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# COMMISSION IMPLEMENTING REGULATION (EU) 2025/905

## of 12 May 2025

## amending Regulation (EC) No 794/2004 as regards an internal review mechanism to follow up on the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2015/128 and other procedural updates

**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 108(4) thereof,

Having regard to Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union ([1]), and in particular Article 33 thereof,

After consulting the Advisory Committee on State Aid,

Whereas:

(1) The Union is party to the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ('the Aarhus Convention'). The Aarhus Convention is implemented in the Union by Regulation (EC) No 1367/2006 of the European Parliament and of the Council ([2]).

(2) Article 2(2), point (a) of Regulation (EC) No 1367/2006 excludes administrative acts, within the meaning of Article 2(1), point (g), adopted by the Commission in the field of competition from the scope of Regulation (EC) No 1367/2006. Commission decisions on State aid concerned by the procedure laid down in Article 108(2) of the Treaty cannot be subject to a request for review by members of the public as provided by Article 10 of Regulation (EC) No 1367/2006.

(3) The Aarhus Convention Compliance Committee (the 'ACCC') in case ACCC/C/2015/128 ([3]), found the Union to be in breach of the Aarhus Convention for failing to provide members of the public access to administrative or judicial procedures to challenge decisions on State aid measures taken by the Commission pursuant to Article 108(2) of the Treaty which contravene Union law relating to the environment.

(4) The Union should take steps to address the findings of the ACCC by setting up an internal review mechanism. That mechanism should apply to State aid decisions closing the formal investigation procedure under Article 108(2) of the Treaty, adopted by the Commission pursuant to Article 9(3) and (4) of Regulation (EU) 2015/1589, having as legal basis Article 107(3), point (a), first part of point (b) (aid to promote the execution of an important project of common European interest), points (c), (d) and (e) of the Treaty, Article 93 of the Treaty, and Article 106(2) of the Treaty. In this context, the notifying Member State should confirm that neither the activity subject to State aid, nor any aspects of the notified State aid measure indissolubly linked to the object of the aid contravene Union environmental law ([4]). That confirmation should be given in the form set out in Part I, point 6.8 of Annex I to Commission Regulation (EC) No 794/2004 ([5]). If the State aid measure is contrary to Union law, and provided the relevant requirements set out in the case-law are met ([6]), the Commission cannot authorise the aid.

([1]) OJ L 248, 24.9.2015, p. 9, ELI: http://data.europa.eu/eli/reg/2015/1589/oj.

([2]) Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13, ELI: http://data.europa.eu/eli/reg/2006/1367/oj).

([3]) For the findings and related case information, see https://unece.org/env/pp/cc/accc.c.2015.128_european-union.

([4]) *Ex multis* judgment of 22 March 1977, *Iannelli & Volpi*, 74/76, ECLI:EU:C:1977:51, paragraph 14: 'Those aspects of aid which contravene specific provisions of the Treaty … may be so indissolubly linked to the object of the aid that it is impossible to evaluate them separately so that their effect on compatibility or incompatibility of the aid viewed as a whole must therefore of necessity be determined in the light of the procedure prescribed in Article 93'.

([5]) Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 140, 30.4.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/794/oj).

([6]) Judgment of 15 June 1993, *Matra v Commission* C-225/91, ECLI:EU:C:1993:239, paragraph 41, Judgment of 22 March 1977, *Iannelli & Volpi*, 74/76, ECLI:EU:C:1977:51, paragraph 14, Judgment of 31 January 2023, *Commission v Braesch and Others*, C-284/21 P, ECLI:EU:C:2023:58, paragraphs 96 to 99.

(5) In order to allow Member States to adapt to the new requirements stemming from this new internal review mechanism, the obligation for Member States to confirm in their notification the absence of a breach of Union environmental law should only apply as from two months following the publication of this Regulation in the *Official Journal of the European Union*.

(6) The arrangements for the internal review procedure are detailed in the Communication from the Commission concerning the Code of Best Practices for the conduct of State aid control procedures ([7]).

(7) In accordance with Article 4(1) of Regulation (EC) No 794/2004, an increase up to 20 % of the original budget of an aid scheme should not be considered as alteration of existing aid. In the interest of legal certainty, it is appropriate to clarify that Article 4(1) of that Regulation applies only to authorised aid schemes or aid schemes deemed compatible under Regulation (EU) No 651/2014 ([8]), since other types of existing aid, such as pre-accession aid, might not have an authorised original budget.

(8) The Commission should amend its notification forms, following the adoption of updated State aid regulations, guidelines and frameworks concerning regional aid ([9]), research, development and innovation ([10]), broadband ([11]), climate, environmental protection and energy ([12]), risk finance ([13]), aid for agriculture ([14]) and fisheries ([15]) as well as extending the State aid guidelines on aviation ([16]). Given those changes, the State aid notification form and information sheets set out in Regulation (EC) No 794/2004 should be amended to reflect the changes and to ensure that the Commission receives all the information it needs to carry out its assessment under the amended State aid rules.

(9) The Commission's practice has evolved in terms of using electronic notification systems and annual reporting formats. Article 3(3) and Article 5(1) of Commission Regulation (EC) No 794/2004 should therefore be amended to ensure the Commission receives all the information it needs to carry out its assessment under the State aid rules.

(10) The Commission's practice as regards reporting in the agriculture and fisheries sectors needs to be amended, in line with the general reporting rules. Member States should therefore submit their reports also in the agriculture and fisheries sectors in accordance with Annex III to Regulation (EC) No 794/2004, pursuant to Article 5(1) of that Regulation.

([7]) Communication from the Commission – Code of Best Practices for the conduct of State aid control procedures (OJ C, C/2025/2810, 13.6.2025, ELI: http://data.europa.eu/eli/C/2025/2810/oj).

([8]) Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1, ELI: http://data.europa.eu/eli/reg/2014/651/oj).

([9]) Communication from the Commission – Guidelines on regional State aid (OJ C 153, 29.4.2021, p. 1).

([10]) Communication from the Commission – Framework for State aid for research and development and innovation (OJ C 414, 28.10.2022, p. 1).

([11]) Communication from the Commission – Guidelines on State aid for broadband networks (OJ C 36, 31.1.2023, p. 1).

([12]) Communication from the Commission – Guidelines on State aid for climate, environmental protection and energy 2022 (OJ C 80, 18.2.2022, p. 1).

([13]) Communication from the Commission – Guidelines on State aid to promote risk finance investments (OJ C 508, 16.12.2021, p. 1).

([14]) Commission Regulation (EU) 2022/2472 of 14 December 2022 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 327, 21.12.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2472/oj) and Communication from the Commission – Guidelines for State aid in the agricultural and forestry sectors and in rural areas (OJ C 485, 21.12.2022, p. 1).

([15]) Commission Regulation (EU) 2022/2473 of 14 December 2022 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 327, 21.12.2022, p. 82, ELI: http://data.europa.eu/eli/reg/2022/2473/oj) and Communication from the Commission – Guidelines for State aid in the fishery and aquaculture sector (OJ C 107, 23.3.2023, p. 1).

([16]) Communication from the Commission extending the transitional period provided for in the Guidelines on State aid to airports and airlines concerning regional airports (OJ C 244, 11.7.2023, p. 1).

(11) The case law of the Union Courts has further clarified the notion of 'interested party' under Article 1, point (h), of Regulation (EU) 2015/1589 ([17]). The complaint form set out in Annex IV to Regulation (EC) No 794/2004 should therefore be amended.

(12) Regulation (EC) No 794/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 794/2004 is amended as follows:

(1) in Article 1, the words 'Regulation (EC) No 659/1999' are replaced by the words 'Regulation (EU) 2015/1589';

(2) in Article 2, the words 'Regulation (EC) No 659/1999' are replaced by the words 'Regulation (EU) 2015/1589';

(3) in Article 3, paragraph 3 is replaced by the following:

'3. Notifications shall be sent electronically, via the electronic application designated by the Commission.

All correspondence in connection with a notification shall be sent electronically via the secured electronic system designated by the Commission.';

(4) in Article 4, paragraph 1 is amended as follows:

(a) in the first sentence, the words 'Regulation (EC) No 659/1999' are replaced by the words 'Regulation (EU) 2015/1589';

(b) the second sentence is replaced by the following:

'However an increase in the original budget of an existing aid that is authorised or deemed compatible under Regulation (EU) No 651/2014 by up to 20 % shall not be considered an alteration to existing aid.';

(5) in Article 5, paragraph 1 is replaced by the following:

'1. Without prejudice to any additional specific reporting requirements laid down in a conditional decision adopted pursuant to Article 9(4) of Regulation (EU) 2015/1589, or to the observance of any undertakings provided by the Member State concerned in connection with a decision to approve aid, Member States shall compile annual reports on existing aid schemes and individual aid in respect of each whole or part calendar year during which the scheme applies, using the standardised reporting format set out in Annex III.';

(6) in Article 7, the words 'Article 88(3) of the Treaty' are replaced by the words 'Article 108(3) of the Treaty' and the words 'Council Regulation (EC) No 659/1999' are replaced by the words 'Regulation (EU) 2015/1589';

([17]) Judgments of 2 September 2021, *Ja zum Nürburgring* v *Commission*, C-647/19 P, ECLI:EU:C:2021:666, paragraphs 56 and 57; of 31 January 2023, *European Commission* v *Anthony Braesch and Others*, C-284/21 P, ECLI:EU:C:2023:58, paragraphs 59 and 60; of 5 September 2024, *Penya Barça Lyon (PBL) and Issam Abdelmouine* v *European Commission*, C-224/23 P, ECLI:EU:C:2024:682, paragraphs 59 to 72.

(7) Article 8 is amended as follows:

(a) in paragraph 1, the words 'Regulation (EC) No 659/1999' are replaced by the words 'Regulation (EU) 2015/1589';

(b) in paragraph 5, the words 'Regulation (EC) No 659/1999' are replaced by 'Regulation (EU) 2015/1589';

(c) in paragraph 5a, the words 'Article 6a(6) of Regulation (EC) No 659/1999' are replaced by the words 'Article 7(6) of Regulation (EU) 2015/1589';

(d) in paragraph 5b, the words 'Article 6a(7) of Regulation (EC) No 659/1999' are replaced by the words 'Article 7(7) of Regulation (EU) 2015/1589';

(8) in Article 9(1), the words 'Article 88(3) of the Treaty' are replaced by the words 'Article 108(3) of the Treaty';

(9) in Article 11a(1), the words 'Articles 10(1) and 20(2) of Regulation (EC) No 659/1999' are replaced by the words 'Articles 12(1) and 24(2) of Regulation (EU) 2015/1589';

(10) in Article 11b, the words 'Regulation (EC) No 659/1999' are replaced by the words 'Regulation (EU) 2015/1589';

(11) Annex I is amended in accordance with Annex I to this Regulation;

(12) Annexes III.A, III.B and III.C are deleted;

(13) Annex III as set out in Annex II to this Regulation is inserted;

(14) Annex IV is replaced by the text in Annex III to this Regulation;

(15) Annex V as set out in Annex IV to this Regulation is added.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in *the Official Journal of the European Union*.

Part I, point 6.8 of Annex I to Regulation (EC) No 794/2004 as amended in accordance with Article 1, point 11 of this Regulation shall apply from 13 August 2025.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 May 2025.

*For the Commission*
*The President*
Ursula VON DER LEYEN

*ANNEX I*

Annex I to Regulation (EC) No 794/2004 is amended as follows:

(1) Part I is replaced by the following:

'PART I.

**GENERAL INFORMATION**

1. STATUS OF THE NOTIFICATION

Does the information transmitted on this form concern:

(a) ☐ a pre-notification? If so, you may not need to complete the entire form at this stage but to agree with the Commission services which information is required for a preliminary assessment of the proposed measure.

(b) ☐ a notification pursuant to Article 108(3) of the Treaty on the Functioning of the European Union ('the Treaty')?

(c) ☐ a simplified notification under Article 4(2) of Regulation (EC) No 794/2004 ([1])? If so, please complete only the Simplified Notification Form in Annex II.

(d) ☐ a measure which does not constitute State aid within the meaning of Article 107(1) of the Treaty but is notified to the Commission for reasons of legal certainty?

If you have selected point (d) above, please indicate below why the notifying Member State considers that the measure does not constitute State aid within the meaning of Article 107(1) of the Treaty. Please provide a full assessment of the measure in light of each of following four criteria, stressing in particular the criteria that you consider not to be met in the planned measure:

Does the notified measure imply a transfer of public resources or is it imputable to the State?

……

Does the notified measure confer an advantage upon undertakings?

……

Is the measure discretionary, available only to a limited number of undertakings, in a limited number of sectors of the economy or does it entail any territorial restrictions?

……

Does the measure affect competition on the internal market or threaten to distort intra-Union trade?

……

2. IDENTIFICATION OF THE AID GRANTOR

Member State concerned:

……

Region(s) of the Member State concerned (at NUTS level 2); include information on their regional aid status:

……

Contact person(s):

Name: ……

E-mail(s): ……

([1]) Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 140, 30.4.2004, p 1).

Please indicate the name, the address (including web address) and the e-mail contact of the granting authority:

Name: .....

Address: .....

Web address: .....

E-mail: .....

Contact person at the Permanent Representation

Name: .....

Phone(s): .....

E-mail: .....

If you would like a copy of the official correspondence sent by the Commission to the Member State to be forwarded to other national authorities, please indicate here their name, address (including their web address) and e-mail contact:

Name: .....

Address: .....

Web address: .....

E-mail: .....

3. BENEFICIARIES

3.1. **Location of the beneficiary(ies)**

(a) ☐ in (an) unassisted region(s): .....

(b) ☐ in region(s) eligible for assistance under Article 107(3), point (a), of the Treaty (specify the region(s) at NUTS level 2): .....

(c) ☐ in region(s) eligible for assistance under Article 107(3), point (c), of the Treaty (specify the region(s) at NUTS level 3 or lower): .....

3.2. **If applicable, location of the project(s)**

(a) ☐ in (an) unassisted region(s): .....

(b) ☐ in region(s) eligible for assistance under Article 107(3), point (a), of the Treaty (specify the region(s) at NUTS level 2): .....

(c) ☐ in region(s) eligible for assistance under Article 107(3), point (c), of the Treaty (specify the region(s) at NUTS level 3 or lower): .....

3.3. **Sector(s) affected by the aid measure (i.e. in which the aid beneficiaries are active):**

(a) ☐ Open to all sectors

(b) ☐ Sector specific. If so, please specify the sector(s) at NACE group level ([2]): .....

3.4. **In the case of an aid scheme, please specify:**

3.4.1. *Type of beneficiaries:*

(a) ☐ large enterprises

(b) ☐ small and medium-sized enterprises (SMEs)

([2]) NACE Rev. 2.1, or subsequent legislation amending or replacing it. NACE is the statistical classification of economic activities in the European Union as laid down in Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).

(c) ☐ medium-sized enterprises

(d) ☐ small enterprises

(e) ☐ micro enterprises

3.4.2. *Estimated number of beneficiaries:*

(a) ☐ under 10

(b) ☐ from 11 to 50

(c) ☐ from 51 to 100

(d) ☐ from 101 to 500

(e) ☐ from 501 to 1 000

(f) ☐ over 1 000

3.5. **In the case of individual aid, either granted within the scope of a scheme or as ad hoc aid, please specify:**

3.5.1. *Name of the beneficiary(ies):*

……

3.5.2. *Type of beneficiary(ies):*

……

☐ SME

Number of employees: ……

Annual turnover (full amount in national currency, in the last financial year): ……

Annual balance-sheet total (full amount in national currency, in the last financial year): ……

Existence of linked enterprise or partner enterprises (please attach a declaration referred to in Article 3(5) of the Annex to Commission Recommendation 2003/361/EC ([3]) attesting to either the autonomous, linked or partner status of the beneficiary undertaking ([4])):

……

☐ Large enterprise

3.6. **Is the beneficiary(ies) an undertaking in difficulty** ([5])**?**

☐ yes ☐ no

3.7. **Outstanding recovery orders**

3.7.1. *In the case of individual aid:*

The authorities of the Member State commit to suspend the award and/or payment of the notified aid if the beneficiary still has at its disposal earlier unlawful aid that was declared incompatible by a Commission Decision (either as individual aid or aid under an aid scheme being declared incompatible), until that beneficiary has reimbursed or paid into a blocked account the total amount of unlawful and incompatible aid and the corresponding recovery interest.

☐ yes ☐ no

Please provide the reference to the national legal basis concerning this point:

……

([3]) Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36, ELI: http://data.europa.eu/eli/reco/2003/361/oj).

([4]) In the case of partner and linked enterprises, please note that the amounts reported for the aid beneficiary should take into account the number of employees and the financial data of the linked enterprises and/or partner enterprises.

([5]) As defined in the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).

3.7.2. *In the case of aid schemes:*

The authorities of the Member State commit to suspend the award and/or payment of any aid under the notified aid scheme to any undertaking that has benefited from earlier unlawful aid declared incompatible by a Commission Decision (either as an individual aid or an aid under an aid scheme being declared incompatible), until that undertaking has reimbursed or paid into a blocked account the total amount of unlawful and incompatible aid and the corresponding recovery interest.

☐ yes ☐ no

Please provide the reference to the national legal basis concerning this point:

……

4. NATIONAL LEGAL BASIS

4.1. Please provide the national legal basis of the aid measure including the implementing provisions and their respective sources:

National legal basis: ……

Implementing provisions (where applicable): ……

References (where applicable): ……

4.2. Please enclose with this notification one of the following:

(a) ☐ a copy of the relevant extracts of the final text(s) of the legal basis (together with a web address which provides direct access to it, if available)

(b) ☐ a copy of the relevant extracts of the draft text(s) of the legal basis (together with a web address which provides direct access, if available)

4.3. In case of a final text, does the final text contain a stand-still clause whereby the aid granting body can only grant the aid after the Commission has authorised the aid?

☐ Yes

☐ No: has a provision been included to that effect in the draft text?

☐ Yes

☐ No: please explain why such a provision was not included in the text of the legal basis.

……

4.4. Where the text of the legal basis contains a stand-still clause, please indicate whether the date of granting of the aid will be:

☐ the date of the approval by the Commission

☐ the date of the commitment of the national authorities to grant the aid, subject to the approval of the Commission

……

5. IDENTIFICATION OF THE AID, OBJECTIVE AND DURATION

5.1. **Title of the aid measure (or name of the beneficiary of the individual aid)**

……

5.2. **Brief description of the objective of the aid:**

……

5.3. **Type of aid**

5.3.1. *Does the notification relate to an aid scheme?*

☐ No

☐ Yes: Does the scheme amend an existing aid scheme?

☐ No

☐ Yes: Are the conditions laid down for the simplified notification procedure pursuant to Article 4(2) of Regulation (EC) No 794/2004 fulfilled?

☐ Yes: Please use and complete the Simplified Notification Form (see Annex II).

☐ No: Continue with this form, and specify whether the original scheme which is being amended was notified to the Commission

☐ Yes: please specify:

— Aid number ([6]): .....

— Date of Commission approval (reference of the letter of the Commission) if relevant or exemption number: .....

— Duration of the original scheme: .....

— Please specify which conditions are being amended in relation to the original scheme and why: .....

☐ No: please specify when the scheme was implemented: .....

5.3.2. *Does the notification relate to individual aid ([7])?*

☐ No

☐ Yes: please indicate whether:

☐ the aid is based on an approved / block-exempted scheme which should be individually notified. Please provide the reference to the approved scheme or to the exempted scheme:

Title: .....

Aid number ([8]): .....

Letter of Commission approval (where applicable): .....

☐ individual aid is not based on a scheme

5.3.3. *Does the system of financing form an integral part of the aid measure (for example, by applying parafiscal levies in order to raise the necessary funds to allow for the aid to be granted)?*

☐ No

☐ Yes: if yes, the system of financing should be notified as well.

5.4. **Duration**

☐ Scheme

Indicate the planned last date until which individual aid may be granted under the scheme. If the duration exceeds 6 years please indicate why a longer period is indispensable to achieve the objectives of the aid scheme.

.....

([6]) Commission's registration number of the authorised or block-exempted scheme.

([7]) In accordance with Article 1, point (e) of Regulation (EU) 2015/1589, individual aid means aid that is not awarded on the basis of an aid scheme and notifiable award of aid on the basis of a scheme.

([8]) Commission's registration number of the authorised or block-exempted scheme.

☐ Individual aid

Indicate the planned date when the aid will be granted ([9]): .....

If the aid will be paid out in instalments, indicate the planned date(s) of each instalment .....

5.5. **Is the notified measure a reform and/or investment financed under the Recovery and Resilience Facility?**

☐ yes ☐ no

5.6. **Does the notified measure concern an investment financed under the scope of the Just Transition Fund?**

☐ yes ☐ noezen nincs mit

6. COMPATIBILITY OF THE AID

**COMMON ASSESSMENT PRINCIPLES**

(Sub-sections 6.2 to 6.7 do not apply to aid to the agriculture, fishery and aquaculture sectors ([10]))

6.1. Please indicate the primary objective and, where applicable, the secondary objective(s), of common interest to which the aid contributes:

| | Primary objective (please tick only one) | Secondary objective ([1]) |
|---|---|---|
| Agriculture; Forestry; Rural areas | ☐ | ☐ |
| Aid for co-operation in forestry sector | ☐ | ☐ |
| Aid for co-operation in rural areas | ☐ | ☐ |
| Aid for disadvantaged workers and/or workers with disabilities | ☐ | ☐ |
| Aid for knowledge transfer and information actions in the agricultural sector | ☐ | ☐ |
| Aid for promotion measures in favour of agricultural products | ☐ | ☐ |
| Airport infrastructure or equipment | ☐ | ☐ |
| Airport operation | ☐ | ☐ |
| Broadband infrastructures | ☐ | ☐ |
| Closure aid | ☐ | ☐ |
| Compensation of damage caused by natural disasters or exceptional occurrences | ☐ | ☐ |
| Coordination of transport | ☐ | ☐ |
| Culture | ☐ | ☐ |
| Energy | ☐ | ☐ |

([9]) The date of the legally binding commitment to award the aid.

([10]) In the case of aid to the agriculture sector or fishery and aquaculture sector, information on compliance with the common assessment principles is requested in Parts III.12 (General information sheet for the Guidelines for State aid in the agriculture and forestry sectors and in rural areas) and III.14 (General information sheet for the Guidelines for State aid in the fishery and aquaculture sector).

| | Primary objective (please tick only one) | Secondary objective [1] |
|---|---|---|
| Energy efficiency | ☐ | ☐ |
| Energy infrastructures | ☐ | ☐ |
| Environmental protection | ☐ | ☐ |
| Execution of an important project of common European interest | ☐ | ☐ |
| Fisheries and aquaculture | ☐ | ☐ |
| Heritage conservation | ☐ | ☐ |
| Promotion of export and internationalisation | ☐ | ☐ |
| Regional development (including territorial cooperation) | ☐ | ☐ |
| Remedy for a serious disturbance in the economy | ☐ | ☐ |
| Renewable energy | ☐ | ☐ |
| Rescuing undertakings in difficulty | ☐ | ☐ |
| Research, development and innovation | ☐ | ☐ |
| Restructuring undertakings in difficulty | ☐ | ☐ |
| Risk finance | ☐ | ☐ |
| Sectorial development | ☐ | ☐ |
| Services of general economic interest (SGEI) | ☐ | ☐ |
| SMEs | ☐ | ☐ |
| Social support to individual consumers | ☐ | ☐ |
| Sport and multifunctional recreational infrastructures | ☐ | ☐ |
| Training | ☐ | ☐ |
| Start-up aid to airlines for the development of new routes | ☐ | ☐ |

[1] A secondary objective is one for which, in addition to the primary objective, the aid will be exclusively earmarked. For example, a scheme for which the primary objective is research and development may have as a secondary objective small and medium-sized enterprises (SMEs) if the aid is earmarked exclusively for SMEs. The secondary objective may also be sectorial, in the case for example of a research and development scheme in the steel sector.

6.2. Please explain the need for State intervention. Please note that the aid must be targeted towards a situation where it can bring about a material improvement which cannot be delivered by the market itself, by remedying a well-defined market failure.

.....

6.3. Please indicate why the aid is an appropriate instrument to address the objective of common interest as defined in point 6.1. Please note that the aid will not be considered compatible if less distortive measures make it possible to achieve the same positive contribution.

……

6.4. Please indicate whether the aid has an incentive effect (that is, when the aid changes the behaviour of an undertaking leading it to engage in additional activity which it would not have engaged in without the aid or would only have engaged in such activity in a restricted or different manner).

☐ yes ☐ no

Please indicate whether activities which started before the submission of an application for aid are eligible.

☐ yes ☐ no

If they are eligible, please explain how the incentive effect requirement is complied with.

……

6.5. Please indicate why the aid granted is proportionate insofar as it amounts to the minimum needed to induce investment or activity.

……

6.6. Please indicate the possible negative effects of the aid on competition and trade and specify the extent to which they are outweighed by the positive effects.

……

6.7. In accordance with the transparency requirements set out in EU State aid Guidelines and Frameworks, please confirm whether the following information will be published in the European Commission's Transparency Award Module (TAM) ([11]) or on a single national or regional website: (i) the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions, or a link to it; (ii) the identity of the granting authority/(ies); (iii) the identity of the individual beneficiary(ies), (iv) the aid instrument ([12]) and amount of aid granted to each beneficiary(ies); (v) the objective of the aid, the date of granting, (vi) the type of undertaking (for example SME, large company); (vii) the Commission's aid measure reference number; (viii) the region where the beneficiary is located (at NUTS level 2) and (ix) the principal economic sector of the beneficiary(ies) (at NACE group level) ([13]).

☐ yes ☐ no

6.7.1. *Please provide the address(es) of the website(s) on which the information will be made available:*

……

6.7.2. *If applicable, please provide the address(es) of the central website retrieving information from the regional website(s):*

……

([11]) 'State Aid Transparency Public Search', available at the following website: https://webgate.ec.europa.eu/competition/transparency/public?lang=en.

([12]) Grant/Interest rate subsidy, Loan/Repayable advances/Reimbursable grant, Guarantee, Tax advantage or tax exemption, Risk finance, Other. If the aid is granted through multiple aid instruments, the aid amount must be provided by instrument.

([13]) Such a requirement can be waived with respect to individual aid awards below the thresholds as specified in the legal basis. For schemes in the form of tax advantages, the information on individual aid can be provided in the ranges specified specified in the legal basis.

