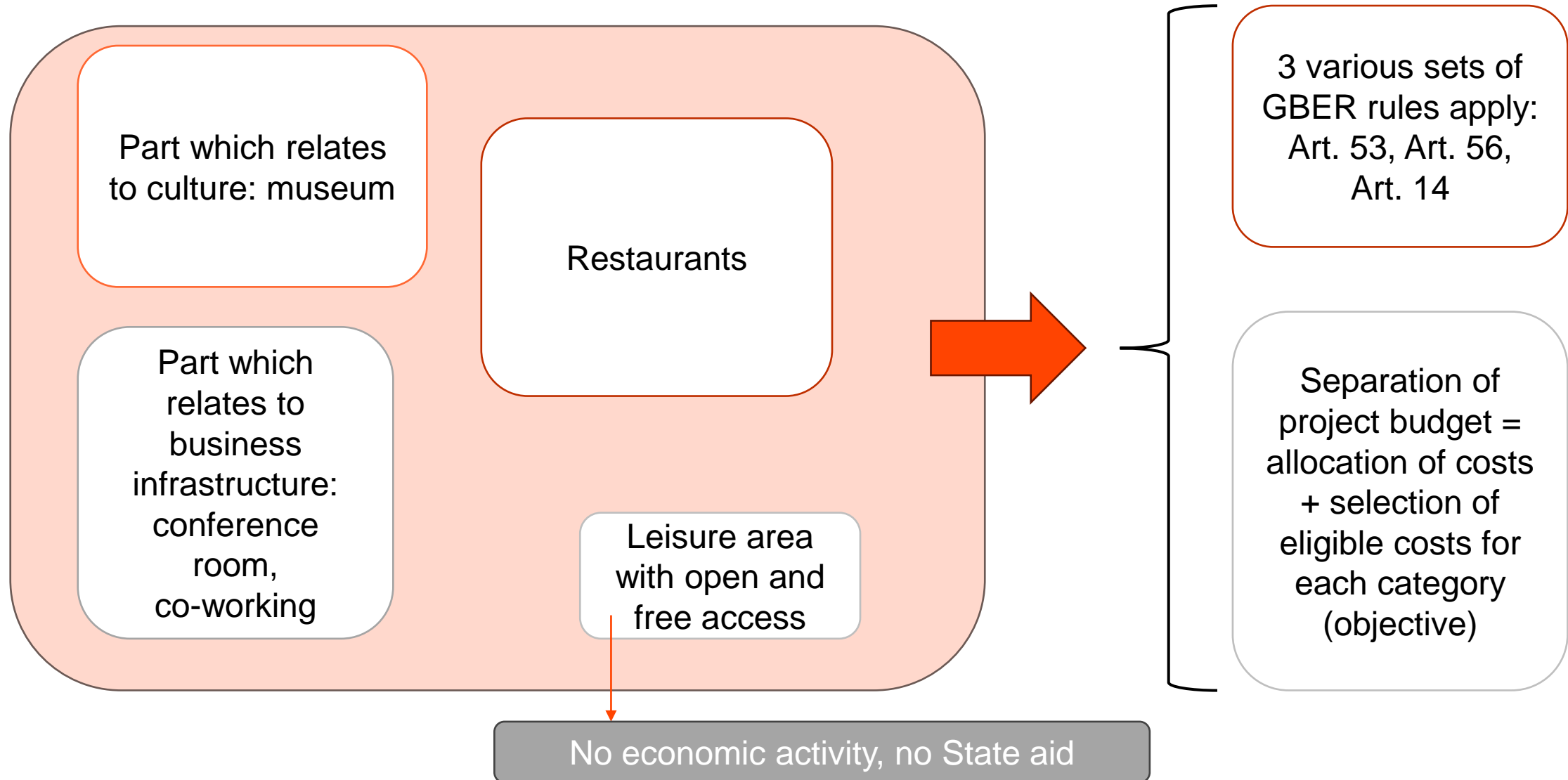
Infrastructure is used almost exclusively for a non-economic activity: its funding may fall outside the State aid rules in its entirety, provided the economic use remains purely ancillary, in particular when the economic activities consume the same inputs as the primary non-economic activities, for example material, equipment, labour or fixed capital. **Ancillary economic activities** must remain limited in scope, as regards the capacity of the infrastructure (20% per annum)

