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

Notice on the notion of State aid (NoA)

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


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
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).

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.

Point 207 NoA
Integrated projects and State aid

- Part which relates to culture: museum
- Part which relates to business infrastructure: conference room, co-working
- Restaurants
- Leisure area with open and free access

3 various sets of GBER rules apply: Art. 53, Art. 56, Art. 14

Separation of project budget = allocation of costs + selection of eligible costs for each category (objective)

No economic activity, no 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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