JASPERS experience related to State aid for JT projects – identified issues

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State aid rules and JTF
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There is no specific set of State aid rules established for JTF

The existing State aid regulatory framework applies

Regional Aid Guidelines: +10% bonus for JT projects in assisted areas

Wide experience in the application of SA rules required / State aid intelligence
Horizontal SA issues observed:

- Notion of aid (identification whether or to what extent SA rules should apply)
- Mixed use of infrastructure: economic and non-economic
- Customary amenities (point 207 of the NoA)
- Application of the ancillary economic activity concept (20% threshold)
Horizontal SA issues observed:

Integrated character of the projects - application of various sets of State aid rules assigned for various project objectives (e.g. New European Bauhaus Projects)

Application of thresholds established in Art. 4 of the GBER in the context of the prohibition to artificially divide projects to bypass the notification obligation
Sector specific issues observed

- Remediation of land and development of land: incl. questions on dedicated character of the projects for particular undertakings
- State aid for energy sector (H2, E-Storage, DH)
- State aid for energy communities
Challenges

- Recently revised GBER – experience has to be gained
- De Minimis - currently under revision
- Financial instruments (fi)
  Some JT plans include more demanding ways to grant the aid (setting fi / funds).
- Combination of SA rules
  Example: Upskilling and reskilling require application of SA rules other than for investment projects.
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<th>JASPERS recommendations</th>
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<td>For economic activities, check that the demand analysis is there!</td>
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<td>Make full use of the NoA (especially the part related to infrastructure)</td>
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<td>Apply GBER and de minimis</td>
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<td>Use State aid schemes (eventually existing ones) - they structure what rules can be applicable for activities under programmes</td>
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<td>Combine / use of existing financial instruments and funds</td>
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<td>Set clear rules to identify where bypassing art. 4 of GBER takes place</td>
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<td>Clear approach on how to apply various SA rules to <strong>one integrated project</strong> where there is a need to apply various sets of SA rules.</td>
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<td>Make use of RRF Guidance notes (DH, Energy Efficiency, Charging points)</td>
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<td>Use Temporary Crisis and Transition Framework – where applicable</td>
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<td>Collaboration / consultation with and national / regional State aid authorities</td>
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<td>Check replies of DG COMP to wiki questions</td>
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Jaspers Assistance

How does Jaspers assist on State aid for JTF?

• Dissemination of knowledge on State Aid rules
• Case studies and in-depth examination of representative projects
• Problems solving (interactive ad hoc assistance with MSs)
State Aid for JTF

Questions?
For more information:

Please visit JASPERS website for more information about our activities and projects: [http://jaspers.eib.org/](http://jaspers.eib.org/)

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