6.7.3. *If the address(es) of the website referred to in point 6.7.2 are not known at the time of the submission of the notification, the Member State must undertake to inform the Commission once those websites are created and the addresses are known.*

6.8. **For aid notified under Articles 107(3), point (a), first part of point (b) (aid to promote the execution of an important project of common European interest), points (c), (d) and (e) of the Treaty, Article 93 of the Treaty and Article 106(2) of the Treaty, please confirm that, neither the aided activity, nor any aspects of the notified State aid measure that are indissolubly linked to the object of the aid are breaching Union environmental law.**

☐ yes ☐ no

7. AID INSTRUMENT, AID AMOUNT, AID INTENSITY AND MEANS OF FUNDING

7.1. **Aid instrument and aid amount**

Specify the form of the aid and the aid amount ([14]) made available to the beneficiary(ies) (where appropriate, for each measure):

| Aid instrument | Aid amount or budget allocation ([1]) | |
|---|---|---|
| | Overall | Annual |
| ☐ **Grants (or similar in effect)**<br>(a) ☐ Direct grant<br>(b) ☐ Interest rate subsidy<br>(c) ☐ Debt write-off | | |
| ☐ **Loans (or similar in effect)**<br>(a) ☐ Soft loan (including details of how the loan is secured and its duration)<br>(b) ☐ Repayable advances<br>(c) ☐ Tax deferral | | |
| ☐ **Guarantee**<br>Where appropriate, provide a reference to the Commission decision approving the methodology to calculate the gross grant equivalent and information on the loan or other financial transaction covered by the guarantee, the security required and the premium to be paid, the duration, etc.<br>…… | | |
| ☐ Any form of **equity or quasi-equity** intervention<br>…… | | |
| ☐ **Tax advantage or tax exemption**<br>(a) ☐ Tax allowance<br>(b) ☐ Tax base reduction<br>(c) ☐ Tax rate reduction<br>(d) ☐ Reduction of social security contributions<br>(e) ☐ Other (please specify)<br>…… | | |

([14]) Overall amount of aid planned, expressed in full national currency amounts. For tax measures, estimated overall revenue loss due to tax concessions. If the average annual State aid budget of the scheme exceeds EUR 150 million, please fill in the section on Evaluation of this notification form.

| Aid instrument | Aid amount or budget allocation ([1]) | |
|---|---|---|
| | Overall | Annual |
| ☐ **Other** (please specify)<br>……<br>Please indicate the instruments to which it would broadly match as regards its effect<br>…… | | |

([1]) For information on aid amounts or budget at any Section of this form and supplementary forms, give the full amount in national currency.

For guarantees, please indicate the maximum amount of loans guaranteed: ……

For loans, please indicate the maximum (nominal) amount of the loan granted: ……

7.2. **Description of the aid instrument**

For each aid instrument chosen from the list in point 7.1, please describe the conditions of application of the aid (such as the tax treatment, whether the aid is awarded automatically based on certain objective criteria or whether there is an element of discretion by the awarding authorities):

……

7.3. **Source of funding**

7.3.1. *Specify the financing of the aid:*

(a) ☐ General budget of the State/region/local

(b) ☐ Through parafiscal charges or taxes affected to a beneficiary. Please provide full details of the charges and the products/activities on which they are levied (specify in particular whether products imported from other Member States are liable to the charges). If applicable, please annex a copy of the legal basis of the financing.

(c) ☐ Accumulated reserves

(d) ☐ Public enterprises

(e) ☐ Structural fund co-financing

(f) ☐ Other (please specify)

……

7.3.2. *Is the budget adopted annually?*

☐ Yes

☐ No. Please specify what period it covers: ……

7.3.3. *If the notification concerns changes to an existing scheme, please indicate the budgetary effects for each of the aid instruments of the notified changes to the scheme on the:*

Overall budget : ……

Annual budget ([15]) : ……

([15]) In case of an average annual State aid budget of the scheme above EUR 150 million, please fill in the section on Evaluation of this notification form.

7.4. **Cumulation**

Can the aid be cumulated with aid or *de minimis* aid ([16]) received from other local, regional or national aid ([17]) to cover the same eligible costs?

☐ Yes. If available, please provide the name, purpose and objective of the aid

……

Please explain the mechanisms put in place in order to insure that the cumulation rules are respected:

……

☐ No

8. EVALUATION

☐ **FOR A SCHEME NOTIFIED TO THE COMMISSION PURSUANT TO ARTICLE 108(3) OF THE TREATY:**

**Is the scheme considered for evaluation?**

☐ No

If the scheme is not considered for evaluation, please explain why you consider the criteria for evaluation not to be fulfilled.

……

☐ Yes

According to which criteria is the scheme considered for ex post evaluation:

(a) ☐ A scheme with large aid budget;

(b) ☐ A scheme containing novel characteristics;

(c) ☐ A scheme where significant market, technology or regulatory changes can be foreseen;

(d) ☐ A scheme that you plan for evaluation even if the other criteria referred to in this point do not apply.

([16]) Commission Regulation (EU) 2023/2831 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (OJ L, 2023/2831, 15.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2831/oj), Commission Regulation (EU) 2023/2832 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest (OJ L, 2023/2832, 15.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2832/oj), Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the fishery and aquaculture sector (OJ L 190, 28.6.2014, p. 45, ELI: http://data.europa.eu/eli/reg/2014/717/oj) and Commission Regulation (EU) No 1408/2013 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 in the agriculture sector (OJ L 352, 24.12.2013, p. 9, ELI: http://data.europa.eu/eli/reg/2013/1408/oj).

([17]) Union funding centrally managed by the Commission that is not directly or indirectly under the control of the Member State does not constitute State aid. Where such Union funding is combined with other public funding, only the latter will be considered for determining whether notification thresholds and maximum aid intensities are respected, provided that the total amount of public funding granted in relation to the same eligible costs does not exceed the maximum funding rates laid down in the applicable Union legislation.

If any of the criteria referred to in this point are fulfilled, please indicate the period of evaluation and complete the supplementary information sheet for the notification of an evaluation plan in Annex 1, Part III.8 ([18]).

……

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

……

☐ **FOR A SCHEME SUBJECT TO EVALUATION PURSUANT TO ARTICLE 1(2)(A) OF REGULATION (EU) NO 651/2014 (GBER) OR ARTICLE 1(3)(A) OF REGULATION (EU) 2022/2472 (ABER) OR ARTICLE 1(7)(A) OF REGULATION (EU) 2022/2473 (FIBER):**

Please indicate the SA number of the scheme: ……

and complete the supplementary information sheet for the notification of an evaluation plan in Annex 1, Part III.8 ([19]).

9. REPORTING AND MONITORING

In order to enable the Commission to monitor the aid scheme and individual aid, the notifying Member State undertakes to:

☐ Annually submit to the Commission the reports provided for by Article 26 of Council Regulation (EU) 2015/1589 ([20]).

☐ Maintain for at least 10 years from the date of award of the aid (individual aid and aid granted under the scheme) detailed records containing the information and supporting documentation necessary to establish that all compatibility conditions are met, and provide them, on a written request, to the Commission within a period of 20 working days or such longer period as may be fixed in the request.

For fiscal aid schemes:

☐ In case of schemes under which fiscal aid is granted automatically based on tax declarations of the beneficiaries, and where there is no ex ante control that all compatibility conditions are met for each beneficiary, the Member State undertakes to put in place an appropriate control mechanism, by which it regularly verifies (for example once per fiscal year), at least ex post and on a sample basis, that all compatibility conditions are met, and to impose sanctions in case of fraud. In order to enable the Commission to monitor fiscal aid schemes, the notifying Member State undertakes to maintain detailed records of the controls for at least 10 years from the date of the controls, and provide them, on a written request, to the Commission within a period of 20 working days or such longer period as may be fixed in the request.

([18]) For guidance, see the Commission Staff Working Document "Common methodology for State aid evaluation", SWD(2014)179 final of 28.5.2014 under https://competition-policy.ec.europa.eu/document/download/323bb641-3467-4b18-aece-7efdc39e0edc_en?filename=modernisation_evaluation_methodology_en.pdf .

([19]) For guidance, see the Commission Staff Working Document "Common methodology for State aid evaluation", SWD(2014)179 final of 28.5.2014 under https://competition-policy.ec.europa.eu/document/download/323bb641-3467-4b18-aece-7efdc39e0edc_en?filename=modernisation_evaluation_methodology_en.pdf .

([20]) Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 248, 24.9.2015, p. 9, ELI: http://data.europa.eu/eli/reg/2015/1589/oj).

10. CONFIDENTIALITY

Does the notification contain confidential information ([21]) which should not be disclosed to third parties?

☐ Yes. Please indicate which of the form are confidential and provide reasons for confidentiality.

……

☐ No

11. OTHER INFORMATION

Where applicable, please indicate any other information relevant for the assessment of the aid.

……

12. ATTACHMENTS

Please list all documents which are attached to the notification and provide paper copies or internet addresses which allow access to the documents concerned.

……

13. DECLARATION

I certify that to the best of my knowledge the information provided on this form, annexes and attachments is accurate and complete.

Date and place of signature: ……

Signature: ……

Name and position of person signing: ……

14. SUPPLEMENTARY INFORMATION SHEET

1. Based on the information submitted in the general information form, please select the applicable supplementary information sheet to be completed:

(a) Supplementary information sheets on regional aid

☐ investment aid

☐ operating aid

☐ individual aid

(b) ☐ Supplementary information sheet on research, development and innovation aid

(c) Supplementary information sheets on aid for restructuring and rescuing undertakings in difficulty

☐ rescue aid

☐ restructuring aid

☐ aid schemes

(d) ☐ Supplementary information sheet on audio-visual production aid

(e) Supplementary information sheet on aid for broadband aid

☐ for take-up measures

☐ for the deployment of broadband networks

([21]) For guidance see Article 339 TFEU that refers to ”information about undertakings, their business relations or their cost components”. The Union courts have generally defined ”business secrets” as information ”of which not only disclosure to the public but also mere transmission to a person other than the one that provided the information may seriously harm the latter's interest” in Case T-353/94 *Postbank* v *Commission,* ECLI:EU:T:1996:119, paragraph 87.

(f) Supplementary information sheet on aid for climate, environmental protection and energy

☐ under Section 4.1. of CEEAG

☐ under Section 4.2. of CEEAG

☐ under Section 4.3.1. of CEEAG

☐ under Section 4.4. of CEEAG

☐ under Section 4.5. of CEEAG

☐ under Section 4.6. of CEEAG

☐ under Section 4.7.1. of CEEAG

☐ under Section 4.7.2. of CEEAG

☐ under Section 4.8. of CEEAG

☐ under Section 4.9 of CEEAG

☐ under Section 4.10. of CEEAG

☐ under Section 4.11. of CEEAG

(g) ☐ Supplementary information sheet on risk finance aid

(h) ☐ Supplementary information sheet for the notification of an evaluation plan

(i) ☐ General information sheet for the Guidelines for State aid in in the agriculture and forestry sectors and in rural areas

☐ Supplementary information sheets on aid in the agriculture and forestry sectors and in rural areas

(j) Supplementary information sheet on aid to the transport sector:

☐ investment aid to airports

☐ operating aid to airports

☐ start-up aid to airlines

☐ aid of a social character under Article 107(2), point (a), of the Treaty

☐ aid for maritime transport

(k) ☐ General information sheet for the Guidelines for State aid in the fishery and aquaculture sector

☐ Supplementary information sheets on aid in the fishery and aquaculture sector

2. For aid which is not covered by any supplementary information sheet, please select the relevant provision of the Treaty, guideline or another text applicable to State aid:

(a) ☐ Short term export credit ([22])

(b) ☐ Emissions Trading Systems ([23])

(c) ☐ Banking Communication ([24])

(d) ☐ Communication on important projects of common European interest ([25])

([22]) Communication from the Commission to the Member States on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance (OJ C 392, 19.12.2012, p. 1).

([23]) Guidelines on certain State aid measures in the context of the system for greenhouse gas emission allowance trading post-2021 (OJ C 317, 25.9.2020, p. 5) Guidelines on certain State aid measures in the context of the greenhouse gas emission allowance trading scheme post 2012 (OJ C 158, 5.6.2012, p. 4).

([24]) Communication from the Commission on the application, from 1 August 2013, of State aid rules to support measures in favour of banks in the context of the financial crisis (OJ C 216, 30.7.2013, p. 1).

([25]) Communication from the Commission — Criteria for the analysis of the compatibility with the internal market of State aid to promote the execution of important projects of common European interest (OJ C 188, 20.6.2014, p. 4).

(e) ☐ Services of General Economic Interest (Article 106(2) of the Treaty) ([26])

(f) ☐ Article 93 of the Treaty

(g) ☐ Article 107(2), point (a), of the Treaty

(h) ☐ Article 107(2), point (b), of the Treaty

(i) ☐ Article 107(3), point (a), of the Treaty

(j) ☐ Article 107(3), point (b), of the Treaty

(k) ☐ Article 107(3), point (c), of the Treaty

(l) ☐ Article 107(3), point (d), of the Treaty

(m) ☐ Other(s), please specify: .....

Please provide a justification for the compatibility of the aid falling in the categories selected in this point:

.....

*For practical reasons, it is recommended to number the documents provided as annexes and to refer to those document numbers in the relevant sections of the supplementary information sheets.*'

(2) Part III is amended as follows:

(a) Parts III.1.A, III.1.B, III.1.C are replaced by the following:

'PART III.1.A

**SUPPLEMENTARY INFORMATION SHEET ON INDIVIDUAL REGIONAL INVESTMENT AID**

*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 individual investment aid covered by the Guidelines on regional State aid applicable as from 1 January 2022 ('RAG').* ([27])

1. SCOPE

1.1. **Reasons for notifying the measure:**

☐ The notification relates to individual aid granted under a scheme and the aid from all sources exceeds the notification threshold. Please provide State aid references of the approved or block-exempted aid schemes concerned:

.....

☐ The notification relates to individual aid granted outside a scheme (ad hoc aid).

☐ The notification relates to aid granted to a beneficiary that has closed down the same or similar activity ([28]) in the EEA two years preceding the date of applying for aid or at the moment of 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.

☐ Other (Please explain)

.....

([26]) Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest (OJ C 8, 11.1.2012, p. 4).

([27]) Communication from the Commission Guidelines on regional State aid 2021/C 153/01 (OJ C 153, 29.4.2021, p. 1).

([28]) '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.

1.2. **Scope of the notified aid measure**

1.2.1. Please confirm that the beneficiary is not a firm in difficulty ([29])

……

1.2.2. Please provide a copy of the application form and the (draft) aid granting agreement.

2. ADDITIONAL INFORMATION ON THE BENEFICIARY, INVESTMENT PROJECT AND AID

2.1. **Beneficiary**

2.1.1. Please identify the aid recipient(s):

……

2.1.2. If the legal identity of the aid recipient is different from the undertaking(s) that finance(s) the project or from the actual beneficiary(ies) of the aid, please describe these differences and identify those other undertakings involved.

……

2.1.3. Please give a clear description of the relation between the beneficiary, the group of enterprises it belongs to and other associated enterprises, including joint ventures.

……

2.2. **The investment project**

2.2.1. Please provide the following information on the notified investment project:

Date of application for the aid:

Date of start of works on the investment project:

Date of the start of production:

Date on which the full production capacity is reached:

Planned completion of the investment project:

2.2.2. If the notification covers an investment in an 'a' area or an investment by an SME ([30]) (s) in a 'c' area (paragraph 45 of RAG), please specify the category/categories of initial investment concerned by the notification (paragraph 19(13) of 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 the product(s) concerned by the investment in the establishment

☐ an acquisition of assets belonging to an establishment that has closed or would have closed had it not been purchased ([31])

([29]) As defined in the Communication from the Commission — Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).

([30]) '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).

([31]) The sole acquisition of the shares of an undertaking does not qualify as initial investment.

2.2.3. If the notification covers an investment in a 'c' area by a large enterprise, please specify the category/categories of initial investment concerned by the notification (paragraph 19(14) and paragraph 14 of 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 activity to the activity previously performed in the establishment

☐ diversification of the output of an establishment into products not previously produced in the establishment under the 3 cumulative conditions of paragraph 14 of RAG ([32])

☐ fundamental change in the overall production process of the product(s) concerned by the investment in the establishment under the 3 cumulative conditions of paragraph 14 of RAG

☐ an acquisition of assets belonging to an establishment that has closed or would have closed had it not been purchased, under the condition that the new activity to be carried out using the acquired assets is not the same or a similar activity than the activity carried out in the establishment before the acquisition ([33])

2.2.4. Please give a brief description of the investment project which also explains how the project concerned falls within one or more of the categories of initial investment indicated above:

.....

2.3. **Eligible costs calculated on the basis of investment costs**

2.3.1. Please provide the following breakdown of the total eligible investment costs in nominal and discounted value:

| | Total eligible cost (nominal) ([1]) | Total eligible cost (discounted) ([1]) |
|---|---|---|
| Preparatory studies or consultancy costs linked to the investment (SMEs only) | | |
| Land | | |
| Buildings | | |
| Plant/machinery/equipment | | |
| Intangible assets | | |
| Total eligible cost | | |

([1]) *In national currency (see also point 2.5 below)*

2.3.2. Please confirm that the acquired assets are new (paragraph 27 of RAG) ([34]).

.....

2.3.3. Please provide evidence to show that in the case of SMEs not more than 50% of the costs of preparatory studies or consultancy costs linked to the investment is included in the eligible cost (paragraph 28 of RAG).

.....

([32]) The conditions are the following: (1) The investment concerns an initial investment in a territory identified for co-financed support from the JTF in a 'c' area that has a GDP per capita below 100 % of the EU-27 average; (2) the investment and the beneficiary are identified in the territorial just transition plan of a Member State approved by the Commission; and (3) the State aid for the investment is covered by the JTF to the maximum allowed.

([33]) Sole acquisition of the shares of an undertaking does not qualify as initial investment that creates a new economic activity.

([34]) This provision does not apply to SMEs or in the case of the acquisition of an establishment.

2.3.4. Please provide evidence to show that for aid awarded to large enterprises 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 (paragraph 29 of RAG).

.....

2.3.5. Please provide a reference to the legal basis or explain how it is ensured 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 (paragraph 30 of RAG). If appropriate, provide documentation containing the relevant quantitative data.

.....

2.3.6. In cases involving the lease of tangible assets, please provide a reference to the relevant provisions in the legal basis where it is stipulated that the following conditions are respected (paragraph 31 of RAG) or explain how this is otherwise achieved.

— for land and buildings, the lease must continue for at least five years after the expected date of completion of the investment for large enterprises, 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.

.....

2.3.7. Paragraph 32 of RAG provides that in the case of acquisition of an establishment "*in principle only the costs of buying the assets from third parties unrelated to the buyer should be taken into consideration. However, if a member of the family of the original owner, or an employee, takes over a small enterprise, the condition that the assets must be bought from third parties unrelated to the buyer does not apply. The transaction must take place under market conditions. If the acquisition of the assets of an establishment is accompanied by an additional investment eligible for regional aid, the eligible costs of that additional investment should be added to the cost of acquisition of the assets of the establishment*".

If relevant in the notified case, please explain how these conditions have been complied with, providing relevant supporting documentation.

.....

2.3.8. If the eligible costs for the investment project include intangible assets, please explain how it is ensured that the conditions set out in paragraphs 33 and 34 of RAG ([35]) will be respected. In such cases please provide a precise reference to the relevant provision in the legal basis.

.....

([35]) Paragraph 33 of RAG provides that for large enterprises, the costs of intangible assets are eligible only up to 50% of the total eligible investment costs for the initial investment. For SMEs, 100% of the costs of intangible assets are eligible. Paragraph 34 of RAG provides that intangible assets that can be taken into account for the calculation of the investment costs must remain associated with the area concerned and must not be transferred to other areas. To this end, the intangible assets must fulfil the following conditions:
(1) they must be used exclusively in the establishment receiving the aid;
(2) they must be amortisable;
(3) they must be purchased under market conditions from third parties unrelated to the buyer;
(4) they must be included in the assets of the undertaking that receives the aid and must remain associated with the project for which the aid is awarded for at least five years (three years for SMEs).

2.4. **Eligible costs calculated on the basis of wage costs**

2.4.1. Please:

— explain how eligible costs calculated on the basis of wage costs have been established (paragraph 35 of RAG);

— explain how the number of jobs created has been calculated with reference to paragraph 19(16) of RAG;

— explain how the wage costs of the persons hired have been established with reference to paragraph 19(33) of RAG; and

— provide the relevant calculations and documentation supporting the figures.

……

2.5. **Calculation of discounted eligible costs and the amount of aid**

2.5.1. Please fill in the below table with the details of the eligible costs by category of eligible cost to be defrayed over the whole duration of the investment project:

| | Nominal/ discounted | N-0 [1] | N+1 [1] | N+2 [1] | N+3 [1] | N+X [1] | Total [1] |
|---|---|---|---|---|---|---|---|
| Preparatory studies etc. (SMEs only) | Nominal | | | | | | |
| | Discounted | | | | | | |
| Land | Nominal | | | | | | |
| | Discounted | | | | | | |
| Buildings | Nominal | | | | | | |
| | Discounted | | | | | | |
| Plant/machinery/ | Nominal | | | | | | |
| equipment | Discounted | | | | | | |
| Intangible assets | Nominal | | | | | | |
| | Discounted | | | | | | |
| Wage costs | Nominal | | | | | | |
| | Discounted | | | | | | |
| Other (please specify) | Nominal | | | | | | |
| | Discounted | | | | | | |

| | Nominal/ discounted | N-0 ([1]) | N+1 ([1]) | N+2 ([1]) | N+3 ([1]) | N+X ([1]) | Total ([1]) |
|---|---|---|---|---|---|---|---|
| Total | Nominal | | | | | | |
| | Discounted | | | | | | |

([1]) *In national currency*

Please indicate the date to which the amounts were discounted, as well as the discount rate used ([36]):

.....

2.5.2. Please complete the table below with the details of the notified aid (to be) granted for the investment project by reference to the applicable form of aid:

| | Nominal/ discounted | N-0 ([1]) | N+1 ([1]) | N+2 ([1]) | N+3 ([1]) | N+X ([1]) | Total ([1]) |
|---|---|---|---|---|---|---|---|
| Grant | Nominal | | | | | | |
| | Discounted | | | | | | |
| Loan | Nominal | | | | | | |
| | Discounted | | | | | | |
| Guarantee | Nominal | | | | | | |
| | Discounted | | | | | | |
| Tax advantage | Nominal | | | | | | |
| | Discounted | | | | | | |
| ..... | Nominal | | | | | | |
| | Discounted | | | | | | |
| ..... | Nominal | | | | | | |
| | Discounted | | | | | | |
| Total | Nominal | | | | | | |
| | Discounted | | | | | | |

([1]) *In national currency*

([36]) Commission notice on current State aid recovery interest rates and reference/discount rates applicable as from 1 May 2021 (Published in accordance with Article 10 of Commission Regulation (EC) No 794/2004 of 21 April 2004 (OJ L 140, 30.4.2004, p. 1).

Please indicate the date to which the amounts were discounted, as well as the discount rate used:

……

For each form of aid mentioned in the table above, please indicate how the grant equivalent is calculated:

Soft loan:

……

Guarantee:

……

Tax reduction:

……

Other:

……

2.5.3. If any of the aid measures to be granted to the project are not yet defined, please indicate this, and explain how the granting authority will ensure that the applicable maximum aid intensity is respected (paragraphs 93 and 94 of RAG):

……

2.5.4. Is the project co-financed by any of the Union Funds implemented under shared management (the "Funds")? If so, please explain under which programme such funding will be obtained. Please also indicate the amount of funding from the Funds that will be involved.

……

2.5.5. If the beneficiary (at group level) has received aid for one (or more) initial investment(s) related to the same or a similar activity started in the same NUTS 3 region in a period of three years before the date of start of works of the notified investment project (paragraph 19(27) of RAG), please provide details of the aid measures for each of the previous aided initial investments (including a short description of the investment project, the date of aid application, the date of the aid award, the date of start of works, the aid amount(s) and the eligible costs ([37])).

| | Eligible investm. cost ([1]) | Aid amount granted ([1]) | Date of applic-ation | Date of aid granting | Date of start of work | Short description | Aid reference(s) |
|---|---|---|---|---|---|---|---|
| Initial investm. project 1 | | | | | | | |
| Initial investm. Project 2 | | | | | | | |
| Initial investm. project 3 | | | | | | | |
| …… | | | | | | | |

([1]) *In national currency*

([37]) The aid amount(s) and eligible costs should be provided both in nominal and discounted values.

2.5.6. Please confirm that the total amount of aid that will be granted to the initial investment project does not exceed the amount resulting from the 'maximum aid intensity' (as defined in paragraph 19(19) of RAG), taking into account the increased aid intensity for SMEs (as determined in paragraph 186 of RAG) and the 'adjusted aid amount' (as defined in paragraph 19(3) of RAG), where applicable. Please provide relevant documentation and calculations to support this confirmation.

……

2.5.7. Please confirm that neither the approved maximum aid amount in discounted value, nor the approved aid intensity will be exceeded if the amount of eligible costs deviates from the notified amount.

☐ Yes

2.5.8. Where the aid to be granted to the investment project is to be awarded under several regional aid schemes or cumulated with ad hoc aid, please confirm that the maximum permissible aid intensity that may be granted to the project has been calculated in advance by the first granting authority and specify this maximum aid intensity. Please explain how the aid granting authorities will ensure that this maximum aid intensity will be respected (paragraph 99 of RAG).

2.5.9. If the initial investment is linked to a European Territorial Cooperation (ETC) project please explain with reference to the provisions set out in paragraph 100 of RAG how the maximum aid intensity applicable to the project and the different beneficiaries involved is established.

……

3. COMPATIBILITY ASSESSMENT OF THE MEASURE

3.1. **Contribution to regional development, positive effects and need for State intervention**

3.1.1. Please:

— indicate the exact location of the aided project (i.e. the locality and the NUTS 2 or 3 region to which the locality belongs);

— provide details on its regional aid status in the current regional aid map (i.e. is it in an area eligible for regional aid under Article 107(3), points (a) or (c)); and

— provide the maximum aid intensity applicable to large enterprises,

……

3.1.2. Please explain how the aid will contribute to regional development and, if applicable, what other positive effects are produced by the aid? ([38])

……

3.1.3. If the notification concerns an individual application for aid under a scheme, please explain how the project contributes towards the objective of the scheme and provide relevant supporting documents (paragraph 46 of RAG)?

……

([38]) In order to do so, you could, for example, refer to the criteria enumerated in paragraph 50 of the RAG and/or to the business plan of the beneficiary. Expected positive effects could for example relate to number of jobs created or safeguarded, R&D&I activities, training, creation of a cluster and possible contribution to the digital and green transition of the economy (including, where relevant, information on whether the investment is environmentally sustainable within the meaning of Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13, ELI: http://data.europa.eu/eli/reg/2020/852/oj ).

3.1.4. If the notification concerns ad hoc aid, please explain how the project contributes towards the development strategy of the area concerned and provide relevant supporting documents (paragraph 53 of RAG)?

……

3.1.5. Please explain how the provision requiring that the investment will be maintained in the area concerned for at least five years (three years for SMEs) after its completion is implemented (paragraph 47 of RAG). Please provide the reference to the relevant provision in the legal basis (for example, the aid granting contract).

……

3.1.6. In cases where the aid 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 will be maintained within the area for a period of five years (three years for SMEs) from the date the post is first filled in is implemented (paragraph 36 of RAG). Please provide the reference to the relevant provision in the legal basis (for example, the aid granting contract).

……

3.1.7. Please provide a reference to the legal basis or demonstrate that the recipient(s) has to make a contribution of at least 25% of the eligible costs, through its own resources or by external financing, in a form that is exempted of any public financial support. ([39]) (paragraph 48 of RAG)

……

3.1.8. Did you or do you commit to carry out an Environmental Impact Assessment ("EIA") for the investment? (paragraph 49 of RAG)?

☐ Yes

☐ No

If no, please explain why it is an EIA is not required for this project

……

3.2. **Incentive effect of the measure**

3.2.1. Please confirm that works on the notified individual investment started only after submission of the application for the aid (paragraph 62 of RAG). Please provide a copy of the aid application sent to the granting authority by the beneficiary and documentary evidence of the date of the start of works.