Point 207
NoA



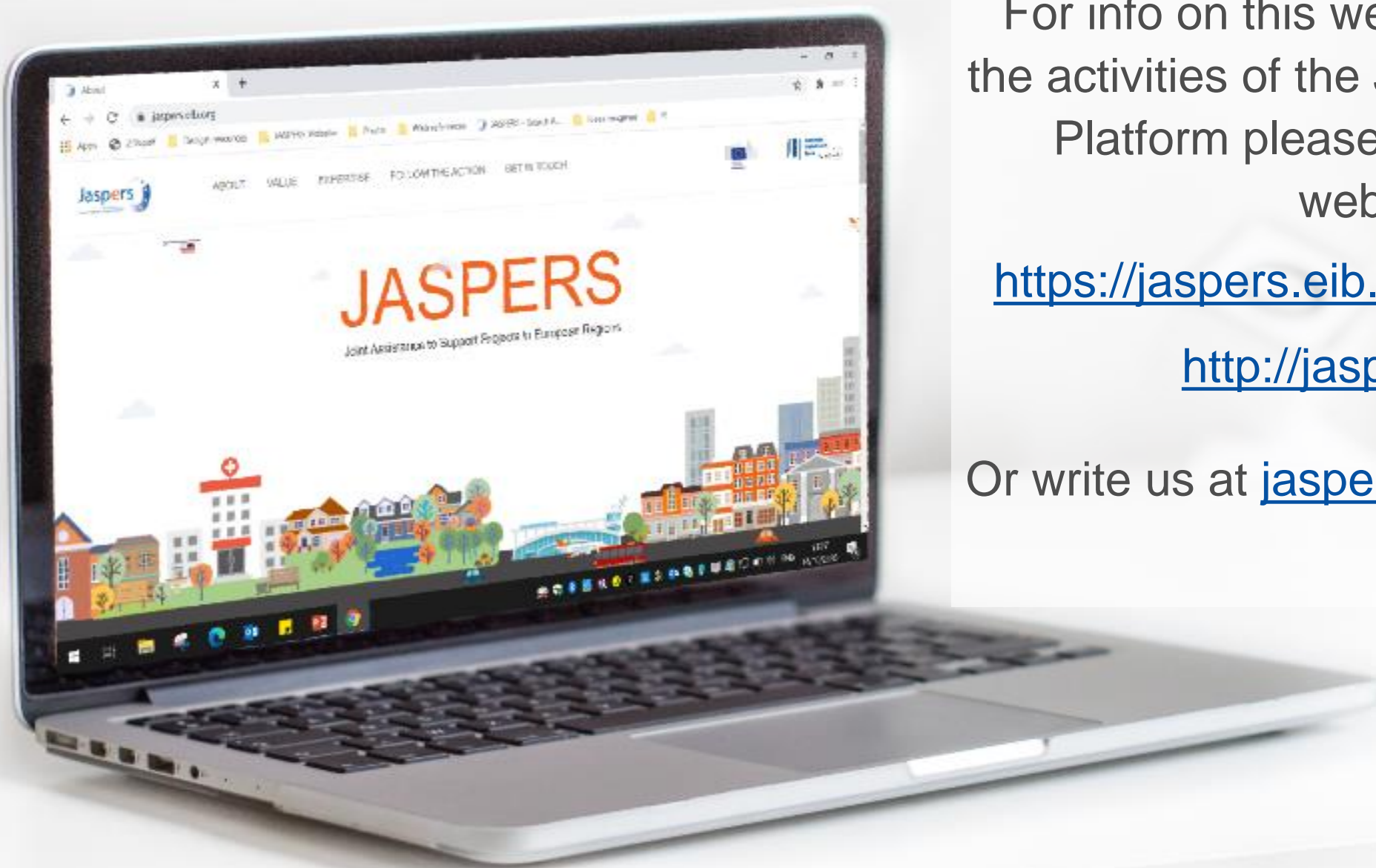
Public financing provided to **customary amenities** (such as restaurants, shops or paid parking) of infrastructures that are almost exclusively used for a non-economic activity normally has no effect on trade between Member States since those customary amenities are unlikely to attract customers from other Member States and their financing is unlikely to have a more than marginal effect on cross-border investment or establishment

Integrated projects and State aid



Optimal objective of aid

1. Not a JTF specific issue, however ...
2. Main criteria which might be used to determine the applicable rules:
 - project nature (characteristics)
 - purpose
 - eligible costs
 - type of infrastructure to be created
 - way of its exploitation
 - in cases of concurring sets of rules: simplicity + highest amounts of aid



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