……

3.2.2. Please explain the incentive effect of the aid by describing the counterfactual scenario with reference to one of the two possible scenarios set out in paragraph 59 of RAG.

……

3.2.3. If the regional aid is awarded through cohesion policy funds or the EAFRD in 'a' areas to investments necessary to achieve standards set by Union law, please explain the following (and provide supporting documentation):

— What is the standard concerned?

— Why is the investment necessary to achieve the standard?

([39]) 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.

— Why in the absence of the aid it would not be sufficiently profitable for the beneficiary to make the investment in the area concerned (paragraph 61 of RAG)

……

3.3. **Appropriateness of the measure**

3.3.1. If the notification concerns ad hoc aid, please demonstrate how the development of the area concerned is better ensured by such aid than by aid under a scheme or other types of measures (paragraph 83 of RAG):

……

3.3.2. If the aid is granted in forms that provide a direct pecuniary advantage ([40]), 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 instruments ([41]) are not appropriate (paragraph 85 of RAG):

……

3.4. **Proportionality of the measure**

3.4.1. In Scenario 1 cases, please provide the following information (or refer to the relevant parts of the submitted counterfactual) (paragraph 96 of RAG):

— the calculation of the investment's Internal Rate of Return ("IRR") with and without the aid ([42]):

……

— information on the relevant benchmarks for the company (for example, normal rates of return required by the beneficiary to undertake similar projects, cost of capital of the company as a whole, relevant industry benchmarks):

……

— an explanation of why, on the basis of the above, the aid is the minimum necessary to render the project sufficiently profitable:

……

3.4.2. In Scenario 2 cases, please provide the following information (or refer to the relevant parts of the submitted counterfactual) (paragraph 97 of RAG):

— the calculation of the difference of the Net Present Value ("NPV") of the investment in the target area and the NPV of the investment in the alternative location ([43]):

……

— all the parameters used for the above calculation (among others the time frame concerned, discount rate used, etc.):

……

([40]) 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.

([41]) For example, low-interest loans or interest rebates, State guarantees, the purchase of a share-holding or an alternative injection of capital on favourable terms.

([42]) The time period considered for the calculation of the IRR should correspond to timeframes usually considered by the industry for similar projects.

([43]) All relevant costs and benefits must be taken into account, including for example administrative costs, transport costs, training costs not covered by training aid and wage differences. However, if the alternative location is in the EEA, subsidies granted in that other location cannot be taken into account.

— an explanation of why on the basis of the above the aid does not exceed the difference between the NPV of investment in the target area and the NPV in the alternative location:

……

3.5. **Avoidance of undue negative effects on competition and trade**

Definition of the relevant market:

3.5.1. Please provide the information specified below to identify the product market(s) concerned (that is to say, products affected by the change in behaviour of the aid beneficiary) and to identify the competitors and customers/consumers affected (paragraphs 124 and 125 of RAG):

— Please specify all the product(s) that will be produced in the aided establishment upon the completion of the investment and indicate, where appropriate, the NACE code or Prodcom code or CPA nomenclature for projects in the service sectors.

……

— Please indicate whether the products envisaged by the project will replace any other products produced by the beneficiary (at group level). What product(s) will it replace? If these replaced products are not produced at the location of the project, indicate where they are currently produced. Please provide a description of the link between the replaced production and the current investment and give a time schedule for the replacement.

……

— Please indicate what other product(s) can be produced with the same new facilities (through flexibility of the production installations of the beneficiary) at little or no additional cost.

……

— Please explain whether the project concerns an intermediate product and whether a significant part of the output is sold otherwise than on the market (under market conditions). Based on the above explanation, for the purpose of calculating the market share and capacity increase in the remainder of this section, please indicate whether the product concerned is the product envisaged by the project or whether it is a downstream product.

……

— Please indicate the relevant product market(s). A relevant product market includes the product concerned and its demand side substitutes, i.e. products considered to be such by the consumer (by reason of the product's characteristics, prices and intended use) and its supply side substitutes, i.e. products considered as such by producers (through flexibility of the production installations of the beneficiary and its competitors). Please indicate what you regard as the relevant demand and supply side substitutes in this case. Please provide evidence, from an independent third party if possible, to support your conclusions on this point.

……

3.5.2. Please provide information, and supporting evidence, on the relevant geographic market of the beneficiary:

……

**For scenario 1 cases** [44]

Market Power (paragraphs 108 and 127 of RAG):

3.5.3. Please provide the following information on the market position of the beneficiary (over a period of time before receiving the aid and the expected market position after finalising the investment) (paragraph 133 of RAG):

— an estimate of all sales (in value and volume terms) of the aid recipient in the relevant market (at group level).

……

— an estimate of the overall sales of all producers in the relevant market (in value and volume terms). If available, include statistics prepared by public and/or independent sources.

……

3.5.4. Provide an assessment of the structure of the relevant market including, for example, the level of concentration in the market, possible barriers to entry, buyer power and barriers to expansion or exit. Please provide evidence, from an independent third party if possible, to support your conclusions on this point.

……

Capacity (paragraph 127(1) of RAG): ……

3.5.5. Provide an estimate of the additional production capacity created by the investment (in volume and value terms):

……

**For all cases**

Manifest negative effects: ……

3.5.6. In scenario 1 cases, please provide the following information, and supporting evidence, on the relevant product market: [45]

— From a long-term perspective, is the relevant market structurally in absolute decline (that is to say, showing a negative growth rate)? (paragraph 130 of RAG)

……

— Is the relevant market in relative decline (that is to say, showing a positive growth rate, but not exceeding a benchmark growth rate)? (paragraph 130 of RAG)

……

3.5.7. In scenario 2 cases, please indicate whether without aid the investment would have been located in an area with a regional aid intensity which is higher or the same as the target area? (paragraph 117 of RAG) Please provide evidence to support your position.

……

[44] Please also provide this information for scenario 2 situations where the investment, in the counterfactual scenario, would be made in a different geographical market.

[45] Underperformance of the market will typically be measured against the EEA GDP over the three years before the start of the project (benchmark rate); it can also be measured on the basis of projected growth rates for the next three to five years. Indicators may include the expected future growth of the market concerned, the resulting expected capacity utilisation rates, and the likely impact of the capacity increase on competitors in terms of prices and profit margins.

3.5.8. Please confirm that the beneficiary has submitted a statement in which it confirms that, at group level, it has not closed down the same or a similar activity in the EEA in the two years preceding the aid application and does not intend to close down the same or similar activity in the EEA in the two years after the completion of investment (paragraph 118 of RAG).

If it provided such a statement, please annex a copy of it to the notification. If it did not, please explain why it did not do so.

……

3.5.9. If the beneficiary at group level has closed down the same or a similar activity in another area in the EEA in the two years preceding the aid application, or intends to do so in the two years after the completion of investment, and has relocated that activity to the target area, or intends to do so, please explain why it considers that there is no causal link between the aid and the relocation (paragraph 118 of RAG).

……

3.5.10. Please explain whether the State aid would directly result in a substantial loss of jobs in existing locations within the EEA. If the State aid would result in a substantial loss of jobs in existing locations within the EEA, please indicate their number and the proportion compared to the total employment of the location(s) concerned.

……

4. TRANSPARENCY

4.1. Please confirm that the full text of the individual aid granting decision or the approved aid scheme and its implementing provisions, or a link to it and information on each individual aid award exceeding EUR 100 000, will be published using the structure in Annex VIII in the European Commission's Transparency Award Module (TAM) or on a comprehensive State aid website, at national or regional level ([46]) within six months from the date of award of the aid, or, for aid in the form of tax advantages, within one year from the date the tax declaration is due.

☐ Yes

4.2. Please provide references to the relevant provisions in the legal basis stipulating that the granting authority should publish on the Transparency Award Module (TAM) or on a comprehensive State aid website, at national or regional level ([47]), 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. (paragraph 136 of 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.

……

4.3. 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. (paragraph 140 of RAG).

([46]) As defined in Annex III of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.

([47]) As defined in Annex III of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.

5. REPORTING AND MONITORING

5.1. Please confirm that in accordance with Regulation (EU) 2015/1589 and Regulation (EC) No 794/2004, the annual reports will be submitted to the Commission.

☐ Yes

5.2. Please confirm that you will maintain for at least 10 years from the date of award of the aid 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

PART III.1.B

**SUPPLEMENTARY INFORMATION SHEET ON REGIONAL INVESTMENT AID SCHEMES.**

*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 individual investment aid covered by the Guidelines on regional State aid applicable as from 1 January 2022 ('RAG').* ([48])

1. SCOPE

1.1. **Reasons for notifying the scheme instead of putting it in place under the General Block Exemption Regulation ("GBER")** ([49]) **or *de minimis* Regulation** ([50]):

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

……

☐ Other. Please specify:

……

1.2. **Scope of the notified scheme**

1.2.1. Please confirm that the legal basis for the notified scheme includes an obligation to notify to the Commission individual aid to a beneficiary in case the aid from all sources exceeds the individual notification threshold laid down in the General Block Exemption Regulation ("GBER") for regional investment aid (paragraph 22 of RAG)

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

……

1.2.2. Please confirm that the legal basis for the notified scheme includes an obligation to notify to the Commission individual aid to a beneficiary unless it (1) has confirmed that in the two years preceding the application for aid, it has not carried out a relocation to the establishment in which the aided initial investment is to take place and (2) has committed not to carry out such relocation up to a period of two years after completion of the initial investment. (paragraph 23 of RAG)

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

……

([48]) Guidelines on regional State aid (OJ C 153, 29.4.2021, p. 1).

([49]) Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty *(OJ L 187, 26.6.2014, p. 1,* ELI: http://data.europa.eu/eli/reg/2014/651/oj).

([50]) Commission Regulation (EU) 2023/2831 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L, 2023/2831, 15.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2831/oj ).

1.2.4. Please 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 difficult ([1]) | |
| The steel sector ([2]) | |
| The lignite sector ([3]) | |
| The coal sector ([4]) | |
| Fisheries and aquaculture ([5]) | |
| Agriculture ([6]) | |
| Processing and/or marketing of agricultural products listed in Annex I to the Treaty ([7]) into products listed in Annex I | |
| Transport ([8]) | |
| Broadband ([9]) | |
| Energy ([10]) | |

([1]) As defined in the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).
([2]) As defined in Annex VI to RAG.
([3]) 'Lignite' means low-rank C or Ortho-lignite and low-rank B or Meta lignite as defined by the international codification system for coal established by the United Nations Economic Commission for Europe.
([4]) 'Coal' means high-grade, medium grade and low grade category A and B coal as defined by the international codification system for coal established by the United Nations Economic Commission for Europe and clarified in the Council decision of 10 December 2010 on State aid to facilitate the closure of uncompetitive coal mines (OJ L 336, 21.12.2010, p. 24).
([5]) As covered by Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).
([6]) State aid for the primary production, processing and marketing of agricultural products resulting in agricultural products listed in Annex I to the Treaty and forestry is subject to rules laid down in the Guidelines for State aid in the agricultural sector (OJ C 204, 1.7.2014, p. 1).
([7]) The RAG apply to aid schemes supporting activities outside the scope of Article 42 of the Treaty that are co-financed by the European Agriculture Fund for Rural Development (EAFRD) or are granted as additional national financing to such co-financed measures, unless the sectoral rules state otherwise.
([8]) Transport means the transport of passengers by aircraft, maritime transport, road, railway and by inland waterway or freight transport services for hire or reward. Transport infrastructure covered by specific guidelines, such as airports, is also excluded from these Guidelines (see the Communication from the Commission – Guidelines on State aid to airports and airlines (OJ C 99, 4.4.2014, p. 3).
([9]) 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).
([10]) The Commission will assess the compatibility of State aid to the energy sector on the basis of the Guidelines on State aid for environmental protection and energy 2014-2020 (OJ C 200, 28.6.2014, p. 1).

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 Enterprises ([51]) or investments by SME(s) in 'c' areas (paragraph 45 of RAG), please specify the category/categories of initial investment concerned by the notification (paragraph 19(13) of 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 the product(s) concerned by the investment in the establishment

☐ an acquisition of assets belonging to an establishment that had closed or would have closed had it not been purchased ([52]).

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 (paragraph 19(14) and paragraph 14 of 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 activity ([53]) to the activity previously performed in the establishment

☐ an acquisition of assets belonging to an establishment that has closed or would have closed had it not been purchased, under the condition that the new activity to be carried out using the acquired assets is not the same or a similar activity than the activity carried out in the establishment before to the acquisition ([54])

2.2. **Eligible costs calculated on the basis of investment costs**

2.2.1. Where the eligible costs under the scheme relate to tangible assets (paragraph 19(31) of RAG), please indicate whether the value of the investment is established as a percentage of the costs of land, buildings and plant, machinery and equipment:

☐ land

☐ buildings

☐ plant/machinery/equipment

Please provide the reference to the relevant provisions 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 ([55])? (paragraph 27 of RAG)

……

([51]) '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).
([52]) The sole acquisition of the shares of an undertaking does not qualify as initial investment.
([53]) '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.
([54]) Sole acquisition of the shares of an undertaking does not qualify as initial investment that creates a new economic activity.
([55]) This provision does not have to apply for SMEs or in case of acquisition of an establishment.

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 preparatory studies or consultancy costs linked to the investment can be considered as eligible costs (paragraph 28 of RAG).

……

2.2.4. Please provide a reference to the relevant provision of the legal basis where it is stipulated that for aid awarded to large enterprises 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 (paragraph 29 of 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 (paragraph 30 of 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 (paragraph 31of 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 enterprises, 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. Paragraph 32 of RAG provides that in the case of acquisition of an establishment "*in principle only the costs of buying the assets from third parties unrelated to the buyer should be taken into consideration. However, if a member of the family of the original owner, or an employee, takes over a small enterprise, the condition that the assets must be bought from third parties unrelated to the buyer does not apply. The transaction must take place under market conditions. If the acquisition of the assets of an establishment is accompanied by an additional investment eligible for regional aid, the eligible costs of that additional investment should be added to the cost of acquisition 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 costs under the scheme relate to intangible assets (paragraph 19(15) of RAG), please specify whether the value of the investment is established on the basis of expenditure entailed by the transfer of technology through the acquisition of patent rights, licences, know-how or other intellectual property:

☐ patent rights

☐ licences

☐ know-how

☐ other intellectual property

Please provide the reference to the relevant provisions 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 (paragraph 33 of 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 paragraph 34 of RAG ([56]) 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 (paragraph 35 of RAG), how the number of jobs created should be calculated with reference to paragraph 19(16) of RAG and how the wage costs of the persons hired should be established with reference to paragraph 19(33) of 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:

……

☐ 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 advantages. 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. Please specify whether the aid scheme is eligible to be co-financed by any of the Union Funds implemented under shared management (the "Funds"). If so, please mention under which programme such funding might be obtained. Please also indicate the amount of funding from the Funds that will be involved, if known at this stage.

……

([56]) Paragraph 34 of RAG provides that intangible assets that can be taken into account for the calculation of the investment costs must remain associated with the area concerned and must not be transferred to other areas. To this end, the intangible assets must fulfil the following conditions:
(1) they must be used exclusively in the establishment receiving the aid;
(2) they must be amortisable;
(3) they must be purchased under market conditions from third parties unrelated to the buyer;
(4) they must be included in the assets of the undertaking that receives the aid and must remain associated with the project for which the aid is awarded for at least five years (three years for SMEs).

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 NUTS 3 region in a period of three years before 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 amount resulting from the 'maximum aid intensity' (as defined in paragraph 19(19) of RAG), taking into account the increased aid intensity for SMEs (as determined in paragraph 186 of RAG) or the 'adjusted aid amount' (as defined in paragraph 19(3) of 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 (paragraph 99 of 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 paragraph 100 of 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 development, positive effects and need for State intervention**

3.1.1. Please explain how the scheme is consistent with and contributes to the development strategy of the area concerned (paragraph 44 of 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 (paragraph 49 of 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) (paragraph 44 of 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. (paragraph 46 of 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 five years (three years for SMEs) after its completion is implemented (paragraph 47 of 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 (paragraph 36 of 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. ([57]) (paragraph 48 of 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 (paragraph 88 of RAG). Please also provide the reference to the Commission decision approving the regional aid map concerned.

……

3.2. **Incentive effect of the scheme**

3.2.1. 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 (paragraph 62 of RAG).

……

3.2.2. 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 (paragraphs 64 and 59 of RAG). If this application form differs from the example provided in Annex VII to the RAG, please provide a copy of this form.

……

3.2.3. 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. (paragraph 65 of RAG). Please also explain what type of documents will be required.

……

([57]) 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.

3.2.4. 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 provided and to verify that regional aid has the required incentive effect corresponding to *scenario 1* or *scenario 2* ([58]) (paragraph 66 of RAG).

……

3.3. **Appropriateness of the scheme**

3.3.1. Please explain why regional aid is an appropriate instrument to help develop the area ([59]) (paragraph 80 of RAG):

……

3.3.2. Where the scheme is sector-specific, please demonstrate the advantages of such an instrument compared to a multi-sectoral scheme or other policy options (paragraph 81 of RAG):

……

3.3.3. Please specify whether individual aid under the notified scheme will be granted:

☐ Automatically, should the conditions of the scheme be fulfilled or

☐ On a discretionary basis, following a decision of the authorities

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:

……

3.3.4. If the aid under the scheme is granted in forms that provide a direct pecuniary advantage ([60]), 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 instruments ([61]) are not appropriate (paragraph 85 of RAG):

……

3.4. **Incentive effect and proportionality of the scheme**

3.4.1. 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 paragraphs 96 and 97 of RAG (paragraph 95 of RAG).

……

([58]) 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.

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

([60]) 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.

([61]) For example, low-interest loans or interest rebates, State guarantees, the purchase of a share-holding or an alternative injection of capital on favourable terms.

3.5. **Avoidance of undue negative effects on competition and trade**

3.5.1. Please explain how the distortions of competition and trade caused by the notified aid scheme will be limited to the minimum (paragraph 120 of RAG) ([62]):

.....

3.5.2. 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 the aid does not result in manifest negative effects such as creating overcapacity in a market in absolute decline (paragraphs 112 to 115 of RAG), counter-cohesion effects (paragraphs 116 and 117 of RAG) or relocation (paragraphs 118 and 121 of RAG).

.....

4. TRANSPARENCY

4.1. Please confirm that the full text of the individual aid granting decision or the approved aid scheme and its implementing provisions, or a link to it and information on each individual aid award exceeding EUR 100 000, will be published using the structure in Annex VIII in the European Commission's Transparency Award Module (TAM) or on a comprehensive State aid website, at national or regional level ([63]) within six months from the date of award of the aid, or, for aid in the form of tax advantages, within one year from the date the tax declaration is due.

☐ Yes

4.2. Please provide references to the relevant provisions in the legal basis stipulating that the granting authority should publish on the Transparency Award Module (TAM) or on a comprehensive State aid website, at national or regional level ([64]), 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. (paragraph 136 of 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.

.....

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. (paragraph 140 of RAG)

.....

5. EVALUATION, REPORTING AND MONITORING

5.1. **Evaluation**

5.1.1. Please indicate the SA number of all previous and ongoing State aid schemes with similar objective and geographical area. (paragraph 144 of RAG)

.....

([62]) 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.

([63]) As defined in Annex III of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.

([64]) As defined in Annex III of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.

Has any of the above listed State aid schemes been *ex post* evaluated? (paragraph 144 of RAG)

☐ Yes

☐ No

If yes, please provide a brief summary of the main results of the *ex post* evaluation(s) (where relevant, with a reference and a link).

……

Please describe how the results of these evaluations have been taken into account in the design of the new scheme.

……

5.1.2. Please indicate whether the State aid budget of the scheme exceeds EUR 150 million in any given year (paragraph 143 of RAG):

☐ Yes

☐ No

Please indicate whether the State aid budget of the scheme exceeds EUR 750 million over the total duration of the scheme (i.e. the combined duration of the scheme and any predecessor scheme covering a similar objective and geographical area, starting from 1 January 2022):

☐ Yes

☐ No

5.1.3. Please indicate whether the scheme is (paragraph 143 of RAG):

A scheme containing novel characteristics?

☐ Yes

☐ No

A scheme where significant market, technology or regulatory changes can be foreseen?

☐ Yes

☐ No

A scheme that you plan for evaluation even if the above criteria in 5.1.2. and 5.1.3. do not apply?

☐ Yes

☐ No

If the answer is "No" to question 5.1.1. and "Yes" to any of the questions in 5.1.2 or 5.1.3, the scheme shall be considered for *ex post* evaluation (paragraph 143 of RAG). If that is the case, please answer "Yes" to the relevant question in the general notification form, indicate the period of evaluation, and notify the draft evaluation plan in Annex I - Part III.8 ([65]).

5.2. **Reporting and Monitoring**

5.2.1. Please confirm that you will:

— submit annual reports to the Commission in accordance with Regulation (EU) 2015/1589 and Regulation (EC) No 794/2004; and

☐ Yes

([65]) For guidance see the methodological guidance paper for evaluation in the field of State aid: https://competition-policy.ec.europa.eu/system/files/2021-04/modernisation_evaluation_methodology_en.pdf. The evaluation plan (Annex I – Part III.8) should be submitted using the form available at: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en.

— 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

PART III.1.C

**SUPPLEMENTARY INFORMATION SHEET ON REGIONAL OPERATING AID SCHEMES**

*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 operating aid schemes covered by the Guidelines on regional State aid applicable as from 1 January 2022 ('RAG')* ([66]).

1. SCOPE

1.1. **Please specify what kind of operating aid your authorities wish to grant**:

☐Operating aid to reduce certain specific difficulties faced by SMEs in 'a' areas

☐Operating aid to compensate specific additional costs in the outermost regions

☐Operating aid to prevent or reduce depopulation in sparsely or very sparsely populated areas

☐Other. Please specify:

.....

1.2. Please confirm that the notified aid scheme provides that no operating 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 ([1]) | | |
| The steel sector ([2]) | ☐ Yes | |
| The lignite sector ([3]) | ☐ Yes | |
| The coal sector ([4]) | ☐ Yes | |
| Fisheries and aquaculture ([5]) | ☐ Yes | |
| Agriculture ([6]) | ☐ Yes | |
| Processing and/or marketing of agricultural products listed in Annex I to the Treaty ([7]) into products listed in Annex I | ☐ Yes | |
| Transport ([8]) | ☐ Yes | |
| Broadband ([9]) | ☐ Yes | |
| Energy ([10]) | ☐ Yes | |
| Section K "Financial and insurance activities" of the NACE Rev.2 statistical classification of economic activities | ☐ Yes | |

([66]) Guidelines on regional State aid (OJ C 153, 29.4.2021, p. 1).

| Excluded categories of companies and sectors | | Relevant provision in the legal basis of the scheme |
|---|---|---|
| 70.10 'Activities of head offices' and 70.22 'Business and other management consultancy activities' | ☐ Yes | |

([1]) As defined in the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).
([2]) As defined in Annex VI to RAG.
([3]) 'Lignite' means low-rank C or Ortho-lignite and low-rank B or Meta lignite as defined by the international codification system for coal established by the United Nations Economic Commission for Europe.
([4]) 'Coal' means high-grade, medium grade and low grade category A and B coal as defined by the international codification system for coal established by the United Nations Economic Commission for Europe and clarified in the Council decision of 10 December 2010 on State aid to facilitate the closure of uncompetitive coal mines (OJ L 336, 21.12.2010, p. 24).
([5]) As covered by Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).
([6]) State aid for the primary production, processing and marketing of agricultural products resulting in agricultural products listed in Annex I to the Treaty and forestry is subject to rules laid down in the Guidelines for State aid in the agricultural sector (OJ C 204, 1.7.2014, p. 1).
([7]) The RAG apply to aid schemes supporting activities outside the scope of Article 42 of the Treaty that are co financed by the European Agriculture Fund forRural Development (EAFRD) or are granted as additional national financing to such co-financed measures, unless the sectoral rules state otherwise.
([8]) Transport means the transport of passengers by aircraft, maritime transport, road, railway and by inland waterway or freight transport services for hire or reward. Transport infrastructure covered by specific guidelines, such as airports, is also excluded from these Guidelines (see the Communication from the Commission – Guidelines on State aid to airports and airlines (OJ C 99, 4.4.2014, p. 3)).
([9]) Communication from the Commission - Guidelines on State aid for broadband networks 2023/C 36/01 (OJ C 36, 31.1.2023, p. 1).
([10]) The Commission will assess the compatibility of State aid to the energy sector on the basis of the Guidelines on State aid for climate, environmental protection and energy 2022 (OJ C 80, 18.2.2022, p. 1).

2. BASIC ELEMENTS OF THE SCHEME

2.1. **Please provide a description of the main elements of the scheme and its objectives:**

……

2.2. **Please indicate which forms of aid are allowed under the scheme:**

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

……

☐ 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 advantages. 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:

……

2.3. **Please specify whether individual aid under the notified scheme will be granted:**

☐ Automatically, should the conditions of the scheme be fulfilled.

☐ On a discretionary basis, following a decision of the authorities.

Should the aid be granted on a case by case basis, please provide a short description of the criteria followed and attach a copy of the administrative provisions applicable for the awarding of aid:

……

2.4. Please specify whether the aid scheme will be co-financed by any of the Union Funds implemented under shared management (the "Funds"). If so, please explain under which programme such funding will be obtained. Please also indicate the amount of funding from the Funds that will be involved.

……

3. COMPATIBILITY OF THE AID

3.1. **Contribution to regional development and incentive effect:**

***For aid to reduce certain specific difficulties faced by SMEs*** [67] ***in 'a' areas:***

3.1.1. Please define the specific difficulties faced by SMEs in the region concerned to be addressed by the scheme (paragraph 54 of RAG) and demonstrate the existence and scale of these difficulties (paragraph 55 of RAG).

……

3.1.2. Please explain why these difficulties cannot be overcome by investment aid and thus the notified operating aid scheme is needed (paragraph 55 of RAG):

……

***For aid to compensate certain additional costs in the outermost regions:***

3.1.3. Please identify the specific additional costs [68] that will be compensated under the scheme and demonstrate how these costs are related to the permanent handicaps set out in Article 349 of the Treaty (paragraph 56 of RAG):

……

***For aid to reduce depopulation in sparsely or very sparsely populated areas:***

3.1.4. Please demonstrate the risk of depopulation of the relevant area in the absence of operating aid (paragraph 57 of RAG):

……

3.2. **Appropriateness of the scheme**

3.2.1. Please indicate why you consider that the aid that you propose is appropriate to achieve the objective of the scheme. Please explain in particular why other less distortive policy instruments and other less distortive types of aid are not appropriate to achieve the same positive contribution to regional development (paragraphs 78, 84 and 85 of RAG):

……

[67] '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).

[68] In this respect please note that operating aid to compensate for additional transport costs of goods which have been produced in areas eligible for operating aid can only be granted in compliance with the General Block Exemption Regulation ("GBER") in place at the moment of the granting.

3.3. **Proportionality of the scheme**

***For all types of operating aid:***

3.3.1. Please determine the eligible costs that are fully attributable to the problems the aid is intended to address (paragraph 102 of RAG):

……

3.3.2. Please confirm that depreciation charges and the costs of financing included in the eligible costs relevant to regional investment aid, will not be included in the eligible costs for operating aid (paragraph 19(22) of RAG), and provide the reference to the relevant provision of the legal basis:

……

3.3.3. Please describe the compensation model (paragraph 84 of RAG) that will be adopted and how this model will allow an appropriate calculation of the aid amount, ensuring that there is no overcompensation, as defined in paragraph 102 of the RAG:

……

3.3.4. Please indicate whether operating aid is also granted through other operating aid schemes in the region, by mentioning the relevant State aid reference of these schemes:

……

In case other operating aid schemes are applicable in the same region, please explain how it is ensured that operating aid granted under different operating aid schemes does not lead to overcompensation:

……

***For operating aid in outermost regions only:***

3.3.5. Please demonstrate that the additional costs to be compensated under the notified scheme will be quantified in relation to the level of costs incurred by similar undertakings established in other regions of the Member State concerned (paragraph 38 of RAG):

……

***For operating aid to reduce certain specific difficulties faced by SMEs in 'a' areas only:***

3.3.6. Please explain how the level of aid will be progressively reduced over the duration of the scheme (paragraph 103 of RAG) and provide the reference to the relevant provision of the legal basis:

……

3.4. **Avoidance of undue negative effects on competition and trade**

Please explain why it is unlikely that the aid granted under the scheme will create very significant distortions of competition in the market (paragraph 135 of RAG):

……

4. TRANSPARENCY

4.1. Please confirm that the full text of the individual aid granting decision or the approved aid scheme and its implementing provisions, or a link to it and information on each individual aid award exceeding EUR 100 000, will be published using the structure in Annex VIII in the European Commission's Transparency Award Module (TAM) or on a comprehensive State aid website, at national or regional level ([69]) within six months from the date of award of the aid, or, for aid in the form of tax advantages, within one year from the date the tax declaration is due.

☐ Yes

4.2. Please provide references to the relevant provisions in the legal basis stipulating that the granting authority should publish on the Transparency Award Module (TAM) or on a comprehensive State aid website, at national or regional level ([70]), 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. (paragraph 136 of 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.

……

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. (paragraph 140 of RAG)

……

5. EVALUATION, REPORTING AND MONITORING

5.1. **Evaluation**

5.1.1. Please indicate the SA number of all previous and ongoing State aid schemes with similar objective and geographical area. (paragraph 144 of RAG)

……

Has any of the above listed State aid schemes been *ex post* evaluated? (paragraph 144 of RAG)

☐ Yes

☐ No

If yes, please provide a brief summary of the main results of the *ex post* evaluation(s) (where relevant, with a reference and a link).

……

Please describe how the results of these evaluations have been taken into account in the design of the new scheme.

……

5.1.2. Please indicate whether the State aid budget of the scheme exceeds EUR 150 million in any given year (paragraph 143 of RAG):

☐ Yes

☐ No

([69]) As defined in Annex III of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.

([70]) As defined in Annex III of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.

Please indicate whether the State aid budget of the scheme exceeds EUR 750 million over the total duration of the scheme (i.e. the combined duration of the scheme and any predecessor scheme covering a similar objective and geographical area, starting from 1 January 2022):

☐ Yes

☐ No

5.1.3. Please indicate whether the scheme is (paragraph 143 of RAG):

A scheme containing novel characteristics?

☐ Yes

☐ No

A scheme where significant market, technology or regulatory changes can be foreseen?

☐ Yes

☐ No

A scheme that you plan for evaluation even if the above criteria in 5.1.2. and 5.1.3. do not apply?

☐ Yes

☐ No

If the answer is "No" to question 5.1.1. and "Yes" to any of the questions in 5.1.2 or 5.1.3, the scheme shall be considered for *ex post* evaluation (paragraph 143 of RAG). If that is the case, please answer "Yes" to the relevant question in the general notification form, indicate the period of evaluation, and notify the draft evaluation plan in Annex I – Part III.8 ([71]).

5.2. **Reporting and Monitoring**

Please confirm:

that in accordance with Regulation (EU) No 2015/1589 and Regulation (EC) No 794/2004, the annual reports will be submitted to the Commission.

☐ Yes

that you will maintain for at least 10 years from the date of award of the aid 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'

(b) Part III.2 is replaced by the following:

'PART III.2

**SUPPLEMENTARY INFORMATION SHEET FOR RESEARCH AND DEVELOPMENT AND INNOVATION AID**

*This supplementary information sheet shall be used for the notification of any aid measures (aid schemes and individual aid) covered by the Framework for state aid for research and development and innovation ("the R&D&I Framework")* ([72]).

*In case there are several beneficiaries involved in an individual aid measure, the relevant information shall be provided for each of them.*

([71]) For guidance see the methodological guidance paper for evaluation in the field of State aid: https://competition-policy.ec.europa.eu/system/files/2021-04/modernisation_evaluation_methodology_en.pdf. The evaluation plan (Annex I – Part III.8) should be submitted using the form available at: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en.

([72]) Communication from the Commission Framework for State aid for research and development and innovation 2022/C 414/01 (OJ C 414, 28.10.2022 p. 1).

*All documents provided by Member States as annexes to this supplementary information sheet shall be numbered and document numbers shall be indicated in the relevant sections of this supplementary information sheet. Please indicate clearly (paragraphs, pages, in a visual manner) where the relevant information can be found in these annexes.*

1. CHARACTERISTICS OF THE NOTIFIED AID MEASURE

1.1. **Aid schemes**

1. Reasons for notifying the scheme:

☐ the scheme includes aid that is not transparent within the meaning of Article 5 of Commission Regulation (EU) No 651/2014 ([73]);

☐ other reasons.

Please specify:

……

2. Please clarify the sectoral scope of the notified scheme.

……

3. Please confirm that any aid awarded under the notified scheme will be notified individually if it exceeds the applicable thresholds laid down in Article 4 of Regulation (EU) No 651/2014.

☐ yes ☐ no

1.2. **Individual aid**

1. Please identify the aid beneficiary: its full legal name, seat and legal identification number, location, scope of activity, size of the undertaking (small, medium, large). Please provide supporting evidence for this.

……

2. Where the aid is based on a scheme approved by the Commission or a scheme implemented under Regulation (EU) No 651/2014, please provide information concerning that scheme, including its publication reference (web link) and state aid registration number.

……

3. If applicable, please provide the exchange rate, indicate source and date, which has been used for the purposes of the notification.

……

1.3. **General information**

1. Please identify the type of aid measure and in order to demonstrate compliance with point 13 of the R&D&I Framework, please specify how it fulfils the applicable conditions:

☐ aid for R&D projects (point 13(a))

……

☐ aid for feasibility studies (point 13(b))

……

☐ aid for the construction and upgrade of research infrastructures (point 13(c))

……

☐ aid for the construction and upgrade of testing and experimentation infrastructures (point 13(d))

……

([73]) Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1, ELI: http://data.europa.eu/eli/reg/2014/651/oj).

☐ aid for innovation activities for SMEs (point 13(e))

……

☐ aid for process and organisational innovation (point 13(f))

……

☐ aid for innovation clusters (point 13(g))

……

2. Does the notified measure involve Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the Union that is not directly or indirectly under the control of Member States (that does not constitute State aid)?

☐ yes ☐ no

If so, please specify the funding source and the amount:

……

3. Does the notified measure involve undertakings in difficulty, as defined by the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty ([74]) (please see point 11 of the R&D&I Framework)?

☐ yes ☐ no

If so, please specify:

……

4. Does the notified measure involve undertakings that are subject to an outstanding recovery order following a previous decision declaring aid illegal and incompatible with the internal market (please see point 12 of the R&D&I Framework)?

☐ yes ☐ no

If so, please specify and indicate the amounts still to be recovered:

……

5. Does the notified measure involve research and knowledge dissemination organisations (”research organisations”) or research infrastructures, as defined in points 16(ff) and (gg) of the R&D&I Framework?

☐ yes ☐ no

If so, please specify:

……

6. Does the notified measure involve testing and experimentation infrastructures, as defined in point 16(ll) of the R&D&I Framework?

☐ yes ☐ no

If so, please specify:

……

7. Does the notified measure involve innovation clusters, as defined in point 16(t) of the R&D&I Framework?

☐ yes ☐ no

If so, please specify:

……

8. Does the notified measure involve public procurement of research and development services?

☐ yes ☐ no

([74]) Communication from the Commission — Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).

If so, please specify:

……

9. Can the State aid awarded under the notified measure be cumulated with other State aid?

☐ yes ☐ no

If so, please specify:

……

10. If applicable for the measure concerned, please tick the relevant box below to confirm that the beneficiaries comply with the definition of micro, small and medium-sized enterprises (SMEs) as provided for in the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises ([75]) and, for individual aid, please attach to the notification the relevant evidence.

☐ yes ☐ no

……

2. RESEARCH AND KNOWLEDGE DISSEMINATION ORGANISATIONS AND RESEARCH INFRASTRUCTURES AS RECIPIENTS OF STATE AID

1. Do research organisations or research infrastructures, concerned by the notified aid measure, carry out any economic activity consisting of offering goods or services on a given market?

☐ yes ☐ no

Please provide details on the economic activity in question.

……

Furthermore, please include information on the annual capacity of the relevant entity (i.e. an entity such as a laboratory or a department with the organisational structure, capital, material and workforce that it effectively has at its disposal to perform alone the activity concerned, at the level of which the assessment needs to be carried out in line with point 21 of the R&D&I Framework), engaged in such economic activity(ies) and the share of this annual capacity engaged in economic activities for the past 5 years.

……

2. If the same entity carries out activities of both economic and non-economic ([76]) nature, can these two kinds of activities and their costs, funding and revenues be clearly separated?

☐ yes ☐ no

If so, please specify:

……

3. If the same entity carries out activities of both economic and non-economic nature, is the amount of public funding allocated to it, during a specific accounting period, limited to the costs of non-economic activities incurred in the same period ([77])?

☐ yes ☐ no

([75]) OJ L 124, 20.5.2003, p. 36, ELI: http://data.europa.eu/eli/reco/2003/361/oj.

([76]) Please refer to point 20 of the R&D&I Framework providing guidance where activities are generally of non-economic character, such as certain primary activities of research organisations and research infrastructure and certain knowledge transfer activities, provided that the therein escribed conditions are satisfied.

([77]) Please note that the Commission will consider as support of an economic activity falling under State aid rules where a research organisation or research infrastructure is both publicly and privately funded and where the allocated public funding to the relevant entity for a specific accounting period exceeds the costs of non-economic activities incurred in that period (Footnote 40 of R&D&I Framework).

If so, please specify:

……

4. If the same entity carries out activities of both economic and non-economic nature, does the economic use remain purely ancillary, that is to say does it correspond to an activity which is directly related to and necessary for the operation of the research organisation or research infrastructure or intrinsically linked to its main non-economic use, and which is limited in scope?

☐ yes ☐ no

If so, please specify and indicate the proportion of the overall capacity that is used or estimated to be used for such economic activities each year:

……

5. If public funding is provided for economic activities of research organisations or research infrastructures, can it be shown that both the public funding and any advantages acquired through it are fully passed on to the final recipients, for example, through reduced prices, and that no further advantage is awarded to the research organisation or research infrastructure that is acting only as intermediary?

☐ yes ☐ no

If so, please specify:

……

3. INDIRECT STATE AID TO UNDERTAKINGS THROUGH RESEARCH ORGANISATIONS AND RESEARCH INFRASTRUCTURES

3.1. **Research on behalf of undertakings**

1. Do research organisations or research infrastructures, concerned by the notified aid measure, perform contract research or provide research services to undertakings?

☐ yes ☐ no

Please provide more details:

……

2. If research organisations or research infrastructures perform contract research or provide research services to undertakings, do they provide such services at market price?

☐ yes ☐ no

Please provide more details:

……

3. If research organisations or research infrastructures perform contract research or provide research services to undertakings and there is no market price, do they provide such services:

(a) at a price which reflects the full costs of the services and generally includes a margin established by reference to those commonly applied by undertakings active in the sector concerned, or

☐ yes ☐ no

(b) is the result of arm's length ([78]) negotiations where research organisations or research infrastructures negotiate in order to obtain the maximum economic benefit at the moment when the contract is concluded and cover at least their marginal costs?

☐ yes ☐ no

Please provide more details:

……

4. If applicable, will the ownership of, or access rights to intellectual property rights ('IPR') remain with the research organisation or research infrastructure?

☐ yes ☐ no

In the affirmative, will their market value be deducted from the price payable for the services concerned?

☐ yes ☐ no

Please provide more details:

……

3.2. **Collaboration with undertakings**

1. Do research organisations or research infrastructures, concerned by the notified aid measure, effectively collaborate with undertakings ([79]) with a view to jointly carrying out specific projects?

☐ yes ☐ no

If so, please specify:

……

2. Please confirm whether the terms and conditions of a collaboration project, in particular as regards contributions to its costs, the sharing of risks and results, the dissemination of results, access to and rules for allocation of IPR, are concluded prior to the start of the project (this does not include definite agreements on the market value of resulting IPR and the value of contributions to the project).

☐ yes ☐ no

Please provide further details and submit relevant evidence:

……

3. If research organisations or research infrastructures effectively collaborate with undertakings, please indicate whether any of the following conditions are fulfilled:

(a) the participating undertakings bear the full cost of the project(s)

☐ yes ☐ no

(b) the results of the collaboration, which do not give rise to intellectual property rights (IPR), may be widely disseminated and any IPR resulting from the activities of research organisations or research infrastructures are fully allocated to them

☐ yes ☐ no

([78]) "arm's length" means that the conditions of the transaction between the contracting parties do not differ from those which could be stipulated between independent enterprises and contain no element of collusion. Any transaction that results from an open, transparent and non-discriminatory procedure is considered as meeting this principle (point 16(f) of the R&D&I Framework).

([79]) In accordance with point 28 of the R&D&I Framework, a project is considered to be carried out through effective collaboration where at least two independent parties pursue a common objective based on the division of labour and jointly define its scope, participate in its design, contribute to its implementation and share its financial, technological, scientific and other risks, as well as its results.

(c) any IPR resulting from the project, as well as related access rights, are allocated to the different collaboration partners in a manner which adequately reflects their work packages, contributions and respective interests

☐ yes ☐ no

If the answer to any of the above questions is yes, please provide details (and submit relevant evidence).

……

4. If research organisations or research infrastructures effectively collaborate with undertakings and none of the answers to question (3) are yes, please indicate whether any of the following conditions are fulfilled:

(a) The research organisations or research infrastructures receive compensation for the IPR which result from their activities and are assigned to the participating undertakings, or to which participating undertakings are allocated access rights. The amount of the compensation has been established by means of an open, transparent and non-discriminatory competitive sale procedure.

☐ yes ☐ no

(b) The research organisations or research infrastructures receive compensation, for the IPR which result from their activities and are assigned to the participating undertakings, or to which participating undertakings are allocated access rights. The amount of the compensation is confirmed to be at least equal to the market price by an independent expert valuation.

☐ yes ☐ no

(c) the research organisations or research infrastructures can demonstrate that they effectively negotiated the compensation (for the IPR which result from their activities and are assigned to the participating undertakings, or to which participating undertakings are allocated access rights), at arm's length ([80]), in order to obtain the maximum economic benefit at the moment when the contract is concluded.

☐ yes ☐ no

(d) where the collaboration agreement provides the collaborating undertakings with a right of first refusal, as regards IPR generated by research organisations or research infrastructures, the latter exercise a reciprocal right to solicit more economically advantageous offers from third parties so that the collaborating undertakings will have to match their offer accordingly.

☐ yes ☐ no

Please provide details and submit relevant evidence:

……

4. PUBLIC PROCUREMENT OF RESEARCH AND DEVELOPMENT SERVICES

1. If the notified measure involves public procurement of research and development services from undertakings, are the providers selected by means of an open tender procedure carried out in accordance with the applicable directives ([81])?

☐ yes ☐ no

If yes, please specify:

……

([80]) See definition on "arm's' length" under point 16(f) of the R&D&I Framework.

([81]) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65, ELI: http://data.europa.eu/eli/dir/2014/24/oj), and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243 ELI: http://data.europa.eu/eli/dir/2014/25/oj).

2. For cases where an open tender procedure for public procurement in accordance with the applicable directives has not been carried out, and where the notified measure involves public purchase of research and development services from undertakings, including pre-commercial procurement, please indicate whether the following conditions are fulfilled:

(a) the selection procedure is open, transparent and non-discriminatory, and based on objective selection and award criteria specified in advance of the bidding procedure.

☐ yes ☐ no

If no, please provide details indicating whether a competitive, transparent and non-discriminatory procedure in line with the applicable directives was followed (for instance, competitive procedure with negotiations, innovation partnership, or competitive dialogue).

……

(b) the envisaged contractual arrangements describing all rights and obligations of the parties, including with regard to IPR, are made available to all interested bidders prior to the bidding procedure.

☐ yes ☐ no

Please provide details:

……

(c) the procurement does not give any of the participant providers any preferential treatment in the supply of commercial volumes of the final products or services to a public purchaser in the Member State concerned ([82]), and one of the following conditions is met (please indicate by ticking the relevant box below).

— all results which do not give rise to IPR may be widely disseminated in a way that allows other undertakings to reproduce them, and any IPR are fully allocated to the public purchaser, or

☐ yes ☐ no

— any service provider to which results giving rise to IPR are allocated is required to grant the public purchaser unlimited access to those results free of charge, and to grant access to third parties under market conditions.

☐ yes ☐ no

Please provide details:

……

5. DESCRIPTION OF THE NOTIFIED AID MEASURE

5.1. **Aid for R&D projects**

1. Please indicate which R&D stages are supported under the notified measure:

☐ fundamental research as defined in point 16(n) of the R&D&I Framework

☐ industrial research, as defined in point 16(r) of the R&D&I Framework

☐ experimental development, as defined in point 16(k) of the R&D&I Framework

([82]) Without prejudice to procedures that cover both the development and the subsequent purchase of unique or specialised products or services.

2. For individual aid, please provide detailed information about the contents of the R&D project, including about:

(a) the state of the art, as applicable to the sector concerned, relevant for the assessment of the project, and explain how/in what aspects the project will go beyond it

……

(b) the concrete research activities (in sufficient scientific and technical detail)

……

(c) the intended outcomes / deliverables /results of the project

……

(d) clear structure of the project in work packages

……

(e) the milestones

……

(f) the duration of the project (start date – end date of the project), including GANTT chart of how the project's work packages will develop and end

……

(g) if the project encompasses different research categories, please list and qualify the different tasks as falling under the categories of fundamental research, industrial research or experimental development

……

(h) any other information you deem essential for demonstrating the research content and the type of research to be performed

……

3. Please specify the total costs, the total eligible costs and, for individual aid, indicate their amount per type of eligible cost. In case of health related research, please clarify the nature of eligible costs by providing a more detailed breakdown of the eligible costs ([83]).

……

Please support your calculations of the R&D eligible costs by the most recently available documentary evidence which shall be clear and specific and annexed to the notification form.

| Eligible costs for R&D project | Eligible cost amount: Fundamental research | Eligible cost amount: Industrial research | Eligible cost amount: Experimental development |
|---|---|---|---|
| Personnel costs: researchers, technicians and other supporting staff to the extent employed for the project | | | |

([83]) Health relevant/related research includes research into vaccines, medicinal products and treatments, medical devices and hospital and medical equipment, disinfectants, and protective clothing and equipment, and into relevant process innovations for an efficient production of the required products. Specifically for health relevant/related R&D projects the following costs are eligible: all costs necessary for the R&D project during its duration, amongst others, personnel costs, costs for digital and computing equipment, for diagnostic tools, for data collection and processing tools, for R&D services, for pre-clinical and clinical trials (trial phases I-IV); phase-IV trials are eligible as long as they allow further scientific or technological advance.

| Eligible costs for R&D project | Eligible cost amount: Fundamental research | Eligible cost amount: Industrial research | Eligible cost amount: Experimental development |
|---|---|---|---|
| Costs of instruments and equipment (depreciation for the time and to the extent used for the project) | | | |
| Costs of buildings and land (depreciation for the time and to the extent used for the project) | | | |
| Cost of contractual research, knowledge and patents bought or licensed from outside sources at arm's length conditions, as well as costs of consultancy and equivalent services used exclusively for the project | | | |
| Additional overheads incurred directly as a result of the project ([1]) | | | |
| Other operating expenses | | | |
| Specifically for health relevant/related R&D project, all costs, including for pre-clinical and clinical trials, phase IV trials furthering scientific and technological advance | | | |
| **Total eligible costs** | | | |

([1]) Additional overheads and other operating expenses, including costs of materials, supplies and similar products, incurred directly as a result of the project, may alternatively be calculated on the basis of a simplified cost approach in the form of a flat-rate of up to 20 %, applied to total eligible direct R&D project costs defined in Annex I, points (a) to (d) and point (g) for health relevant/related R&D projects. In this case, the R&D project costs used for the calculation of indirect costs shall be established on the basis of normal accounting practices and shall comprise only eligible R&D project costs listed in Annex I, points (a) to (d) and point (g) for health relevant/related R&D projects. For projects co-funded under Horizon Europe programme Member States may use the Horizon Europe simplified cost methodology to calculate indirect R&D project costs (point 80 of the R&D&I Framework).

.....

4. Please specify the applicable aid intensities and provide further justification if any increase of the basic aid intensity is applicable.

| Aid intensity applied: | Small enterprise % | Medium-sized enterprise % | Large enterprise % |
|---|---|---|---|
| Fundamental research | | | |
| Basic aid intensity for industrial research | | | |

| Aid intensity applied: | Small enterprise % | Medium-sized enterprise % | Large enterprise % |
|---|---|---|---|
| Increase of the basic aid intensity for industrial research:<br>— subject to effective collaboration between undertakings (for large enterprises cross-border or with at least one SME) or between an undertaking and a research organisation; or<br>— subject to wide dissemination of results, or | | | |
| — subject to the R&D project being carried out in assisted regions fulfilling the conditions of Article 107(3), point (c), of the Treaty or<br>— subject to the R&D project being carried out in assisted regions fulfilling the conditions of Article 107(3), point (a), of the Treaty | | | |
| Aid intensity applicable to industrial research activities: | | | |
| Basic aid intensity for experimental development | | | |
| Increase of the basic aid intensity for experimental development:<br>— subject to effective collaboration between undertakings (for large enterprises cross-border or with at least one SME) or between an undertaking and a research organisation; or<br>— subject to wide dissemination of results, or | | | |
| — subject to the R&D project being carried out in assisted regions fulfilling the conditions of Article 107(3), point (c), of the Treaty, or<br>— subject to the R&D project being carried out in assisted regions fulfilling the conditions of Article 107(3), point (a), of the Treaty | | | |
| Aid intensity applicable to experimental development activities: | | | |

5. Please provide information about the State aid that you intend to grant, including:

(a) The overall nominal State aid amount

……

(b) What is the State aid instrument (form of aid)

……

(c) Whether the State aid will be disbursed in one or several instalments

……

(d) The provisional dates (at least the years) of the disbursement and the amounts of each of these instalments

……

(e) Your explanation on how you established the State aid amount you intend to award for the project and the instalments' amounts and schedule

……

6. Where the notification concerns fiscal measure constituting State aid, please describe:

(a) whether the fiscal measure applies without distinction to all eligible activities, and does not exceed the applicable aid intensity for experimental development

……

(b) whether the relevant aid intensities will not be exceeded, where a fiscal aid measure distinguishes between different R&D categories

……

5.2. **Aid for feasibility studies**

1. Please describe the contents and activities concerned by the feasibility studies (see the definition in point 16 (l) of the R&D&I Framework). Please provide also information on the duration of the feasibility studies (start date and end date), including where applicable a GANTT chart to illustrate how the work packages and the activities (if any) will develop and end.

……

2. Please specify the eligible costs and, for individual aid, indicate their amount and provide further details on the underlying assumptions for their calculation. Please support your calculations of the R&D eligible costs by the most recently available documentary evidence which shall be clear and specific and annexed to the notification form.

| Eligible costs for feasibility study | Eligible costs amount |
|---|---|
| [please insert a row for each cost item that is included in the eligible costs of the feasibility study] | |

……

3. To demonstrate compliance with Annex II and point 81 of the R&D&I Framework, please specify the applicable aid intensities. Please provide justification, if relevant, why any increase of the basic aid intensity is applicable.

| Applicable aid intensity | Small enterprise % | Medium-sized enterprise % | Large enterprise % |
|---|---|---|---|
| Basic aid intensity for feasibility studies | | | |

| Applicable aid intensity | Small enterprise % | Medium-sized enterprise % | Large enterprise % |
|---|---|---|---|
| Increase of the basic aid intensity:<br>— in assisted regions fulfilling the conditions of Article 107(3), point (c), of the Treaty, or<br>— in assisted regions fulfilling the conditions of Article 107(3), point (a), of the Treaty | | | |
| Applicable aid intensity | | | |

4. Please provide information about the State aid that you intend to grant, including:

(a) the overall nominal State aid amount

……

(b) what is the State aid instrument (form of aid)

……

(c) whether the State aid will be disbursed in one or several instalments

……

(d) the provisional dates (at least the years) of the disbursement and the amounts of each of these instalments

……

(e) your explanation on how you established the State aid amount you intend to award for the feasibility study and the instalment schedule

……

5.3. **Aid for the construction and upgrade of research infrastructures**

1. Please specify whether the measure targets the construction of a new research infrastructure or upgrade of an existing research infrastructure.

……

2. Please provide a full description of the research infrastructure (see the definition in point 16 (gg) of the R&D&I Framework), including its location, its functionalities, facilities and equipment, areas of research and services, intended users, etc. Please also provide the duration of the project (start and end date of the construction or upgrade activities), including a GANTT chart to illustrate how and when the aided investment related activities will develop and end, as well as the date when the infrastructure will be put in operation and its envisaged lifetime.

……

3. Please specify if the research infrastructure will carry out any economic activity consisting of offering goods or services on a given market? Please provide details of these activities, including on the relevant entity (i.e. an entity such as a laboratory or a department with the organisational structure, capital, material and workforce that it effectively has at its disposal to perform alone the activity concerned, at the level of which the assessment needs to be carried out), the annual capacity of the relevant entity and the annual share of this capacity to be engaged in such economic activity(ies) for the envisaged lifetime of the research infrastructure.

……

4. Please specify the eligible costs and, for individual aid, indicate their amount and provide further details on the underlying assumptions for their calculation. Please support your calculations by the most recently available documentary evidence which shall be clear and specific and annexed to the notification form.

| Eligible costs | Eligible costs amount |
|---|---|
| investment costs for construction and upgrade of research infrastructures | |
| [please include a row for each cost that you deem to fall into the overall category of investment costs in tangible and intangible assets] | |
| **Total eligible costs** | |

……

5. Please specify the applicable aid intensity and provide further justification if relevant why an increase of the basic aid intensity is applicable.

| **Applicable aid intensity** | % |
|---|---|
| Basic aid intensity for investment aid for the construction and upgrade of research infrastructures | |
| Increase of the aid intensity:<br>— subject to at least two Member States providing the public funding, or<br>— for research infrastructures evaluated and selected at Union level | |
| Applicable aid intensity | |

……

6. Please provide information about the State aid that you intend to grant, including:

(a) The overall nominal State aid amount

……

(b) What is the State aid instrument (form of aid)

……

(c) Whether the State aid will be disbursed in one or several instalments

……

(d) The provisional dates (at least the years) of the disbursement and the amounts of each of these instalments

……

(e) Your explanation on how you established the State aid amount you intend to award for the research infrastructure and the instalment schedule

……

7. If the research infrastructures pursue both economic and non-economic activities, please tick the box below to confirm that the financing, costs and revenues of each type of activity are accounted for separately on the basis of consistently applied and objectively justifiable cost accounting principles.

☐ yes ☐ no

For individual aid, please provide the relevant information and evidence:

……

8. If the research infrastructures receive public funding for both economic and non-economic activities, please tick the box below to confirm that a monitoring and claw-back mechanism is in place in order to ensure that the applicable maximum aid intensity is not exceeded.

☐ yes ☐ no

Please provide relevant information and evidence:

……

9. Does the price charged for the operation or use of the research infrastructures correspond to a market price?

☐ yes ☐ no

Please specify:

……

10. Is access to the research infrastructures open to several users on a transparent and non-discriminatory basis?

☐ yes ☐ no

In case preferential access is granted to some undertakings, please provide details and indicate the share of the investment costs borne by those undertakings:

……

5.4. **Aid for the construction and upgrade of testing and experimentation infrastructures (may also be referred to as "technology infrastructures")**

1. Please provide a full description of the testing and experimentation infrastructure (see the definition in point 16(ll) of the R&D&I Framework), including its location, its functionalities, facilities and equipment, services, intended users and profile of the users (including their size, sector and other relevant information) etc.

……

2. Please also provide the duration of the project (start and end date of the construction or upgrade activities), including a GANTT chart to illustrate how and when the aided investment activities will be carried out and end, as well as the date when the infrastructure will be put in operation and its envisaged lifetime.

……

3. Please specify the eligible costs and for individual aid, indicate their amount and provide further details on the underlying cost elements and assumptions for their calculation. Please support your calculations with appropriate evidence to be annexed to the notification form.

| Eligible costs | Eligible costs amount |
|---|---|
| investment costs for construction and upgrade of testing and experimentation infrastructure<br>including | |
| [please include a row for each cost that you deem to fall into the overall category of investment costs in tangible and intangible assets] | |
| **Total eligible costs** | |

.....

4. Please specify the applicable aid intensity and provide further justification if any increase of the basic aid intensity is applicable:

| Applicable aid intensity | Small enterprise % | Medium-sized enterprise % | Large enterprise % |
|---|---|---|---|
| Basic aid intensity for investment aid for the construction and upgrade of testing and experimentation infrastructures | | | |
| Increase of the basic aid intensity:<br>— subject to at least two Member States providing the public funding, or<br>— for testing and experimentation infrastructure (TEIs) evaluated and selected at Union level , and/or | | | |
| — subject to the testing and experimentation infrastructure providing services predominantly to SMEs (at least allocating 80 % of its capacity for that purpose) | | | |
| Applicable aid intensity | | | |

5. Please provide information about the State aid that you intend to grant, including:

(a) The overall nominal State aid amount

.....

(b) What is the State aid instrument (form of aid)

.....

(c) Whether the State aid will be disbursed in one or several instalments

……

(d) The provisional dates (at least the years) of the disbursement and the amounts of each of these instalments

……

(e) Your explanation on how you established the State aid amount you intend to award for testing and experimentation infrastructure and the instalment schedule.

……

6. Please provide detailed and precise information on the planned or expected specialisation of the infrastructure, its state of the art character and the role the infrastructure could play in facilitating at regional, national or Union level the digital and green transition of the Union economy.

……

7. Please provide information on whether there are similar testing and experimentation infrastructures, whether publicly funded or not, in the Union.

……

8. Does the price charged for the operation or use of the testing and experimentation infrastructure(s) correspond to a market price?

☐ yes ☐ no

Please specify and provide further details on the market prices and the prices charged, as well as due evidence for determining the market prices:

……

9. Is access to the testing and experimentation infrastructure open to several users on a transparent and non-discriminatory basis and on market terms?

☐ yes ☐ no

Please provide further details on the terms and conditions for the open, transparent and non-discriminatory access:

……

In case preferential access is granted to some undertakings, please provide details and justification for such an approach:

……

10. Please provide information about the extent to which the capacity of the testing and experimentation infrastructure would be allocated to services provided to SMEs. Please provide further details and submit relevant evidence.

……

11. Please demonstrate that the public support will not lead to duplication in services already offered by existing testing and experimentation infrastructures operating within the Union.

……

5.5. **Innovation aid for SMEs**

1. Please indicate and describe the activities which are supported under the notified measure:

☐ obtaining, validating and defending patents and other intangible assets

☐ secondment of highly qualified personnel

☐ acquiring innovation advisory and support services ([84])

2. Please specify the period in which the supported innovation activities will be performed (start – end date):

……

3. Please specify the eligible costs and, for individual aid, indicate their amount.

| Eligible costs | Eligible costs amount |
|---|---|
| Costs of obtaining, validating and defending patents and other intangible assets | |
| Costs of secondment of highly qualified personnel | |
| Costs of acquiring innovation advisory and support services | |
| **Total eligible costs** | |

……

4. Please specify the applicable aid intensities and provide further justification if any increase of the basic aid intensity is applicable.

| Applicable aid intensity | Small enterprise % | Medium –sized enterprise % |
|---|---|---|
| Innovation aid for SMEs | | |

5. Please provide information about the State aid that you intend to grant, including:

(a) The overall nominal State aid amount

……

(b) What is the State aid instrument (form of aid)

……

(c) Whether the State aid will be disbursed in one or several instalments

……

(d) The provisional dates (at least the years) of the disbursement and the amounts of each of these instalments

……

(e) Your explanation on how you established the State aid amount you intend to award for the supported innovation activity and the instalment schedule

……

([84]) See the definitions of innovation advisory services (point 16(s) of the R&D&I Framework) and of innovation support services (point 16(u) of the R&D&I Framework).

5.6. **Aid for process and organisational innovation**

1. Please indicate and describe the activities supported under the notified measure:

☐ process innovation

☐ organisational innovation

Please describe the supported activity:

……

2. Please provide a concrete description of the activities that the process or organisational innovation will consist of and justify why, in your view, these activities represent such innovation (see definitions in point 16(z) and (cc) of the R&D&I Framework). Please also provide the duration of the aided activities (start and end date), as well as a GANTT chart.

……

3. Please specify the eligible costs and, for individual aid, indicate their amount.

| Eligible costs | Eligible costs amount |
|---|---|
| Personnel costs to the extent employed for the project | |
| Costs of instruments and equipment (depreciation to the extent and for the period used for the project) | |
| Costs of buildings and land (depreciation to the extent and for the period used for the project) | |
| Cost of contractual research, knowledge and patents bought or licensed from outside sources at arm's length conditions, as well as costs of consultancy and equivalent services used exclusively for the project | |
| Additional overheads incurred directly as a result of the project | |
| Other operating costs, including costs of materials, supplies and similar products, incurred directly as a result of the project. | |
| **Total eligible costs** | |

……

4. Please specify the applicable aid intensities and provide further justification if any increase of the basic aid intensity is applicable.

| Applicable aid intensity | Small enterprise % | Medium-sized enterprise % | Large enterprise % |
|---|---|---|---|
| Aid for process and organisational innovation<br>— aid for large undertakings is subject to effective collaboration with at least one SME | | | |

……

5. Please provide information about the State aid that you intend to grant, including:

(a) The overall nominal State aid amount

……

(b) What is the State aid instrument (form of aid)

……

(c) Whether the State aid will be disbursed in one or several instalments

……

(d) The provisional dates (at least the years) of the disbursement and the amounts of each of these instalments

……

(e) Your explanation on how you established the State aid amount you intend to award for the aided activities and the instalment schedule

……

6. Where aid is awarded to large enterprises, please tick the box below to confirm that they effectively collaborate with SMEs in the aided activity and the collaborating SMEs incur at least 30% of the total eligible costs.

☐

For individual aid, please provide relevant information and evidence:

……

5.7. **Aid for innovation clusters**

1. Please clarify whether the measure targets the investment into a new innovation cluster or an upgrade of an existing innovation cluster.

……

2. Please provide a meaningful description of the innovation cluster, including its location, specialisation, functions, intended users, facilities, and if applicable, when the innovation cluster started its activities etc.

……

3. Please specify if the aid beneficiary is the owner and/or the operator of the innovation cluster. For the operator, if different from the owner, please specify if it has a separate legal personality or is it a consortium of undertakings without a legal personality (in the latter case please provide, besides the names of the consortium members, also the consortium agreement and confirm that each of these members will keep separate accounting for the costs and revenues from each activity)

……

For individual aid, please provide details:

……

4. Do the fees charged for using the clusters' facilities and participating in the clusters' activities correspond to the market price or reflect their costs?

☐ yes ☐ no

Please specify:

……

5. Is access to the clusters' premises, facilities and activities open to several users on a transparent and non-discriminatory basis?

☐ yes ☐ no

Please specify:

……

6. In case preferential access is granted to some undertakings, please provide details and indicate the share of the investment costs borne by those undertakings.

……

7. For individual aid (concerning both investment aid and/or operating aid), please provide information on:

(a) the planned or expected specialisation of the innovation cluster, existing regional potential and presence of clusters in the Union with similar purposes

……

(b) how the innovation cluster can have a positive effect on the technological advancement and digital transformation of the Union economy

……

(c) whether the supported innovation cluster is a Digital Innovation Hub

……

(d) whether the collaborations which would be stimulated or incentivised by the innovation cluster's activities might aim, amongst others, to shorten the time needed from the creation of new knowledge to transposing it into innovative applications

……

(e) Any other information you consider relevant

……

5.7.1. *Investment aid*

1. Please specify the eligible costs and, for individual aid, indicate their amount.

| Eligible costs | Eligible costs amount |
|---|---|
| Investment costs for the construction and upgrade of the innovation cluster including | |
| [please include a row for each cost that you deem to fall into the overall category of investment costs in tangible and intangible assets] | |
| **Total eligible costs** | |

2. Please specify the applicable aid intensities, including any increases for clusters located in assisted regions fulfilling the conditions of Article 107(3), points (a) or (c), of the Treaty.

| Investment aid for innovation clusters | Small enterprise % | Medium-sized enterprise % | Large enterprise % |
|---|---|---|---|
| Basic aid intenstiy for investment aid | | | |
| Increase of the basic aid intensity:<br>— in assisted regions fulfilling the conditions of Article 107(3), point (c), of the Treaty, or<br>— in assisted regions fulfilling the conditions of Article 107(3), point (a), of the Treaty | | | |
| Applicable aid intensity: | | | |

3. Please provide information about the State aid that you intend to grant, including:

(a) The overall nominal State aid amount

……

(b) What is the State aid instrument (form of aid)

……

(c) Whether the State aid will be disbursed in one or several instalments

……

(d) The provisional dates (at least the years) of the disbursement and the amounts of each of these instalments

……

(e) Your explanation on how you established the State aid amount you intend to award for the aided activities and the instalment schedule

……

5.7.2. *Operating aid*

1. Please indicate which activities are supported under the notified measure and provide further information on the substance and timing of the supported activities:

☐ animation of the cluster

☐ marketing of the cluster

☐ management of the cluster's facilities

☐ organisation of training programmes, workshops and conferences

……

2. Please specify the eligible costs and, for individual aid, indicate their amount and provide further details on the underlying assumptions for their calculation. Please support your calculations with appropriate evidence to be annexed to the notification form.

| Operating aid for innovation clusters | Eligible costs amount |
|---|---|
| Personal and administrative costs (including overheads) related to the animation of the cluster | |
| Personal and administrative costs (including overheads) related to the marketing of the cluster | |
| Personal and administrative costs (including overheads) related to the management of the cluster's facilities | |
| Personal and administrative costs (including overheads) related to the organisation of training programmes, workshops and conference | |
| **Total eligible costs** | |

……

3. Please specify the applicable aid intensity:

| Aid intensity for operating aid to the innovation cluster | % |
|---|---|
| | |

4. Please provide information about the State aid that you intend to grant, including:

(a) The overall nominal State aid amount

……

(b) What is the State aid instrument (form of aid)

……

(c) Whether the State aid will be disbursed in one or several instalments

……

(d) The provisional dates (at least the years) of the disbursement and the amounts of each of these instalments

……

(e) Your explanation on how you established the State aid amount you intend to award for the supported activities and the instalment schedule

……

6. COMPATIBILITY ASSESSMENT OF THE NOTIFIED AID MEASURE

6.1. **First condition: R&D&I aid facilitates the development of an economic activity**

6.1.1. *Identifying the supported economic activity*

1. For individual aid, please provide a comprehensive description of the aided project or activity (or refer back to the previous sections if such detailed description has been provided there).

……

2. Please identify and describe the economic activity that will be supported by the notified measure.

……

6.1.2. *Incentive effect*

6.1.2.1. General conditions

1. Please confirm whether the aid will not subsidise the costs of an activity that the undertaking would anyhow incur:

☐ yes ☐ no

2. Please confirm whether the aid will not compensate for the normal business risk of an economic activity:

☐ yes ☐ no

3. Please provide further explanations or refer to a section where such information can be found:

……

4. Please confirm that, when awarding the aid under the notified measure, it will be ensured that work on the relevant R&D&I activities has not started prior to the aid application by the beneficiary to the national authorities ([85]) and, for individual aid, specify the relevant dates:

☐ yes ☐ no

……

5. Please tick one of the boxes below to confirm that the aid applications of the aid beneficiary to the national authorities include at least the applicant's name and size of the undertaking, a description of the project, including its location and start and end dates, the amount of public support needed to carry it out, and a list of eligible costs:

☐ yes ☐ no

……

6. If the aid is awarded in the form of a fiscal measure, please provide details and, for non-incremental measures, any evaluation studies for establishing its incentive effect:

……

6.1.2.2. Additional considerations for individual aid

1. Please confirm whether the project size will be increased due to the notified measure?

☐ yes ☐ no

If so, please specify the type of increase and submit relevant evidence:

☐ increase in the total project costs (without a decrease in spending by the aid beneficiary when compared to the situation without aid)

☐ increase in the number of people assigned to R&D&I activities

☐ other type of increase

Please justify your answers and provide further details and submit relevant evidence:

……

2. Please specify whether the project scope will be increased due to the notified measure?

☐ yes ☐ no

If so, please specify the type of increase and submit relevant evidence:

☐ increase in the number of the expected deliverables of the project;

☐ increase in the level of ambition of the project evidenced by a higher number of partners involved, a higher probability of a scientific or technological break-through or a higher risk of failure (notably linked to the long-term nature of the project and uncertainty about its results);

☐ other type of increase.

Please justify your answers by providing further details and evidence:

……

([85]) If the aid application is for an R&D project, it is not excluded that the potential beneficiary would have already carried out feasibility studies which are not covered by the request for aid (Footnote 52 of the R&D&I Framework). In the case of aid for projects or activities that are carried out in successive phases which may be subject to separate aid awarding procedures, this means that start of works must not take place before the first aid application. In the case of aid awarded under an automatic fiscal aid scheme, such scheme must have been adopted and entered into force before any work on the aided project or activity starts (Footnote 53 of the R&D&I Framework).

3. Please confirm whether the project speed will be increased due to the notified measure?

☐ yes ☐ no

If so, please provide further justification, details and relevant evidence:

……

4. Please confirm whether the total amount spent will be increased due to the notified measure?

☐ yes ☐ no

If so, please specify the type of increase and submit further justification, details and relevant evidence:

☐ increase in total R&D&I spending by the aid beneficiary, in absolute terms or as a proportion of turnover

☐ changes in the committed budget for the project (without a corresponding decrease in the budget allocated to other projects)

☐ other type of increase

……

5. Please confirm whether the notified measure will be subject to a publicly available ex post evaluation of its contribution to the common interest?

☐ yes ☐ no

If so, please specify:

……

6. Please provide a comprehensive description, by means of analysis of the counterfactual scenario, of the behaviour of the beneficiary in the absence of aid (i.e. of what would have happened or could reasonably have been expected to happen without aid). Please demonstrate by contemporary internal evidence if the counterfactual has been considered by the beneficiary in its internal decision making and attach such evidence to this form.

……

7. Please specify and elaborate further the elements that are relevant for the demonstration of the incentive effect of the notified measure and provide supporting evidence, such as board documents, risk assessments, financial reports, internal business plans, expert opinions and other studies related to the project under assessment:

☐ level of profitability (i.e. where a project or investment would not, in itself, be profitable to carry out for an undertaking, but would generate important benefits for society)

……

☐ amount of investment and the timeframe of cash flows (e.g. whether the measure concern a high start-up investment, a low level of appropriable cash flows, a significant fraction of the cash flow arising in the very far future or in a very uncertain manner, etc.)

……

☐ level of risk involved (please provide an assessment of risk, which will in particular take into account, as applicable, the irreversibility of the investment, the probability of commercial failure, the risk that the project will be less productive than expected, the risk that the project undermines other activities of the aid beneficiary and the risk that the project costs undermine its financial viability)

……

8. If available, please provide industry-specific data demonstrating that the beneficiary's counterfactual scenario, its required level of profitability and its expected cash-flows are reasonable.

……

9. Please specify whether the aided measure involves cross-border cooperation or is financed by more than one Member State (i.e. it concerns cross-border R&D activities, research infrastructures, testing and experimentation infrastructures or innovation clusters).

……

6.1.3. *No breach of relevant Union law*

1. Please tick one of the boxes below to confirm that the State aid measure, the conditions attached to it, including its financing method when the financing method forms an integral part of the State aid measure, or the activity it finances does not entail a violation of relevant Union law.

☐ yes ☐ no

2. For individual aid: please specify also whether there are any infringement proceedings relative to Articles 101 or 102 of the Treaty which may concern the beneficiary of the aid and which may be relevant for its assessment under Article 107(3) of the Treaty.

☐ yes ☐ no

Please provide also further information and clarifications on all these points:

……

6.2. **Second condition: R&D&I aid does not unduly affect trading conditions to an extent contrary to the common interest**

6.2.1. *Need for State intervention*

1. Please identify by ticking the relevant box below the market failures hampering R&D&I activities in the present case and justify the need for State aid. Please submit further explanations, clarifications and relevant evidence.

☐ positive externalities/knowledge spill-overs

☐ imperfect and asymmetric information

☐ coordination and network failures

……

2. Please explain how the notified measure can effectively mitigate the market failures affecting the R&D&I activities (i.e. how the State aid can bring about a material improvement that the market alone cannot deliver).

……

6.2.1.1. Additional conditions for individual aid

1. Please explain further whether the aid addresses a general market failure regarding R&D&I activities in the Union, or a specific market failure regarding, for example, a particular sector or line of business.

……

2. If available, please provide any sectoral comparisons and other studies that can substantiate the analysis of the alleged market failures.

……

3. If available, please provide any information regarding (other) R&D&I projects or activities undertaken within the Union which, with respect to their technological content, level of risk and size, are similar to those concerned by the notified measure and explain why the aid is needed in the case concerned.

……

6.2.2. *Appropriateness of the aid measure*

1. Appropriate policy instrument

1.1. Please explain why in your view the State aid is the appropriate policy instrument to enable the R&D&I in question and there is no better placed and less distortive policy instrument capable of achieving the same results. Furthermore, please explain how the advantages of using a selective policy instrument such as State aid in order to increase R&D&I activities have been established, and provide any related impact assessment and supporting documents.

……

2. Where the project or R&D&I activities are also financed by the Union please demonstrate that State aid for the assessed project or R&D&I activity would create synergies with funding or co-financing from Union programmes.

……

3. Appropriateness among different aid instruments:

(a) Please explain your views why the chosen form of the State aid is likely to generate the least distortions of competition and trade. If aid is awarded in forms that provide a direct pecuniary advantage (such as direct grants, exemptions or reductions in taxes or other compulsory charges, or the supply of land, products or services at favourable prices), please provide an analysis of other options and explain why or how other forms of aid (such as repayable advances or forms of aid that are based on debt or equity instruments, such as State guarantees, the purchase of a share-holding or an alternative provision of debt or capital on favourable terms) are less appropriate to address the identified market failures.

……

(b) For aid schemes: please specify also whether the notified scheme implements the objectives and priorities of Operational Programmes and identify the financing instrument chosen in those programmes.

……

6.2.3. *Proportionality of the aid*

1. Please confirm whether the aid is determined in relation to a predefined set of eligible costs and limited to a certain proportion of those eligible costs ('aid intensity'). Please also confirm whether the aid intensity is established for each beneficiary of the aid, including in the case of a collaboration project.

☐ yes ☐ no

2. In the case of State aid for a project being carried out in collaboration between research organisations and undertakings, please confirm whether the contribution of direct public support and, where they constitute State aid, the contributions from research organisations to the same project will not exceed the applicable aid intensities for each beneficiary undertaking.

☐ yes ☐ no

Please specify further:

……

3. Repayable advances:

(a) If the aid is awarded in the form of a repayable advance expressed as gross grant equivalent, please provide details on the methodology applied in order to calculate such gross grant equivalent, including underlying verifiable data or, for individual aid, specify on the basis of which approved aid scheme the aid is awarded.

……

(b) If the aid is awarded in the form of a repayable advance expressed as a percentage of the eligible costs and exceeds, by up to 10 percentage points, the maximum aid intensities laid down in the R&D&I Framework, please confirm, by ticking the box, that:

☐ in the case of a successful outcome, the notified measure provides that the advance is to be repaid with an interest rate not less than the discount rate resulting from the application of the Communication from the Commission on the revision of the method for setting the reference and discount rates ([86])

☐ in the case of a success exceeding the outcome defined as successful, the Member State concerned requests payments beyond repayment of the advance amount including interest according to the applicable discount rate

☐ in the case of failure or partial success, the repayment is proportional to the degree of success achieved

(c) Please provide details on the repayment of the advance and clearly define what is considered as a successful outcome of the aided activities, on the basis of a reasonable and prudent hypothesis.

……

4. Fiscal measures constituting State aid: if the aid is awarded in the form of a fiscal measure, please specify how the aid intensities are calculated and provide any relevant details:

☐ on the basis of individual projects, or

☐ at the level of the undertaking, as the ratio between the overall tax relief and the sum of all eligible R&D&I costs incurred in a period not exceeding three consecutive fiscal years

……

6.2.3.1. Additional conditions for individual aid

1. Please provide a comprehensive business plan for the aided project (with and without aid), including all relevant expected costs and revenues for the lifetime of the project. Please submit detailed explanations, justifications and relevant evidence for all underlying assumptions.

……

([86]) OJ C 14, 19.1.2008, p. 6.

2. If the aid beneficiary faces a clear choice between carrying out either the aided project or an alternative one without aid, please provide also a comprehensive business plan for the lifetime of the counterfactual project. Please provide detailed explanations, justifications and relevant evidence for all underlying assumptions.

……

3. In the absence of an alternative project, please explain how the aid is limited to the minimum necessary for the aided project to be sufficiently profitable, for example by making it possible to achieve an internal rate of return ('IRR') corresponding to the sector or firm specific benchmark or hurdle rate.

……

4. If the aid beneficiary faces a clear choice between carrying out either the aided project or an alternative one without aid, please explain how the aid is limited to the minimum necessary to cover the net extra costs of the aided project compared to the counterfactual project, by taking account of the probabilities of different business scenarios occurring.

……

5. Please submit any supporting documents, such as internal company documents, showing that the counterfactual project is a clearly defined and sufficiently predictable alternative project that has been considered by the beneficiary in its internal decision making.

……

6. Please explain how the aid amount has been established and provide any supporting documents.

……

7. If there were multiple potential candidates for carrying out the aided activity, is the aid awarded on the basis of transparent, objective and non-discriminatory criteria?

☐ yes ☐ no

Please provide details:

……

8. If the aid is meant to address actual or potential direct or indirect distortions of international trade, i.e. where, directly or indirectly, competitors located outside the Union have received in the last three years or are going to receive aid of an equivalent intensity for similar projects, please provide sufficient information and any available evidence to enable the Commission to assess the situation, in particular the need to take account of the competitive advantage enjoyed by a third country competitor. Where distortions of international trade are likely to occur after more than three years, given the particular nature of the sector in question, the reference period may be extended accordingly.

……

6.2.4. *Cumulation of aid*

1. Please confirm, by ticking the appropriate box, that:

(a) Where Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the Union that is not directly or indirectly under the control of Member States, is combined with State aid, the total amount of public funding awarded in relation to the same eligible costs must not exceed the most favourable funding rate laid down in the applicable rules of Union law.

☐ yes ☐ no

(b) Where the expenditure eligible for R&D&I aid is also potentially eligible in whole or in part for aid for other purposes, the overlapping portion will be subject to the most favourable ceiling under any of the relevant rules.

☐ yes ☐ no

(c) Aid for R&D&I will not be cumulated with de minimis support in respect of the same eligible costs if that would result in an aid intensity exceeding those laid down in this framework.

☐ yes ☐ no

(d) For aid measures for testing and experimentation infrastructures co-funded by Union funding: please demonstrate the necessary amount of total public funding (i.e. State aid and other sources of public funding) on the basis of a credible funding gap assessment ensuring that the total amount of public funding does not lead to overcompensation.

Please provide sufficient information to assess the necessary amount of total public funding for the testing and experimentation infrastructure and submit the relevant evidence:

……

2. With regards to confirmations requested in point (1) above, please provide further details, indicating the letter from the above questions to which these explanations are relevant.

……

6.2.5. *Transparency*

1. Please tick the relevant box to confirm that the Member State will publish in the European Commission's transparency award module or on a comprehensive State aid website, at national or regional level:

(a) the full text of the individual aid granting decision or the approved aid scheme and its implementing provisions, or a link to it;

☐ yes ☐ no

(b) the following information on each individual aid award granted ad-hoc or under an aid scheme approved on the basis of this framework and exceeding EUR 100 000:

— Identity of the individual beneficiary

— Name

— Beneficiary's identifier

☐ yes ☐ no

— Type of beneficiary undertaking at the time of granting:

— SME

— Large undertaking

☐ yes ☐ no

— Region in which the beneficiary is located, at NUTS level II or below

☐ yes ☐ no

— The principal economic sector in which the beneficiary has its activities, at NACE group level

☐ yes ☐ no

— Aid element, and, where different, the nominal amount of aid, expressed as full amount in national currency

☐ yes ☐ no

— Aid instrument:

— Grant/Interest rate subsidy/Debt write-off

— Loan/Repayable advances/Reimbursable grant

— Guarantee

— Tax advantage or tax exemption

— Risk finance

— Other (please specify)

☐ yes ☐ no

— Date of award and the date of publication

☐ yes ☐ no

— Objective of the aid

☐ yes ☐ no

— Identity of the granting authority or authorities

☐ yes ☐ no

— Where applicable, name of the entrusted entity, and the names of the selected financial intermediaries

☐ yes ☐ no

— Reference of the aid measure

☐ yes ☐ no

(c) Please provide the web address of the State aid website:

……

(d) For schemes in the form of tax advantages, please confirm that the required information on individual aid amounts in the ranges described in point 102 of the R&D&I Framework, will be published:

☐ yes ☐ no

2. Please tick the relevant box below in order to confirm that the Member State will organise its comprehensive State aid website (as declared in the previous point) in such a way as to allow easy access to the information, that the information will be published in a non-proprietary spreadsheet data format, which allows data to be effectively searched, extracted, downloaded and easily published on the internet, for instance in CSV or XML format, and that the general public will be allowed to access the website without any restrictions, including prior user registration.

☐ yes ☐ no

3. Please tick the relevant box below to confirm that the information as per the above will be published within six months from the date of award of the aid, or, for aid in the form of tax advantages, within one year from the date the tax declaration is due.

☐ yes ☐ no

Please specify the time period applicable for your aid measure:

……

4. Where applicable, please tick the relevant box below to confirm for aid that was unlawful but subsequently found to be compatible, the Member State will publish this information within six months from the date of the Commission's decision declaring the aid compatible.

☐ yes ☐ no

……

5. To enable the enforcement of State aid rules under the Treaty, the information must be available for at least 10 years from the date on which the aid was granted.

☐ yes ☐ no

6.2.6. *Verifying that specific negative effects of R&D&I aid on competition and trading conditions are minimised or avoided*

Please indicate:

1. whether the award of aid allows the aid beneficiary to gain competitive advantage through:

☐ reduced production costs

☐ increased production capacity

☐ new product development

☐ other effects, please specify:

……

2. the award of aid is subject to the obligation for the beneficiary to have its central seat, or be predominantly established in the relevant Member State (point 117 of the R&D&I Framework):

☐ yes ☐ no

3. the award of aid is subject to the obligation for the beneficiary to use national products or services (point 117 of the R&D&I Framework):

☐ yes ☐ no

4. the aid measure restricts the possibility for the beneficiary to exploit the R&D&I results in other Member States (point 117 of the R&D&I Framework):

☐ yes ☐ no

5. the aid measure imposes any other obligation on the beneficiary:

☐ yes ☐ no

6. Please provide justification for the answers you have selected and submit evidence where necessary. If the answer to any of the questions in this section is yes, please provide details:

……

6.2.6.1. Aid scheme

1. For aid schemes, please explain how it will be ensured that any negative effects will be limited to the minimum (taking account, for example, of the size of the projects concerned, the individual and cumulative aid amounts, the number of expected beneficiaries and the characteristics of the targeted sectors) and provide any impact assessment or *ex-post* evaluations carried out for similar predecessor schemes.

……

6.2.6.2. Additional conditions for individual aid

1. If applicable, please describe the likely impact of the aid on competition in the innovation process (see point 109 of the R&D&I Framework).

……

2. Please identify the product markets on which the aid is likely to have an impact and provide the current market share and your assessment of the market position and the market power of the beneficiary in each of the markets concerned, as well as any changes in those market shares, market position and market power that would result from the aided activities.

……

3. For each of the product markets concerned, please identify the main competitors of the aid beneficiary and provide their market shares.

……

If available, please provide the associated Herfindahl-Hirschman Index ('HHI').

……

4. For each of the product markets concerned, please provide information on the customers or consumers affected by the aided activities.

……

5. Please describe the structure and dynamics of the markets concerned with regard to the following aspects (points 124 and 126 of the R&D&I Framework):

(a) recent developments and future growth prospects

……

(b) amount spent by the main players on projects of a similar kind

……

(c) levels of entry and exit barriers

……

(d) existence of countervailing buyer power

……

(e) incentives to compete for future markets

……

(f) product differentiation and intensity of competition

……

(g) other features likely to affect competitors, customers or consumers

……

6. Has the aid beneficiary any influence in the selection process, for example by having the right to recommend undertakings or influencing the research path?

☐ yes ☐ no

If so, please provide details:

……

7. Please tick the relevant box to declare if the aid is awarded in markets featuring overcapacity or in declining industries.

☐ yes ☐ no

If so, please provide details on these markets and industries and your justification why in your view the aid would not raise concerns:

……

8. Please indicate whether the beneficiary has considered any alternative locations for the aided activities.

☐ yes ☐ no

Please provide details and credible contemporaneous internal evidence of the aid beneficiary to support the claim.

……

9. Please provide your general view why you believe the aid will not give rise to potential distortions of competition and trade between Member States.

……

6.2.7. *Weighing up the positive and the negative effects of the aid*

1. Please identify, according to your view, which are the positive effects of the aid on the aided economic activity and the wider R&D&I-related positive effects of the aid that need to be taken into account in the analysis. For further details and justification, you may provide reference to your detailed answers to the next questions.

……

2. Please define precisely the objective pursued and explain how the notified measure intends to promote R&D&I activities.

……

3. Please elaborate whether the aid brings about wider R&D&I-related positive effects.

……

Please elaborate whether these positive effects are embodied in Union policies (such as the new ERA for Research and Innovation, the European Green Deal, the European Digital Strategy and the New Industrial Strategy for Europe Communications)?

……

4. Please indicate whether the state aid measure contributes to the digital transformation of the Union industry and Union's transition to a zero/low-carbon economy, and if so, please explain how.

……

5. In case of an aid scheme, is it part of a comprehensive programme or action plan to stimulate R&D&I activities or smart specialisation strategies?

☐ yes ☐ no

Please provide, where relevant, the reference to evaluations of similar past aid measures:

……

6. If relevant, please clarify whether the supported R&D&I activities are in accordance with the Regulation (EU) 2020/852 of the European Parliament and of the Council ([87]).

……

If not please explain whether an alternative methodology was applied to identify R&D&I activities for technologies, products or other solutions for environmentally sustainable economic activities.

……

6.2.7.1. Balancing of the positive effects against the negative effects of the aid

1. Please provide your view (for both aid schemes and individual aid) why you believe the positive effects of the aid, as identified and justified by you above in this section outweigh the negative effects on competition and trading conditions of the aid.

……

7. OTHER INFORMATION

1. Please provide any other information that would be of relevance to assess the notified aid measure under the R&D&I Framework.

……

2. Please list below all annexes attached to the form (which should include relevant evidence, business plans, studies, etc.). Please indicate clearly (paragraphs, pages, in a visual manner) where the information supporting the replies provided in the form can be found in these annexes.

……’

(c) Part III.5 is replaced by the following:

‘PART III.5.A

**SUPPLEMENTARY INFORMATION SHEET ON STATE AID FOR TAKE-UP MEASURES**

*This supplementary information sheet should be used for notifications of aid for take-up measures deployment covered by the Commission Guidelines on State aid for broadband networks ([88]) ("Broadband Guidelines").*

1. GENERAL INFORMATION

1.1. Please provide a detailed description of the aid measure and of its objectives.

……

1.2. Please explain why, in your view, the aid measure amounts to State aid ([89]).

……

([87]) Regulation (EU) 2020/852 of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13, ELI: http://data.europa.eu/eli/reg/2020/852/oj).

([88]) Guidelines on State aid for broadband networks (OJ C 36, 31.1.2023, p. 1).

([89]) Paragraphs 177, 178 and 179.

1.3. Please indicate whether the aid measure consists of:

☐ Social vouchers ([90])

☐ Connectivity vouchers ([91])

1.4. Please explain how the aid measure fits with the national broadband strategy and the Union digital policy and environmental objectives ([92]).

……

1.5. Please explain whether the reason justifying the aid measure is ([93]):

☐ Economic impact of the cost of subscribing to broadband services. If so, please provide details.

……

☐ Lack of awareness of the benefits brought by the subscription to broadband services. If so, please provide details.

……

☐ Other reasons. If so, please provide details.

……

1.6. Please explain the context of the aid measure (for example, current level of coverage of broadband networks in the Member State, current level of take-up of broadband services), indicating the sources of information provided.

……

1.7. Please confirm that all speeds mentioned in this notification are deemed to mean speeds under peak-time conditions ([94]).

☐ Yes ☐ No

1.8. If available, please submit the following documents and provide a description of their content.

☐ Impact assessment of the aid measure ……

☐ *Ex post* evaluation plans of similar predecessor schemes ……

☐ Counterfactual analysis demonstrating that the measure has positive effects compared to what would have happened without the aid ……

2. SOCIAL VOUCHERS

2.1. Please identify the particular categories of individual consumers targeted by the aid measure, specifying the financial circumstances that justify the granting of aid for social reasons (for example, low-income families, students, pupils, etc.) and the objective criteria used to identify eligible consumers ([95]).

……

2.2. Please provide an estimate of the number of consumers that could benefit from the aid measure.

……

2.3. Please identify the eligible service providers.

……

([90]) Paragraph 181.
([91]) Paragraph 189.
([92]) For example, Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4).
([93]) Paragraph 175.
([94]) Paragraph 19(j) and (k). See also paragraph 20, last sentence.
([95]) Paragraph 182.

2.4. Please indicate the eligible services covered by the aid measure (for example, in terms of download speed, upload speed, etc.) and explain how your authorities identified such services.

……

2.5. Please specify how the vouchers will be used and provide specific details ([96]):

☐ Subscribe to new broadband services. Details:

……

☐ Retain existing subscriptions. Details:

……

☐ Others. Details:

……

2.6. Please list the eligible costs covered by the aid measure ([97]).

……

2.7. Please indicate the maximum duration of the voucher (if any).

……

2.8. Please indicate form and amount of the vouchers, specifying how such amount has been set and the percentage of the cost of subscription covered by the voucher.

……

2.9. Please explain if and how the aid measure complies with the principle of technological neutrality ([98]).

……

2.10. To demonstrate that the aid measure ensures equal treatment of all possible service providers and offer consumers the widest possible choice of suppliers ([99]), please confirm (providing relevant details) that ([100]):

(a) An online registry of all eligible service providers (or an equivalent alternative platform) will be implemented.

……

(b) Consumers are free to consult the registry.

……

(c) All undertakings capable of providing the eligible broadband services may request to be included in the registry (or in the alternative platform chosen).

……

(d) The registry (or the alternative platform chosen) provides additional information to assist consumers (for example, type of services provided by different undertakings, etc.). If so, please indicate the additional information provided.

……

2.11. Please explain in detail the implementing procedure of the aid measure.

……

([96]) Paragraph 184.
([97]) Paragraph 183.
([98]) Paragraph 185.
([99]) Paragraph 185.
([100]) Paragraph 185.

2.12. Public consultation ([101]). Please provide the following information:

(a) Start and end date of each public consultation carried-out.

……

(b) Content of each public consultation.

……

(c) Publicly accessible Internet site (at regional and/or national level) where the consultation was published.

……

(d) A recap of the main observations submitted by contributors in each public consultation, specifying how they were addressed.

……

2.13. Please indicate whether additional safeguards to avoid possible misuse of social vouchers will be implemented. If so, please provide details ([102]).

……

2.14. Please indicate whether the aid measure provides for specific rules concerning the management of the subscription, with regard, *inter alia*, to early termination of the subscription, possibility to migrate the subscription to another provider during the period covered by the voucher (if so, under which conditions), continuation of the subscription after the expiry of the voucher. If so, please provide details.

……

3. CONNECTIVITY VOUCHERS

3.1. Please indicate the type of end-users targeted by the measure.

☐ Consumers

☐ Businesses

3.2. Please explain the eligibility conditions for end-users to get connectivity vouchers.

……

3.3. Please provide an estimate of the number of end-users that could benefit from the aid measure.

……

3.4. Please identify the eligible service providers.

……

3.5. Please indicate the eligible services covered by the aid measure (for example, in terms of download speed, upload speed, etc.) and explain how your authorities identified such services. In this regard, please indicate end-users' needs capable of being addressed by connections providing the eligible services, submitting verifiable supporting evidence thereof (for example, consumer surveys, independent studies) ([103]).

……

([101]) Paragraph 186.
([102]) Paragraph 187.
([103]) Paragraph 194.

3.6. Please specify how the vouchers will be used and provide specific details Moreover, please confirm that the vouchers cannot be used for retaining existing subscriptions ([104]).

☐ Subscribe to new broadband services. Details:

……

☐ Upgrade existing subscriptions. Details:

……

☐ Confirmation that the vouchers cannot be used for retaining existing subscriptions. Details:

……

3.7. Please list the eligible costs covered by the aid measure ([105]).

……

3.8. Please indicate form and amount of vouchers, specifying how such amount has been set and the percentage of the costs of subscription covered by the voucher) ([106]).

……

3.9. Please explain if and how the aid measure complies with the principle of technological neutrality ([107]).

……

3.10. To demonstrate that the aid measure ensures equal treatment of all possible service providers and offer consumers the widest possible choice of suppliers, please confirm (providing relevant details) that ([108]):

(a) An online registry of all eligible service providers (or an equivalent alternative platform) will be implemented.

……

(b) Consumers are free to consult the registry.

……

(c) All undertakings capable of providing the eligible broadband services may request to be included in the registry (or in the alternative platform chosen).

……

(d) The registry (or the alternative platform chosen) provides additional information to assist consumers (for example, type of services provided by different undertakings, etc.). If so, please indicate the additional information provided.

……

3.11. Please explain in detail the implementing procedure of the aid measure.

……

3.12. Public consultation. Please provide the following information ([109]):

(a) Start and end date of each public consultation carried-out.

……

(b) Content of each public consultation.

……

([104]) Paragraph 195.
([105]) Paragraph 193.
([106]) Paragraph 193.
([107]) Paragraph 196. See also paragraph 194.
([108]) Paragraph 196.
([109]) Paragraph 198.

(c) Publicly accessible Internet site (at regional and/or national level) where the consultation was published.

……

(d) A recap of the main observations submitted by contributors in each public consultation, specifying how they were addressed.

……

3.13. Please indicate whether additional safeguards to avoid possible misuse of connectivity vouchers will be implemented. If so, please provide details ([110]).

……

3.14. Please indicate whether the aid measure provides for specific rules concerning the management of the subscription, with regard, *inter alia*, to early termination of the subscription, possibility to migrate the subscription to another provider during the period covered by the voucher (if so, under which conditions), continuation of the subscription after the expiry of the voucher. If so, please provide details.

……

3.15. Please identify the economic activities that will be facilitated by the aid measure through the increase of connectivity and the access to performant broadband services, and explain how the development of those activities is supported ([111]).

……

3.16. Please provide evidence for the incentive effect of the aid measure ([112]).

……

3.17. Please confirm that the aid measure, the conditions attached to it (including its financing method where that method forms an integral part of the aid) or the activity it finances do not entail any violation of provisions or general principles of Union law.

☐ Yes ☐ No. In this case, please provide explanations.

……

3.18. Please explain why alternative measures to State aid (for example, administrative and regulatory measures, market-based instruments, loans, tax measures) are not capable of addressing the objective(s) of the aid measure ([113]).

……

3.19. Please submit a market assessment containing: (i) an assessment of the risk that the aid measure gives a disproportionate advantage – at the retail and/or at the wholesale level – to some providers to the detriment of others, possibly reinforcing (local) market dominance; (ii) an assessment of the actual need to implement a connectivity voucher by comparing the situation in the intervention area(s) with the situation in other areas of the Member State or the Union; (iii) an analysis of the trends in take-up of eligible services by end-users ([114]).

……

([110]) Paragraph 187.
([111]) Paragraph 191.
([112]) Paragraph 192. For a definition of incentive effect, see paragraph 38.
([113]) Paragraph 194.
([114]) Paragraph 197. See also paragraph 195.

3.20. Please indicate if any of the eligible provider of broadband services is vertically integrated and has a retail market share above 25 %.

☐ Yes ☐ No.

3.21. In case the answer to the previous question is positive, please confirm that any vertically integrated provider of broadband services which has a retail market share above 25 %, will offer, on the corresponding wholesale access market, wholesale access products on the basis of which any access seeker will be able to provide the eligible services under open, transparent and non-discriminatory conditions.

☐ Yes ☐ No

3.22. Please indicate the duration of the aid measure and the period of validity of the vouchers for individual end-user ([115]).

……

3.23. Please explain what potential negative effects on competition and trade the aid measure may have and what elements in the design of the measure could minimize those risks.

……

4. OTHER INFORMATION (APPLICABLE TO BOTH SOCIAL AND CONNECTIVITY VOUCHERS)

4.1. Please explain the role played by the NRA in the design, implementation and monitoring of the aid measure.

……

4.2. Please report the opinion of the NRA on the aid measure (if available).

……

4.3. Please report the opinion of the National Competition Authority on the aid measure (if available).

……

4.4. Transparency.

(a) Please confirm that the Member State will publish (i) the full text of the decision approving the aid measure and its implementing provisions (or a link to them), and (ii) information on each individual aid award exceeding EUR 100 000, in accordance with Annex II ([116]) (within 6 months from the date of award of the aid or, for aid in the form of tax advantages, within 1 year from the date that the tax declaration is due) ([117]),

☐ In the Commission's transparency award module ([118]).

☐ On a comprehensive State aid website (providing the relevant web address). In this case, please specify whether it is national or regional website ([119]) and easy access to the information registered in the aid website is allowed (*i.e.*, the general public must be allowed to access the website without restrictions) ([120]).

……

([115]) Paragraph 200.
([116]) Paragraph 202.
([117]) Paragraph 203.
([118]) Available at: https://webgate.ec.europa.eu/competition/transparency/public?lang=en.
([119]) Paragraph 202.
([120]) Paragraph 204.

(b) Please confirm that the information under point 4.4 will be available for at least 10 years from the date on which the aid was granted, will be published in a non-proprietary spreadsheet data format, which allows data to be effectively searched, extracted, downloaded and easily published on the internet (for instance, in CSV or XML format).

☐ Yes ☐ No

(c) Please confirm that, for aid that is unlawful but subsequently found to be compatible, the relevant information is published on a State aid website (specifying the relevant web address) within 6 months from the date of the Commission's decision declaring the aid compatible ([121]).

☐ Yes ☐ No

4.5. Reporting. Please confirm that your authorities will submit to the Commission (i) annual reports in respect of each measure approved under the Broadband Guidelines, and (ii) a report every two years containing key information on the aid measure approved under the Broadband Guidelines, in accordance with Annex III to the same Broadband Guidelines ([122]).

……

4.6. Monitoring. Please confirm that your authorities will maintain – for 10 years from the date of award of the aid – detailed records regarding all aid measures, which contain all information necessary to establish that all the compatibility conditions set out in the Broadband Guidelines are fulfilled, and that it commits to provide them to the Commission upon request ([123]).

……

4.7. Please indicate whether the aid measure is considered for ex post evaluation plan.

☐ No. Please explain why you consider the criteria for *ex post* evaluation plan not to be fulfilled.

……

☐ Yes. If so, please indicate according to which criteria the aid measure is considered for ex post evaluation and provide the relevant information on the ex post evaluation plan described in section 8 of the Broadband Guidelines.

……

4.8. Please indicate any other information relevant for the assessment of the aid measure under the Broadband Guidelines or any other information that is relevant from the point of view of Union competition and internal market rules.

……

4.9. Please indicate whether this supplementary information sheet contains confidential information which should not be disclosed to third parties ([124]).

☐ Yes. If so, please indicate the confidential information and provide reasons for confidentiality.

☐ No.

([121]) Paragraph 204.
([122]) Paragraphs 207 and 208.
([123]) Paragraph 209.
([124]) For guidance see Article 339 of the Treaty that refers to "*information about undertakings, their business relations or their cost components*". The Union courts have generally defined "*business secrets*" as information "*of which not only disclosure to the public but also mere transmission to a person other than the one that provided the information may seriously harm the latter's interest*" in Case T-353/94, *Postbank* v *Commission*, EU:T:1996:119, paragraph 87.

4.10. Please confirm that the aid measure is not covered by Article 52c of Regulation (EU) No 651/2014 ([125]) or by Regulation (EU) 2023/2831 ([126]).

☐ Yes ☐ No

PART III.5.B

**SUPPLEMENTARY INFORMATION SHEET ON STATE AID FOR THE DEPLOYMENT OF BROADBAND NETWORK**

*This supplementary information sheet should be used for notifications of aid for the deployment of broadband networks covered by the Commission Guidelines on State aid for broadband networks ([127]) ("Broadband Guidelines").*

1. GENERAL INFORMATION

1.1. Please provide a detailed description of the aid measure and of its objectives.

……

1.2. Please identify the type of broadband network ([128]) supported by the aid measure.

☐ deployment of fixed access networks ([129]). If so, please specify the type of areas targeted by the aid measure.

☐ White ([130])

☐ Grey ([131])

☐ Mixed (white and grey) ([132])

☐ Black ([133])

☐ deployment of mobile access networks ([134]).

☐ 4G

☐ 5G

☐ other

☐ deployment of backhaul networks ([135]).

☐ only backhaul

☐ backhaul linked to the deployment of an access network ([136])

([125]) Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187 26.6.2014, p. 1, ELI: http://data.europa.eu/eli/reg/2014/651/oj).
([126]) Commission Regulation (EU) 2023/2831 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L, 2023/2831, 15.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2831/oj).
([127]) Guidelines on State aid for broadband networks (OJ C 36, 31.1.2023, p. 1).
([128]) As defined in paragraph 19(a). See also paragraph 19(b).
([129]) As defined in paragraphs 19(c), 19(d) and 21.
([130]) As defined in paragraph 100.
([131]) As defined in paragraph 101.
([132]) As defined in paragraph 103.
([133]) As defined in paragraph 107.
([134]) As defined in paragraphs 19(e) and 22, 23 and 24.
([135]) As defined in paragraphs 19(f) and 25.
([136]) See paragraph 75.

1.3. Please explain how the aid measure fits with the national broadband strategy and the Union digital policy and environmental objectives ([137]).

……

1.4. Please confirm that all speeds mentioned in this notification are deemed to mean speeds under peak-time conditions ([138]).

☐ Yes ☐ No

1.5. Please indicate the time horizon ([139]) of the aid measure and how it has been determined.

……

1.6. Please indicate the investment model through which the aid measure is implemented.

☐ Gap funding ([140])

☐ Support in kind ([141])

☐ Direct investment ([142])

☐ Concessionaire ([143])

☐ Other. If so, please provide details. ……

2. FACILITATION OF THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

2.1. Please identify the economic activities that will be facilitated by the aid measure and explain how the development of those activities is supported ([144]).

……

2.2. Please confirm that the aid measure, the conditions attached to it (including its financing method where that method forms an integral part of the aid) or the activity it finances do not entail any violation of provisions or general principles of Union law ([145]).

☐ Yes ☐ No. In this case, please provide explanations ……

3. POSITIVE EFFECTS OF THE AID

3.1. Please describe whether and, if so, how the aid measure will bring about positive effects (for example, in terms of reduction of digital divide ([146]), correction of social or regional inequalities, equity, sustainability goals ([147]), lower prices and better choice for end-users, higher quality and innovation, completion of the Digital Single Market ([148])) ([149]).

……

([137]) For example, in Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4). See Broadband Guidelines, paragraphs 2 to 6, 8, 10 and 171.
([138]) Paragraphs 19(j) and (k). See also paragraph 20, last sentence.
([139]) Paragraph 19(m). See also paragraph 80.
([140]) Annex IV, paragraph 1.
([141]) Annex IV, paragraph 2.
([142]) Annex IV, paragraph 3.
([143]) Annex IV, paragraph 4.
([144]) Paragraphs 35 and 36.
([145]) Paragraph 41.
([146]) Paragraphs 19(q) and 50.
([147]) Paragraph 172.
([148]) Paragraph 171.
([149]) Paragraphs 42 and 43.

4. MARKET FAILURE AS REGARDS FIXED ACCESS NETWORKS

4.1. Please indicate the performance in terms of download speed (and, if applicable, of upload speed and other parameters) that the subsidised networks will have to provide ([150]).

……

4.2. Please indicate end-users' current and future needs capable of being addressed by fixed networks providing the performance mentioned at point 4.1 (and not by the existing fixed networks), submitting verifiable supporting evidence thereof (for example, consumer surveys, independent studies) ([151]).

……

4.3. Mapping exercise ([152]). Please provide the following information.

(a) Performance of the existing and planned (in the relevant time horizon) networks that have been mapped (for example, download speed, upload speed, latency, packet loss, packet error, jitter, service availability) ([153]).

……

(b) How future investment plans in the relevant time horizon of the aid measure have been assessed to establish their credibility ([154]). *Inter alia*, please indicate:

……

(i) The evidence requested to, and submitted by, the relevant stakeholders to demonstrate the credibility of their investment plans ([155]).

……

(ii) The assessment criteria applied to assess the credibility of future investment plans ([156]).

……

(iii) Whether the stakeholders concerned were invited to sign commitment agreements regarding the implementation of the declared investment plans ([157]).

☐ Yes ☐ No

If yes, please clarify whether such commitment agreements include milestones and obligations to report progress ([158]).

……

(iv) Whether the results of the assessment and the relative justified conclusions were communicated to all stakeholders who submitted information about their private investment plans (and how) ([159]).

……

(c) Start and end date of each step of the mapping exercise.

……

(d) Number and identity of contributors to each step of the mapping exercise.

……

([150]) Paragraph 70.
([151]) Paragraph 53 and footnote (48).
([152]) Paragraph 72.
([153]) Paragraph 73(a) and footnote (62).
([154]) Paragraph 55.
([155]) Paragraph 85.
([156]) Paragraph 87. See also paragraph 86.
([157]) Paragraph 88.
([158]) Paragraphs 88 and 92.
([159]) Paragraph 91.

(e) Intermediate results and final results of the mapping exercise.

……

(f) Confirmation that the mapping exercise has been carried out ([160]):

☐ for fixed wired networks, at address level on the basis of premises passed ([161]).

☐ for fixed wireless networks, at address level on the basis of premises passed or on the basis of a maximum 100 x 100 metre (or smaller) grids. Please specify which of the two criteria was applied: ……

(g) Confirmation that the mapping exercise also mapped existing networks that could be upgraded with marginal investments (such as an upgrade of the active components) to provide 1 Gbps download and 150 Mbps upload speeds and that such areas have been carved out from the intervention area ([162]).

☐ Yes ☐ No

(h) Whether your authorities complied with the best practices for applying the mapping methodologies described in Annex I of the Broadband Guidelines ([163]).

☐ Yes

☐ No. In this case, please specify in which respects your authorities deviated from Annex I of the Broadband Guidelines and for what reason.

……

(i) Confirmation that the methodology and the underlying technical criteria for mapping have been made publicly available (and how) ([164]).

……

4.4. If the aid measure targets areas in which at least two independent networks providing at least 100 Mbps download speed under peak time conditions are present or credibly planned ([165]), please clarify if:

(a) None of the existing or credibly planned networks provide a download speed of at least 300 Mbps under peak-time conditions ([166]).

☐ Yes ☐ No

(b) At least one of the existing or credibly planned networks provides a download speed of at least 300 Mbps under peak-time conditions but does not provide a download speed of at least 500 Mbps under peak-time conditions ([167]).

☐ Yes ☐ No

If yes, please clarify why your authorities are of the view that no networks will evolve towards providing the same download speed (and, if appropriate, the same additional features) of the networks subsidised under the aid measure and, therefore, State intervention is needed to address a market failure ([168]).

……

([160]) Paragraph 73(b).
([161]) For a definition of premises passed, see paragraph 19(l).
([162]) Paragraphs 56 and57.
([163]) Paragraph 74.
([164]) Paragraph 76.
([165]) Paragraph 58.
([166]) Paragraph 59(a).
([167]) Paragraph 59(b).
([168]) Paragraph 59(b).

(c) At least one of the existing or credibly planned networks provides a download speed of at least 500 Mbps ([169]).

☐ Yes ☐ No

4.5. Public consultation. Please provide the following information:

(a) Start and end date of each public consultation carried-out ([170]).

……

(b) Content of each public consultation ([171]).

……

(c) Publicly accessible Internet site (at regional and national level) where the consultation was published ([172]).

……

(d) A recap of the main observations submitted by contributors in each public consultation, specifying how they were addressed.

……

4.6. Please indicate the final scope of the aid measure in terms of the size of the intervention area and its population density.

……

5. MARKET FAILURE AS REGARDS MOBILE ACCESS NETWORKS

5.1. Please indicate the performance in terms of download speed (and, if applicable, of upload speed and other parameters) that the subsidised networks will have to provide ([173]).

……

5.2. Please indicate end-users' current and future needs capable of being addressed by mobile networks providing the performance mentioned at point 5.1 (and not by the existing mobile networks), submitting verifiable supporting evidence thereof (for example, consumer surveys, independent surveys) ([174]).

……

5.3. Please confirm that the aid measure cannot be used for the fulfilment of any legal obligations (for example, obligations linked to the rights to use spectrum) ([175]).

……

5.4. Please indicate whether the aid measure targets areas where there is already at least one existing or credibly planned mobile network ([176]) capable of addressing identified end-users' needs.

☐ Yes ☐ No

([169]) Paragraph 59(c).
([170]) Paragraph 82.
([171]) Paragraphs 78, 79 and 81. See also footnote (64).
([172]) Paragraph 78.
([173]) Paragraph 70.
([174]) Paragraphs 60, 61 and 64.
([175]) Paragraph 65.
([176]) Paragraph 62.

If yes, please demonstrate (with the support of verifiable evidence): (a) why such network is considered insufficient to provide end-users with sufficient quality of services to satisfy their evolving needs; and (b) if and how the aid measure will provide such quality of services, thus bringing about a material improvement that the market cannot deliver ([177]).

……

5.5. Mapping exercise ([178]). Please provide the following information:

(a) The type (for example, 3G, 4G, 5G, 6G, others) of networks and their number available in the intervention area

(b) Performance criteria of the existing and planned (in the relevant time horizon) networks that have been mapped (for example, download speed, upload speed, latency, packet loss, packet error, jitter, service availability) ([179]).

……

(c) How future investment plans in the relevant time horizon of the aid measure have been assessed to establish their credibility. *Inter alia*, please indicate:

(i) The evidence requested to, and submitted by, the relevant stakeholders to demonstrate the credibility of their investment plans ([180]).

……

(ii) The assessment criteria applied to assess the credibility of future investment plans ([181]).

……

(iii) Whether the stakeholders concerned were invited to sign commitment agreements regarding the implementation of the declared investment plans ([182]).

☐ Yes ☐ No

If yes, please clarify whether such commitment agreements include milestones and obligations to report progress ([183]).

……

(iv) Whether the results of the assessment and the relative justified conclusions were communicated to all stakeholders who submitted information about their private investment plans, and how ([184]).

……

(d) Start and end date of each step of the mapping exercise.

……

(e) Number and identity of contributors to each step of the mapping exercise.

……

(f) Intermediate results and final results of the mapping exercise.

……

([177]) Paragraph 63. See also paragraph 66.
([178]) Paragraph 72.
([179]) Paragraph 73(a) and footnote (62).
([180]) Paragraph 85.
([181]) Paragraph 87. See also paragraph 86.
([182]) Paragraph 88.
([183]) Paragraphs 88 and 92.
([184]) Paragraph 91.

(g) Confirmation that the mapping exercise has been carried out at address level on the basis of premises passed or on the basis of a maximum 100 x 100 metre (or smaller) grids ([185]). Please specify which of the two criteria was applied.

……

(h) Whether your authorities complied with the best practices for applying the mapping methodologies described in Annex I of the Broadband Guidelines ([186]).

☐ Yes

☐ No. In this case, please specify in which respects the your authorities deviated from Annex I of the Broadband Guidelines and for what reason.

……

(i) Confirmation that the methodology and the underlying technical criteria for mapping have been made publicly available (and how) ([187]).

……

5.6. Public consultation. Please provide the following information:

(a) Start and end date of each public consultation carried-out ([188]).

……

(b) Content of each public consultation ([189]).

……

(c) Publicly accessible Internet site (at regional and national level) where the consultation was published ([190]).

……

(d) A recap of the main observations submitted by contributors in each public consultation, specifying how they were addressed.

……

6. MARKET FAILURE AS REGARDS BACKHAUL NETWORKS

6.1. Please clarify whether the subsidised backhaul networks support:

☐ Fixed access networks

☐ Mobile access networks

☐ Both of them

6.2. Please indicate the technical characteristics of the subsidised backhaul networks, including their desired level of performance, reliability, capacity or dimensioning ([191]).

……

6.3. Please explain the expected development of fixed or mobile access networks based on current and future end-users' needs and why the existing or planned backhaul capacity cannot cope with such expected development, submitting verifiable supporting evidence thereof (for example, independent surveys) ([192]).

……

([185]) Paragraph 73(b). See also footnote (63).
([186]) Paragraph 74.
([187]) Paragraph 76.
([188]) In this regard, see paragraph 82 and footnote (66).
([189]) Paragraphs 78, 79 and 81. See also footnote (64).
([190]) Paragraph 78.
([191]) Paragraph 68.
([192]) Paragraph 68.

6.4. Please clarify whether State intervention is considered necessary, because existing backhaul networks provide a suboptimal combination of service quality and prices ([193]).

……

6.5. Mapping exercise ([194]). Please provide the following information:

(a) Whether the existing or planned backhaul networks are based:

☐ Fibre

☐ other technology with the same performance of fibre

☐ other technologies without the same performance of fibre

(b) Performance criteria of the existing or planned (in the relevant time horizon) backhaul networks that have been mapped.

……

(c) How future investment plans in the relevant time horizon of the aid measure have been assessed to establish their credibility. *Inter alia*, please indicate:

(i) The evidence requested to, and submitted by, the relevant stakeholders to demonstrate the credibility of their investment plans ([195]).

……

(ii) The assessment criteria applied to assess the credibility of future investment plans ([196]).

……

(iii) Whether the stakeholders concerned were invited to sign commitment agreements regarding the implementation of the declared investment plans ([197]).

☐ Yes ☐ No

If yes, please clarify whether such commitment agreements include milestones and obligations to report progress ([198]).

……

(iv) Whether the results of the assessment and the relative justified conclusions were communicated to all stakeholders who submitted information about their private investment plans (and how) ([199]).

……

(d) Start and the end date of each step of the mapping exercise.

……

(e) Number and identity of contributors to each step of the mapping exercise.

……

(f) Intermediate results and final results of the mapping exercise.

……

(g) Confirmation that the methodology and the underlying technical criteria for mapping have been made publicly available (and how) ([200]).

……

([193]) Paragraph 69.
([194]) Paragraph 72.
([195]) Paragraph 85.
([196]) Paragraph 87. See also paragraph 86.
([197]) Paragraph 88.
([198]) Paragraphs 88 and 92.
([199]) Paragraph 91.
([200]) Paragraph 76.

6.6. Public consultation. Please provide the following information:

(a) Start and end date of each public consultation carried-out ([201]).

……

(b) Content of each public consultation ([202]).

……

(c) Publicly accessible Internet site (at regional and national level) where the consultation was published ([203]).

……

(d) A recap of the main observations submitted by contributors in each public consultation, specifying how they were addressed.

……

7. APPROPRIATENESS OF THE AID AS A POLICY INSTRUMENT

7.1. Please explain why alternative, less distortive measures to State aid (for example, administrative measures, regulatory measures, market-based instruments, loans, tax measures, etc.) are not capable of addressing the objective(s) of the aid measure and the identified market failure ([204]).

……

7.2. Step-change ([205]).

(a) For an aid measure concerning fixed access networks, please provide the following information:

(i) If the State intervention concerns white or grey areas, please indicate whether the subsidised networks at least triple the download speed provided by existing network(s), and represents a significant new infrastructure investment bringing significant new capabilities to the market (for example, in terms of availability, capacity, speeds and competition) ([206]).

……

(ii) If the State intervention concerns mixed (i.e., white and grey) areas, please state reasons why the dissociation of white and grey areas is not justified ([207]).

……

Moreover, please confirm that the following cumulative conditions are fulfilled ([208]):

— The overbuilding of the grey areas ([209]) does not create undue distortions of competition, based on the results of a public consultation.

— The overbuilding is limited to maximum 10 % of all premises in the target area.

([201]) In this regard, see paragraph 82 and footnote (66).
([202]) Paragraphs 78, 79 and 81. See also footnotes (64).
([203]) Paragraph 78.
([204]) Paragraphs 51, 95 and 96.
([205]) As defined at paragraph 19(p). See also paragraphs 97-98 and footnote (72).
([206]) Paragraph 102. See also footnote (74).
([207]) Paragraph 104.
([208]) Paragraph 105.
([209]) As defined at paragraph 19(n).

— The subsidised networks at least triple the download speed provided by network(s) already existing in the white part of the mixed area, and provide substantially better services than the ones available in the grey part of the mixed area.

……

(iii) If the State intervention concerns black areas, please confirm that the subsidised networks fulfil the following cumulative conditions ([210]):

— They at least triple the download speed provided by the existing networks.

— They provide a download speed of at least 1 Gbps and an upload speed of at least 150 Mbps.

— They represent a significant new infrastructure investment bringing significant new capabilities to the market (for example, in terms of availability, capacity, speeds and competition).

……

(b) For aid measure concerning mobile access networks, please explain if and how the aid measure will ensure an improvement of mobile services' availability, capacity, speeds and competition capable of fostering the adoption of new innovative services ([211]).

……

(c) For aid measure concerning backhaul networks, please explain if and how, as a result of the State intervention, the subsidised networks represent a significant investment in backhaul infrastructure and adequately support the increasing needs of fixed and/or mobile access networks ([212]).

……

8. PROPORTIONALITY OF THE AID

8.1. Competitive selection procedure.

(a) Please indicate whether the aid is granted on the basis of an open, transparent and non-discriminatory competitive selection procedure, in line with the principles of public procurement ([213]).

☐ Yes ☐ No

(b) If yes:

(i) Please explain if and how the design of the competitive selection procedure is capable of fostering the widest possible participation ([214]).

……

(ii) Please confirm that, if the number of participants to the competitive selection procedure or the number of eligible bids is not sufficient, an independent auditor will be entrusted with the assessment of the winning bid (including cost calculations) ([215]).

……

(iii) Please confirm that the tender will be awarded on the basis of the most economically advantageous offer ([216]) and provide details in this regard.

……

([210]) Paragraph 108.
([211]) Paragraph 109. See also paragraphs 110 and 111.
([212]) Paragraph 112. See also paragraphs 113 and 114.
([213]) Paragraph 117.
([214]) Paragraph 118.
([215]) Paragraph 118.
([216]) Paragraph 120.

(iv) Please indicate the objective, transparent and non-discriminatory award criteria and specify the relative weighting of each criterion ([217]).

……

(c) If no, please confirm that the State intervention is implemented through a direct investment model and provide adequate justification of the choice of network and of the technological solution adopted ([218]).

……

(d) Please confirm that any concession or other entrustment by a public authority or in-house entity to a third party to design, build or operate the subsidised network is allocated through an open, transparent and non-discriminatory competitive selection procedure, in line with the principles of public procurement, based on the most economically advantageous offer ([219]). Please provide details in this regard.

……

8.2. Technological neutrality. Please explain if and how the aid measure complies with the principle of technological neutrality ([220]).

……

8.3. Use of existing infrastructure. Please provide the following information:

(a) Whether and, if so, how undertakings willing to participate in a competitive selection procedure are encouraged to use available existing infrastructures to deploy the subsidised networks ([221]).

……

(b) Whether and, if so, how undertakings willing to participate in a competitive selection procedure are encouraged to provide detailed information on the existing infrastructures that they own or control in the planned intervention area in due time to be taken into account when preparing the bids, specifying the type of information requested ([222]).

……

(c) Whether the provision of that information is a condition for participation in the selection procedure ([223]).

☐ Yes ☐ No

(d) Whether and, if so, how all available information on existing infrastructure that could be used for rolling out broadband networks in the intervention areas are made accessible, specifying whether a Single Information Point has been set up pursuant to Article 4(2) of Directive 2014/61/EU ([224]).

……

8.4. Wholesale access for third parties to the subsidised networks.

(a) General information.

(i) Please confirm that wholesale access will be granted as early as possible before starting to provide the relevant services and, where the network operator also intends to provide retail services, at least 6 months before the launch of those retail services ([225]).

……

([217]) Paragraphs 120 and 122.
([218]) Paragraph 123.
([219]) Paragraph 124.
([220]) Paragraph 125.
([221]) Paragraph 127.
([222]) Paragraph 127.
([223]) Paragraph 127.
([224]) Paragraph 128.
([225]) Paragraph 129.

(ii) Please confirm that the subsidised networks will offer access under fair and non-discriminatory conditions, specifying whether this implies the upgrade and/or increase of the capacity of existing infrastructure, where necessary, and the deployment of sufficient new infrastructure ([226]). Please provide details in this regard.

.....

(iii) Please confirm that the terms, conditions and prices for the wholesale access products will be indicated in the documents of the competitive selection procedure and on a comprehensive website, at national or regional level, accessible to the general public without any restrictions (specifying the relevant web address) ([227]).

.....

(iv) Please confirm that wholesale access will also be granted to parts of the network that have not been State funded or that may not have been deployed by the aid beneficiary if necessary to render the wholesale access effective and to enable access seekers to provide their services ([228]).

.....

(b) Wholesale access terms and conditions.

(i) Please indicate for how many years effective wholesale access will be granted to:

☐ Active products (except VULA) ([229]) .....

☐ VULA ([230]) .....

☐ New infrastructures ([231]) .....

(ii) Please confirm that, if State aid is granted for new infrastructure, the infrastructure will be large enough to meet access seekers' current and evolving demand ([232]).

☐ Yes ☐ No

(iii) Please explain how the new infrastructure will be able to meet access seekers' current and evolving demand (for example, size of the ducts, number of fibres, etc.).

.....

(iv) Please confirm that the same access conditions apply to the entire subsidised network, including the parts of the network where existing infrastructure has been used ([233]).

☐ Yes ☐ No

(v) Please confirm that the access obligations will be enforced irrespective of any change in ownership, management or operation of the subsidised network ([234]).

☐ Yes ☐ No

(vi) Please explain whether the aid beneficiary and/or access seekers linked to the aid beneficiary are permitted to extend their networks into adjacent areas outside the target area using their own resources ([235]).

☐ Yes ☐ No

([226]) Paragraph 130.
([227]) Paragraph 131.
([228]) Paragraph 132.
([229]) Paragraph 133.
([230]) Paragraph 134.
([231]) Paragraph 135.
([232]) Paragraph 135.
([233]) Paragraph 137.
([234]) Paragraph 137.
([235]) Paragraph 138.

If yes, please confirm that:

— In the public consultation it was indicated that private extensions were permitted at a later stage and useful information regarding the potential coverage of such extensions was provided ([236]).

☐ Yes ☐ No

— The results of the public consultation do not show evidence of risks of significant distortions of competition ([237]).

☐ Yes ☐ No

— Please confirm that extensions into adjacent areas may only be carried out 2 years after the subsidised network enters into operation, where one of the following situations occurs ([238]):

— in the public consultation, stakeholders demonstrate that the planned extension would risk entering an adjacent area which is already served by at least two independent networks providing speeds comparable to those of the State-funded network; or

— there is at least one network in the adjacent area providing speeds comparable to those of the subsidised network which entered into operation less than 5 years before the subsidised network enters into operation ([239]).

☐ Yes ☐ No

……

(c) Wholesale access products.

(i) Fixed access networks deployed in white areas. Please list the wholesale access products that the subsidised network must provide, taking into account that it must provide at least bitstream access, access to dark fibre and access to infrastructure (including street cabinets, poles, masts, towers, and ducts) ([240]) and, in addition, at least physical unbundling or VULA ([241]).

……

(ii) Fixed access networks deployed in grey and black areas. Please list the wholesale access products that the subsidised network must provide, taking into account that it must provide at least bitstream access, access to dark fibre and access to infrastructure (including street cabinets, poles, masts, towers, and ducts) and, in addition, physical unbundling ([242]). If your authorities intend to grant a derogation from the obligation to provide physical unbundling, please provide relevant justifications, demonstrate that the derogation does not risk unduly distorting competition and indicate the comments received in this regard in the public consultation (and how they were addressed) ([243]).

……

([236]) Paragraph 138(a).
([237]) Paragraph 139.
([238]) Paragraph 138(b).
([239]) Paragraph 138(b)(ii).
([240]) Paragraph 140.
([241]) Paragraph 141.
([242]) Paragraph 142.
([243]) Paragraph 143.

(iii) Mobile access networks. Please list the wholesale access products that the subsidised network must provide, taking into account that it must provide at least roaming ([244]) and access to poles, masts, towers and ducts. Moreover, please confirm that the subsidised network will have to provide the access products necessary to exploit the more advanced features (for example, MORAN, MOCN, network slicing ([245])) of mobile networks, such as 5G and future generations of mobile networks, as soon as they become available ([246]).

.....

(iv) Backhaul networks. Please list the wholesale access products that the subsidised network must provide, taking into account that it must provide at least one active service and access to poles, masts, towers, ducts and dark fibre ([247]). Moreover, please confirm that the aid measure foresees the deployment of sufficient capacity for new infrastructure to ensure effective access under fair and non-discriminatory conditions ([248]).

.....

(v) Wholesale access on the basis of reasonable demand. Should your authorities intend to limit the provision of certain wholesale access products to cases of reasonable demand from an access seeker, please:

— provide well-reasoned, objective and verifiable data and arguments (including cost calculations) proving that the provision of such products would disproportionately increase investment costs without delivering significant benefits in terms of increased competition ([249]).

— confirm that the access seeker's demand is considered reasonable if the access seeker provides a business plan that justifies the development of the product on the subsidised network and no comparable access product is already offered in the same geographic area by another undertaking at equivalent prices to those in more densely populated areas ([250]).

☐ Yes ☐ No

— confirm that, if an access request is considered reasonable, the additional cost of meeting the access request must be borne by the aid beneficiary ([251]).

☐ Yes ☐ No

.....

(d) Wholesale access pricing. Please indicate on which of the following benchmarks and pricing principles the wholesale access price for each product is based:

☐ average published wholesale prices that prevail in other comparable and more competitive areas of the Member State ([252]).

([244]) Paragraph 144. See also footnote (91).
([245]) Footnote 97.
([246]) Paragraph 144. See also footnote (98).
([247]) Paragraph 145.
([248]) Paragraph 146.
([249]) Paragraphs 147 and 148.
([250]) Paragraph 149.
([251]) Paragraph 150.
([252]) Paragraph 151(a).

☐ regulated prices already set or approved by the National Regulatory Authority (NRA) for the markets and services concerned ([253]).

☐ costs orientation or a methodology mandated in accordance with the sectoral regulatory framework ([254]).

8.5. Clawback. Please indicate whether a claw-back mechanism will be applied to the aid measure:

☐ Yes ([255]) ☐ No

If not, please explain why: ……

If yes, please provide the following information:

(a) Please confirm that the clawback mechanism will be applied for the lifespan of the subsidised network ([256]).

☐ Yes ☐ No

(b) Please confirm that the rules of the clawback mechanism are set out transparently and clearly in the competitive selection procedure's documentation ([257]). Please provide details in this regard.

……

(c) Please explain how the design of clawback mechanism will consider and balance two objectives, namely the recovery by the Member State of the amounts that exceed a reasonable profit and the safeguard of incentives for undertakings to participate in a competitive selection procedure and to strive for cost efficiencies (efficiency gains) when rolling out the network ([258]). In this regard, please specify the criteria adopted to incentivise efficiency gains.

……

(d) Please indicate the maximum incentive amount (in percentage of the reasonable profit allowed ([259])). Moreover, please specify the notion of reasonable profit applied for the purposes of the clawback mechanism ([260]).

……

(e) Please confirm that any extra profit equal or below the threshold below (*i.e.*, the reasonable profit increased by the incentive amount) will not be clawed-back by the Member State, whereas any profit in excess of the threshold will be shared between the aid beneficiary and the Member State, on the basis of the aid intensity resulting from the outcome of the competitive selection procedure ([261]). Please provide details in this regard.

……

(f) Please confirm that the clawback mechanism takes into account also profits made from other transactions concerning the subsidised network ([262]).

☐ Yes ☐ No

([253]) Paragraph 151(b).
([254]) Paragraph 151(c).
([255]) Paragraph 155, according to which a clawback mechanism must be implemented if the aid amount is above EUR 10 million. According to paragraph 156, a clawback mechanism is not necessary in case of adoption of a direct investment model.
([256]) Paragraph 154.
([257]) Paragraph 155.
([258]) Paragraph 157.
([259]) Paragraph 158.
([260]) Footnote (104).
([261]) Paragraph 158.
([262]) Paragraph 159.

8.6. Accounting separation. Please confirm that the aid beneficiary must ensure accounting separation so that the costs for deployment and operation, as well as the revenues from the exploitation of the subsidised network are clearly identified ([263]).

☐ Yes ☐ No

9. ROLE OF THE NATIONAL AUTHORITIES

9.1. Please explain the role played by the NRA in the design, implementation and monitoring of the aid measure ([264]). *Inter alia*, please clarify whether it was involved on:

☐ Mapping exercise ([265]). If so, please provide details: .....

☐ Assessment of private investment plans ([266]). If so, please provide details: .....

☐ Public consultation ([267]). If so, please provide details: .....

☐ Assessment of the fulfilment of the step change requirements ([268]). If so, please provide details: .....

☐ Definition of wholesale access products, conditions and pricing ([269]). If so, please provide details: .....

☐ Resolution of disputes related to wholesale access ([270]). If so, please provide details: .....

☐ Existing infrastructures subject to *ex ante* regulation ([271]). If so, please provide details: .....

☐ Definition of the clawback mechanism. If so, please provide details: .....

9.2. Please provide the opinion of the NRA on the aid measure ([272]) (if available).

.....

9.3. Please indicate whether the NRA issued guidelines on, among others, carrying out market analysis and definitions of wholesale access products and pricing. If so, please provide the content of the guidelines and clarify whether they take into account the relevant regulatory framework and recommendations issued by the Commission ([273]).

.....

9.4. Please provide the opinion of the National Competition Authority on the aid measure ([274]) (if available).

.....

9.5. Please indicate whether the Broadband Competence Office has been involved in the design of the aid measure ([275]).

.....

([263]) Paragraph 160.
([264]) Section 5.2.4.6.
([265]) Paragraph 77. See also paragraph 162.
([266]) Paragraph 90.
([267]) Paragraph 83. See also paragraph 162.
([268]) Paragraph 162.
([269]) Paragraphs 136 and 152. See also paragraph 163.
([270]) Paragraph 162.
([271]) Paragraph 163.
([272]) Paragraph 163.
([273]) Paragraph 164.
([274]) Paragraph 165.
([275]) Paragraph 166.

10. TRANSPARENCY, REPORTING AND MONITORING OF THE AID

10.1. Transparency.

(a) Please confirm that your authorities will publish (i) the full text of the decision approving the aid measure and its implementing provisions (or a link to them), and (ii) information on each individual aid award exceeding EUR 100 000, in accordance with Annex II ([276]) (within 6 months from the date of award of the aid or, for aid in the form of tax advantages, within 1 year from the date that the tax declaration is due) ([277]),

☐ In the Commission's transparency award module ([278]).

☐ On a comprehensive State aid website (providing the relevant web address). In this case, please specify whether it is national or regional website ([279]) and easy access to the information registered in the aid website is allowed (*i.e.*, the general public must be allowed to access the website without restrictions) ([280]).

……

(b) Please confirm that the information under point 10.1. will be available for at least 10 years from the date on which the aid was granted, will be published in a non-proprietary spreadsheet data format, which allows data to be effectively searched, extracted, downloaded and easily published on the internet (for instance, in CSV or XML format).

☐ Yes ☐ No

(c) Please confirm that, for aid that is unlawful but subsequently found to be compatible, the relevant information is published on a State aid website (specifying the relevant web address) within 6 months from the date of the Commission's decision declaring the aid compatible ([281]).

☐ Yes ☐ No

10.2. Reporting. Please confirm that your authorities will submit to the Commission (i) annual reports in respect of each measure approved under the Broadband Guidelines, and (ii) a report every two years containing key information on the aid measure approved under the Broadband Guidelines, in accordance with Annex III to the same Broadband Guidelines ([282]).

……

10.3. Monitoring. Please confirm that your authorities will maintain – for 10 years from the date of award of the aid – detailed records regarding all aid measures, which contain all information necessary to establish that all the compatibility conditions set out in the Broadband Guidelines are fulfilled, and that it commits to provide them to the Commission upon request ([283]).

……

11. NEGATIVE EFFECTS ON COMPETITION AND TRADE

11.1. Please explain what potential negative effects on competition and trade the aid measure may have (for example, potential to cause crowding out of private investments ([284]) or reinforcement of a dominant position) and what elements in the design of the measure could minimize those risks ([285]).

……'

([276]) Paragraph 202.
([277]) Paragraph 203.
([278]) Available at: https://webgate.ec.europa.eu/competition/transparency/public?lang=en.
([279]) Paragraph 202.
([280]) Paragraph 204.
([281]) Paragraph 204.
([282]) Paragraphs 207 and 208.
([283]) Paragraph 209.
([284]) As defined in paragraph 19(o).
([285]) Paragraphs 168 and169.

(d) Part III.6 is replaced by the following:

'PART III.6.A

Supplementary Information Sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') for measures covered in Section 4.1 of the CEEAG.

*This supplementary information sheet concerns measures covered in section 4.1 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s).

1.1. If not already discussed under section 5.2 of the General Information Form (Part. I), please provide the background and the main objective, including any Union targets for reduction and removal of greenhouse gas emissions that the measure is intended to support.

……

1.2. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions to the internal market.

……

2. **Entry into force and duration:**

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate the date as of which the aid scheme is planned to enter into force;

……

2.2. Please indicate the duration of the scheme. ([286])

……

3. **Beneficiary(ies)**

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s).

……

3.2. Please indicate the location of the (potential) beneficiary(ies) (i.e. if only economic entities located in the respective Member States or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

([286]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (including thus the time needed for the national authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the ceeag (see point 13 of the ceeag). otherwise, please provide details.

……

5. **Budget and financing of the measure(s).**

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget. ([287])

……

5.2. If the measure is financed through a levy, please clarify if:

(a) the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

……

(b) the levy is imposed equally on domestic and imported products;

……

(c) the notified measure will benefit equally domestic and imported products;

……

(d) the levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

……

(e) the levy financing the notified measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points 23-25) and sections 4.1.1. (point 77) and 4.1.2. (points 78 to-88) of the CEEAG.*

([287]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

6. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible "aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest". Therefore, compatible aid under that provision of the Treaty must contribute to the development of a certain economic activity.

In order to assess the compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported.

……

7. In order to assess the compliance with point 25 of the CEEAG, please "*describe if and how the aid will contribute to the achievement of objectives of Union climate policy, environmental policy and energy policy and more specifically, the expected benefits of the aid in terms of its material contribution to environmental protection, including climate change mitigation, or the efficient functioning of the internal energy market*".

……

8. In addition, please highlight to what extent the aid relates to the policies described under point 77 of the CEEAG.

……

9. Please describe the eligibility requirements applicable to the beneficiary(ies) (for instance by including any technical, environmental (i.e. permits), financial (i.e. collaterals) or other requirements that the beneficiary(ies) need to comply with).

……

10. Please provide information on the precise scope and precise supported activities of the aid measure(s), as provided in section 4.1.2. (points 78-88) of the CEEAG.

(a) For aid for renewable energy, please specify if all types of renewable energy are supported and describe the precise scope for each concerned renewable energy source and provide information showing that the scope corresponds to the types of renewable energy fulfilling the conditions provided in points 79-82 of the CEAAG.

……

(b) For other aid for the reduction and removal of greenhouse gas emissions and energy efficiency, please provide the precise scope as well as the information showing that the scope fulfils the conditions provided in points 83-88 of the CEEAG.

1.2. **Incentive effect**

*To provide the information in this section, please refer to section 3.1.2 (points 26-32) of the CEEAG.*

11. Aid can be considered as facilitating an economic activity only if it has an incentive effect. In order to assess the compliance with point 26 of the CEEAG, please explain how the measure(s) "*induces the beneficiary to change its behaviour, to engage in additional economic activity or in more environmentally-friendly economic activity, which it would not carry out without the aid or would carry out in a restricted or different manner*".

……

12. Pursuant to point 28 of the CEEAG, please provide a comprehensive description of the factual scenario expected to result from the aid measure and the likely counterfactual scenario(s) absent the aid measure. ([288]) Where you expect that different categories of beneficiaries may be supported, please ensure that the counterfactual is credible for each of these categories.

……

13. Please briefly explain the rationale for the choice of the likely counterfactual scenario(s), in view of the proposed different categories of beneficiaries if applicable.

(a) Where aid is granted without a competitive bidding process, please justify the change of behaviour where relevant for each category of beneficiary, based on the respective reference project, the corresponding counterfactuals and resulting funding gap in line with the quantification to be provided under question 21 below.

……

*OR*

(b) Where aid is granted based on a competitive bidding process, please justify the change of behaviour (where relevant for each category of beneficiary/ reference project) using the same evidence as required under (a) above, or alternatively provide relevant evidence based on other quantitative or qualitative evidence, including market studies, investor plans, financial reports, internal business plans, expert opinions, information about comparable projects in other regions, including bids made by similar projects in recent comparable competitive bidding processes. ([289])

……

14. In order to assess the compliance with point 27 of the CEEAG, please provide information to confirm that the aid does not support the costs of an activity that the aid beneficiary would anyhow carry out and does not compensate for the normal business risk of an economic activity.

……

15. In order to demonstrate the compliance with points 29 and 31 of the CEEAG:

(a) Please confirm that the start of works on the project or activity did not take place prior to a written aid application by the beneficiary to the national authorities;

……

*OR*

(b) For projects that started before the aid application, please demonstrate that the project falls within one of the exceptional cases provided in point 31 of the CEEAG ((a), (b) or (c)).

……

([288]) Please note that points 38, 52 and 90 as well as footnotes 39, 45 and 55 of the CEEAG provide further guidance on how the likely counterfactual scenario should be developed.

([289]) If relying on a recent competitive process, please explain how that bidding process can be considered competitive, including how windfall profits were avoided for different technologies included in the competitive bidding process where applicable, and how it is comparable, for example:

i. Were the conditions (e.g. contract terms and duration, investment deadlines, whether support payments were indexed to inflation or not) similar to those proposed in the notified measure?

ii. Was the competitive process conducted under similar macroeconomic conditions?

iii. Were the technologies / project types similar? For weather-dependent renewable energy generation this would also require considering whether the climatic conditions were similar.

16. In order to demonstrate compliance with point 30 of the CEEAG, please confirm that the aid application includes at least the applicant's name, a description of the project or activity, including its location, and the amount of aid needed to carry it out.

.....

17. In order to demonstrate compliance with point 32 of the CEEAG, please indicate if there are Union standards ([290]) applicable to the notified measure(s), mandatory national standards that are more stringent or ambitious than the corresponding Union standards, or mandatory national standards adopted in the absence of Union standards. In that context, please provide information to demonstrate the incentive effect.

.....

18. In cases where the relevant Union standard has already been adopted but is not yet in force, please demonstrate that the aid has an incentive effect because it incentivises the investment to be implemented and finalised at least 18 months before the standard enters into force.

1.3. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33 of the CEEAG).*

19. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

.....

20. If a levy is used to finance the measure(s), please clarify if the assessment of compliance with Articles 30 and 110 of the Treaty needs to be carried out. In the affirmative, please demonstrate how the measure complies with the provisions of Articles 30 and 110 of the Treaty. In this context, the information submitted under question 5.2 above, where the notified measure(s) is financed through a levy can be referred to.

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *Quantification requirements depending on the design of the measure*

*Member States are required to submit quantitative evidence that is relevant for several parts of the sections below, in particular on the necessity and proportionality of aid. In order to simplify the provision of information, the relevant data required is grouped under this section of the notification form and should be referred to in the relevant sections below (see notably questions 30, 32, 39, 42, 43, and 56 below). The level of detail required depends on the specific measure proposed. The following sub-sections 2.1.1.1 to 2.1.1.3 are accordingly alternative: please only provide replies to the relevant sub-section, depending on the design of the proposed measure.*

([290]) According to point 19(89) of the CEEAG, 'Union standard' means:
(a) *a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings;*
(b) *the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purpose of these guidelines; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.*

2.1.1.1. Schemes without competitive bidding or ad hoc aid notifications

*Where aid will be granted without a competitive bidding procedure, quantitative evidence is required, taking into account the counterfactual situation as well as relevant costs and revenues including those linked to the ETS, demonstrating that the reference project, or each beneficiary's project if the notified measure benefits only one or a particularly limited number of beneficiaries would not be carried out without the aid.* ***In such situations, a full funding gap assessment will be required*** *to quantify the required net extra costs. Therefore, please provide the following for such types of measures:*

21. Pursuant to point 51 of the CEEAG, the typical net extra costs can be estimated as the difference between the NPV for the factual scenario and the counterfactual scenario over the lifetime of the project or per reference project where applicable. For this assessment, please submit a quantification, for the factual scenario and a realistic counterfactual scenario ([291]) identified in reply to question 12 above, of all main costs and revenues, the estimated weighted average cost of capital (WACC) of the beneficiaries (or reference projects) to discount future cash flows, as well as the net present value (NPV) for the factual and counterfactual scenarios, over the lifetime of the project/reference project.

(a) Please provide this in an Annex to this notification form (using an Excel file where all formulas are visible).

(b) Please include detailed information on the assumptions, methodologies, rationale and underlying sources thereof, used for each aspect of the quantification of costs and revenues in the factual scenario and the likely counterfactual scenario (for instance please include the assumptions used to develop those scenarios and the source/rationale for these assumptions).

(c) You may also attach to this notification form the documents mentioned in footnote 39 of the CEEAG. Board documents may be particularly useful for individual aid measures or schemes benefitting a particularly limited number of beneficiaries. If such documents are attached to the notification form, please provide below a list of those documents, specifying the author, the date when they were drafted and the context when they were used.

……

22. If the notified measure(s) involves an aid scheme with a duration exceeding 3 years, please confirm that you will update, as required by point 92 of the CEEAG, the analysis of relevant costs and revenues of reference projects, to ensure that aid remains necessary for each category of beneficiary.

……

2.1.1.2. Schemes with competitive bidding open to all eligible beneficiaries

*While point 49 of the CEEAG clarifies that a detailed assessment of net extra costs will not be required if the aid amounts are determined through a competitive bidding process, it needs to be shown also including quantitative evidence that the bidding process is actually competitive. Pursuant to the first sentence of point 104 of the CEEAG, the bidding process should, in principle, be open to all eligible beneficiaries to enable a cost-effective allocation of aid and reduce competition distortions, where this is the case, please explain the following:*

23. Please explain the elements on which you based the assumption that the bidding process will be open and properly subscribed, i.e. that it can be expected that not all bidders will receive aid and that the number of expected bidders is sufficient to ensure effective competition for the duration of the scheme (point 49(c) of the CEEAG). In your explanation, please take into account the budget or volume of the scheme. Where relevant, please refer to the evidence provided in reply to questions 12 and 13 above.

……

([291]) Please refer also to the further information in points 51-53 as well as footnotes 45, 46, and 55 of the CEEAG.

24. Please explain whether bid caps will be used. Where the analysis provided in response to questions 12 and 13 above or questions 31 and 43 below shows there may be a significant deviation between the expected bid levels of different categories of beneficiaries, please explain how overcompensation of cheaper technologies will be avoided (see point 106 of the CEEAG). If bid caps are proposed, please provide the relevant quantitative evidence to justify the foreseen levels for example by referring to the evidence already provided in reply to questions 12 and 13 above.

……

2.1.1.3. Schemes with competitive bidding limited to one or more specific categories of beneficiaries

*While in principle, pursuant to the first sentence of point 104 of the CEEAG, bidding processes should be open to all eligible beneficiaries. However, pursuant to the second sentence of point 104 of the CEEAG, the bidding process may also be limited to one or more specific categories of beneficiary. Where this is the case, please provide the following:*

25. Please provide in line with point 104(a) of the CEEAG a specific justification why a single bidding process open to all eligible beneficiaries would lead to a suboptimal result or not allow the achievement of the objectives of the measure. In your reply, you may refer to the specific criteria listed in point 96 of the CEEAG.

……

26. According to point 104(b) and point 105 of the CEEAG, limitations in the bidding process can be justified, if the expected bids diverge by more than 10% between different categories of beneficiaries. Where this is expected to be the case, please describe for each category of beneficiary the expected bid level, using evidence for example as provided in reply to questions 12 and 13 above, justifying the difference between the categories chosen.

……

27. Please explain the elements on which you based the assumption that the bidding process for each category will be open and properly subscribed, i.e. that it can be expected that not all bidders will receive aid and that the number of expected bidders is sufficient to ensure effective competition for the duration of the scheme (point 49(c) of the CEEAG). In your explanation, please take into account the budget or volume of the scheme. Where relevant, please refer to the evidence provided in reply to questions 12 and 13 above.

……

28. If the notified measure(s) involves an aid scheme with a duration exceeding 3 years, please confirm that you will update, as required by point 92 of the CEEAG, the analysis of relevant costs and revenues for the different categories, to ensure that aid remains necessary for each category of beneficiary. In addition, please confirm that point 105 of the CEEAG will be respected.

……

29. Please explain whether bid caps will be used. Where the analysis provided in response to questions 12 and 13 above or questions 31 and 43 below shows there may be a significant deviation between the expected bid levels of different categories of beneficiaries, please explain how overcompensation of cheaper technologies will be avoided (see point 106 of the CEEAG). If bid caps are proposed, please provide the relevant quantitative evidence to justify the foreseen levels for example by referring to the evidence already provided in reply to questions 12 and 13 above.

……

2.1.2. *Necessity of the aid*

*To provide the information in this section, please refer to section 4.1.3.1. (points 89-92) of the CEEAG.*

30. In line with point 89 of the CEEAG, please identify any policy measures already in place to reduce greenhouse gas emissions, in particular those that apply to the sectors concerned by the measure(s).

……

31. In order to assess compliance with the first sentence of point 90 of the CEEAG, please demonstrate, using where relevant also the evidence provided already in reply to question 12 above, that the aid is needed for the proposed activities taking into account the counterfactual situation as well as relevant costs and revenues including those linked to the ETS and related policies and measures provided under question 30 above.

……

32. In order to assess compliance with the second sentence of point 90 of the CEEAG, please explain whether there is significant uncertainty concerning future market developments related to a large part of the business case. If so, please a) describe the significant uncertainty concerning future market developments, b) describe the form of the support and in particular whether it takes the form of a certain guaranteed remuneration to limit exposure to negative scenarios is envisaged and c) explain whether limits to profitability and/or a claw-back (i.e. a mechanism for recovering potential excess aid as a result of a possible positive scenario e.g. with high future revenues or low future costs) is proposed as part of the measure(s) to ensure proportionality.

……

33. If the notified measure(s) involves an aid scheme with a duration exceeding 3 years, please confirm that you will update, as required by point 92 of the CEEAG, the analysis of relevant costs and revenues for the different categories, to ensure that aid remains necessary for each category of beneficiary.

……

2.1.3. *Appropriateness*

*To provide the information in this section, please refer to section 4.1.3.2 (points 93-94) of the CEEAG.*

34. If the notified measure(s) involves energy performance contracting, please specify the form of this aspect of the aid (see point 94 of the CEEAG).

……

2.1.4. *Eligibility*

*To provide the information in this section, please refer to section 4.1.3.3. (points 95-97) of the CEEAG.*

35. In order to verify the compliance with points 95 and 96 of the CEEAG, for measures which do not include all technologies and projects that are in competition, please give detailed reasons for the limited eligibility.

……

36. If the notified measure(s) involves a scheme, please confirm that the eligibility rules and any rules related thereto will be kept under review as required by point 97 of the CEEAG.

2.1.5. *Public consultation*

*To provide the information in this section, please refer to section 4.1.3.4 (points 98-102) of the CEEAG.*

37. Please explain whether or not the measure(s) requires a public consultation under Section 4.1.3.4, and if not, why not.

……

38. If the measure requires a public consultation, please:

(a) Specify the duration of the public consultation and provide a summary of the main issues covered:

……

(b) In line with the requirements in point 101 of the CEEAG, please provide the address of the public website where consultation questionnaires and the government's summary of the responses will be/are published:

……

2.1.6. *Proportionality*

*To provide the information in this section, please refer to section 3.2.1.3 (points 47-57) and section 4.1.3.5. (points 103-113) of the CEEAG. Please note that the following two sections 2.1.6.1. and 2.1.6.2. are alternative. Please provide replies only to the applicable section, depending on the design of the proposed measure.*

2.1.6.1. Proportionality of aid granted through a competitive bidding process

To provide the information in this section, please refer to points 49, 50, 103-106 and 111-112 of the CEEAG.

39. In order to verify the compliance with points 49, 50 and 103 of the CEEAG, please provide the following:

(a) Please explain how the authorities ensure that the bidding process is open, clear, transparent and non-discriminatory, based on objective criteria, defined ex ante in accordance with the objective of the measure and minimising the risk of strategic bidding (point 49(a) of the CEEAG). Where applicable please also refer to your replies provided already in response to questions 23 or 26 above.

……

(b) The selection criteria used for ranking the bids, and ultimately identifying the level of aid in the competitive bidding process. Where relevant, please refer to the evidence provided in reply to questions 12 or 13 above. More specifically:

(i) Please provide the list of the selection criteria and specify which of them are/are not directly or indirectly related to the main objectives of the measure(s). Please include their weighting.

……

(ii) Please explain how the selection criteria put the contribution to the main objectives of the measure(s) in direct or indirect relation with the aid amount requested by the applicant. This may be expressed, for example, in terms of aid per unit of environmental protection or aid per unit of energy (point 50 and footnote 44 of the CEEAG).

……

(c) In case there are other selection criteria that are not directly or indirectly related to the main objectives of the measure(s), please provide reasons for the proposed approach and explain how it is appropriate to the objectives pursued by the measure(s). Please also confirm that those criteria account for no more than 30 % of the weighting of all the selection criteria (point 50 of the CEEAG).

……

(d) Please explain how far in advance of the deadline for submitting applications in each competitive bidding process the selection criteria will be published (point 49(b) and footnote 43 of the CEEAG).

……

(e) Please confirm that the budget or the volume related to the bidding process is a binding constraint in that it can be expected that not all bidders will receive aid (point 49(c) of the CEEAG). Where relevant, please refer to your replies to questions 22 or 26 above as applicable.

……

(f) Please provide information on the number of bidding rounds envisaged and expected number of bidders in the first round and over time.

……

(g) In case of one or more undersubscribed bidding processes, please explain how the design of bidding processes will be corrected during the implementation of the scheme in case to restore effective competition, and when (point 49(c) of the CEEAG).

……

(h) Please confirm that *ex post* adjustments to the bidding process outcome (such as subsequent negotiations on bid results or rationing) are avoided (point 49(d) of the CEEAG).

……

(i) In case there is a possibility of '*zero subsidy bids*', please explain how proportionality will be ensured. Please clarify if the authorities foresee the use of price floors or caps in the competitive bidding process. In the affirmative, please justify their use and explain how they do not constrain the competitive bidding process (point 49 and footnote 42 of the CEEAG).

……

40. Please confirm that, when designing the notified measure(s), the information on support already received from the mass balance system documentation under Article 30 of Directive (EU) 2018/2001 was taken into account (point 111 of the CEEAG).

……

41. Please explain whether the notified measure(s) involve the transfer of concession rights, grid connection rights or other benefits, and if so how these rights are allocated (point 112 of the CEEAG).

2.1.6.2. Proportionality of aid not granted through a competitive bidding process

To provide the information in this section, please refer to points 51-55 and 107-113 of the CEEAG.

42. Please explain why a competitive bidding process is not used (pursuant to point 107 of the CEEAG). Please refer to your replies provided in the response to question 21 above as appropriate.

……

43. Please demonstrate that the aid does not exceed the minimum necessary, i.e. the difference between the NPV for the factual scenario and for the counterfactual scenario over the lifetime of the reference project, by referring to the quantification submitted in the response to question 21 above or in the case of 52 CEEAG that the aid does not exceed the NPV of the factual scenario. Where you expect that different categories of beneficiaries may receive aid under the notified measure, please provide the above-mentioned explanation for each category of beneficiaries.

……

44. If point 55 of the CEEAG is applicable, please provide information on the compensation models that the Member State might intend to introduce (a mix of *ex ante* and *ex post* or *ex post* claw-back or cost monitoring mechanisms).

If point 55 of the CEEAG is not applicable to the measure(s), please provide a justification.

……

45. Please confirm that, when designing the notified measure(s), the information on support already received from the mass balance system documentation under Article 30 of Directive (EU) 2018/2001 was taken into account (point 111 of the CEEAG).

……

46. Please explain whether the notified measure(s) involve the transfer of concession rights, grid connection rights or other benefits, and if so how these rights are allocated (point 112 of the CEEAG).

……

47. If the notified measure(s) takes the form of a competitive certificate or supplier obligation scheme (point 108 of the CEEAG), please:

(a) confirm that demand in the scheme will be set below potential supply;

(b) explain how the buyout or penalty price will be established; and

(c) where the measure involves biomass, explain how information on support already received from the mass balance system will be taken into account.

……

48. If the notified measure(s) takes the form of a reduction in taxes or parafiscal levies, please:

(a) Provide a detailed description of the taxes and/or parafiscal levies that will be reduced (including their purpose, how they are charged across the base, the methodology to calculate the rate and the entities involved in setting and reviewing the rate as well as in collecting and managing the revenues raised). On this basis, demonstrate that the proposed measure does not involve reductions in taxes or levies reflecting the essential costs of providing energy or related services, such as network charges or charges financing capacity mechanisms.

……

(b) Describe how aid is granted, notably to ensure:

(i) In line with point 109 of the CEEAG, that aid will be granted in the same way for all eligible undertakings operating in the same sector of economic activity that are in the same or similar factual situation in respect of the aims or objectives of the aid measure;

……

(ii) In line with point 110 of the CEEAG, that the aid amount will not exceed the difference between the costs of the environmentally-friendly project or activity and of the less environmentally-friendly counterfactual scenario. Please also detail how potential cost savings and/or additional revenues of the more environmentally friendly project will be taken into account.

……

(c) Describe the annual monitoring that will be undertaken to ensure that aid remains necessary.

……

49. Where aid takes the form of a senior loan to the provider of the energy performance improvement measures under an energy performance contract (point 113 of the CEEAG),

(a) Please indicate:

(i) the level of the co-investment rate by commercial providers of debt funding;

(ii) the value of the underlying energy performance contracts' portfolio of the provider; and

(iii) whether the repayment by the provider of the energy performance improvement measures must be at least equal to the nominal value of the loan.

……

(b) please confirm that the public loan is limited to maximum 10 years and indicate its exact duration.

……

50. Where the aid is granted in form of a guarantee to the provider of the energy performance improvement measures under an energy performance contract (point 113 of the CEEAG), please:

(a) Indicate the share of the underlying loan's principal that the public guarantee will cover;

……

(b) Indicate how the losses would be sustained by comparison to how losses would be sustained by the credit institution (proportion and conditions);

……

(c) Confirm that the guaranteed amount decreases proportionally, in such a way that the guarantee never covers more than 80 % of the outstanding loan; and

……

(d) Confirm that the guarantee is limited to maximum 10 years and indicate its exact duration.

……

2.1.7. *Cumulation*

*To provide the information in this section, please refer to points 56-57 of the CEEAG.*

51. In as far as not already provided under Part I of the general notification form and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure(s) may be awarded concurrently under several aid schemes or cumulated with ad hoc or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or *de minimis* aid and how the aid will be cumulated. Please note you may wish to refer to the quantification provided above.

……

52. If point 56 of the CEEAG is applicable, please justify how the total amount of aid granted under the notified measure(s) for a project or an activity does not lead to overcompensation or exceed the maximum aid amount allowed under point 51 of the CEEAG. For each measure that the aid granted under the notified aid measure(s) can be cumulated with, please specify the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

……

53. In case point 57 of the CEEAG is applicable, i.e. the aid granted under the notified measure(s) is combined with centrally managed Union funding ([292]) (that does not constitute State aid), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation

……

2.1.8. *Transparency*

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-61) of the CEEAG.*

54. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

55. Please provide the internet link where the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions, and information on each individual aid award granted ad hoc or under an aid scheme approved on the basis of the CEEAG and exceeding EUR 100 000 will be published.

……

2.2. **Avoidance of undue negative effects on competition and trade and balancing**

*To provide the information in this section, please refer to section 4.1.4 (points 114-133) of the CEEAG.*

56. In order to verify compliance with point 115 of the CEEAG,

(a) please provide an estimation of the subsidy per tonne of $CO_2$ equivalent emissions avoided for each project or reference project; and

(b) the assumptions and methodology for the calculation provided.

When aid is granted through a competitive bidding process, the estimation above should be based on the evidence provided, in particular in response to questions 12, 13, 25, 26, 31 and 39 above.

Where aid is granted without a competitive bidding process, the calculations should take into account the quantification provided in the response to point 21 above.

……

([292]) Centrally managed union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union that is not directly or indirectly under the control of the Member State.

57. In order to verify compliance with points 116, 127, 128 and 129 of the CEEAG, please:

(a) demonstrate that the aid does not merely displace greenhouse gas emissions from one sector to another (through an increase of indirect emissions), and delivers overall greenhouse gas emissions reductions. This should be demonstrated for each project or reference project. The assumptions and methodology for this should be provided.

……

(b) explain whether aided investments or activities may displace cleaner alternatives that are already available on the market, or lock in certain technologies (hampering the wider development of a market for and the use of cleaner solutions).

……

(c) if the notified measure(s) may incentivise new investments in energy or industrial production based on natural gas, explain how the measure will ensure that it contributes to achieving the Union's 2030 climate target and 2050 climate neutrality target. In particular, explain how a lock in of this gas-fired energy generation or gas-fired production equipment will be avoided.

……

58. If the notified measure(s) may support projects involving energy generation, please confirm the absence of incentives for the generation of energy that would displace less polluting forms of energy (see point 126 of the CEEAG).

……

59. In order to verify compliance with points 117, 118 and 119 of the CEEAG, please:

(a) For aid for the decarbonisation of industrial activities, confirm that the measure reduces the emissions directly resulting from that industrial activity.

……

(b) For aid for improvements of the energy efficiency of industrial activities, confirm that the measure improves energy efficiency of the beneficiaries' activities or that support is granted for the facilitation of energy performance contracting.

……

(c) Where aid for the facilitation of energy performance contracting is not granted as a result of a competitive bidding process, confirm that the aid is granted in the same way for all eligible undertakings operating in the same sector of economic activity that are in the same or similar factual situation in respect of the aims or objectives of the aid measure.

……

60. In order to verify compliance with point 120 of the CEEAG, please provide information on:

(a) The measures taken to ensure that projects granted aid will actually be developed.

……

(b) If the aid measure(s) grant more flexibility regarding pre-qualification requirements for projects developed and 100 % owned by SMEs or by renewable energy communities as a means to reduce barriers to their participation, please describe these flexibilities/facilitations in detail.

……

(c) In the affirmative, please also justify how the positive effects of ensuring participation and acceptance of SMEs or of renewable energy communities in the notified measure(s) outweigh the possible distortive effects.

……

61. In order to verify compliance with points 121 and 122 of the CEEAG, please provide information on:

(a) The precise form of the aid in the measure.

……

(b) If the aid measure covers costs mostly linked to operation rather than investment, please demonstrate that this results in more environmentally-friendly operating decisions.

……

(c) If the aid measure is primarily required to cover short-term costs that may be variable (such as biomass fuel costs or electricity input costs), and paid over periods exceeding one year, please confirm that the production costs on which the aid amount is based will be monitored and the aid amount updated at least once per year.

……

62. In order to verify compliance with point 123 of the CEEAG, please:

(a) Indicate which market(s) could potentially be affected by the aid measure directly (e.g. electricity market, gas market or other fuel markets, product markets).

……

(b) Please explain in detail how the measure preserves efficient operating incentives and price signals (exposure to price variation and market risk, absence of incentive to offer output below marginal costs, absence of aid for production in any periods in which the market value of that production is negative).

……

63. If the notified measure(s) may support projects involving dedicated infrastructure, in order to verify compliance with points 124 and 125 of the CEEAG, please:

(a) Describe the size and scope of the dedicated infrastructure in relation to the affected market(s), and the impact on the likelihood of additional market-based investments.

……

(b) Explain how many users or groups of users will initially benefit from the dedicated infrastructure and whether a credible plan or firm commitment for connecting to a wider network exists.

……

(c) If applicable, provide the duration of any derogations or exemptions from internal market legislation, the structure of the market and the position of the beneficiaries in that market.

……

64. If the notified measure(s) may support projects involving production of biofuels from food and feed crops, in order to verify compliance with points 130 of the CEEAG:

(a) Confirm that State aid for biofuels, bioliquids, biogas and biomass fuels will not exceed the caps determining their eligibility for the calculation of the gross final consumption of energy from renewable sources in the Member State concerned in accordance with Article 26 of Directive (EU) 2018/2001.

……

(b) If the caps are or may be exceeded, explain in detail the positive effects of the measure which could outweigh the negative effects.

……

65. If the notified measure(s) will only benefit one or a particularly limited number of beneficiaries, in order to verify compliance with points 131 and 132 of the CEEAG, please provide in particular:

(a) the list of the five largest market players in the sectors concerned and their turnover (in volume or value) compared to the total turnover of the sectors. ([293])

……

(b) the reasons why the Member States considers that the notified measure(s) would not strengthen or maintain the market power of the beneficiary(ies) or discourage the expansion of existing competitors or induce their exit or discourage the entry of new competitors.

Explain in this regard also whether the aid measure will lead to an increase in the production capacity of the beneficiary(ies).

……

(c) the measures put in place to limit the potential distortion of competition caused by granting the aid to the beneficiary(ies).

……

Section C: Evaluation

*To provide the information in this section, please refer to point 76(a), 131 and Section 5 (points 455-463) of the CEEAG.*

66. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply, or attach to this notification form an Annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG. ([294])

……

67. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the Annex.

……

(b) confirm that point 460 of the CEEAG will be respected.

……

([293]) If the notified measure concerns the production of renewable energy, then at least the turnover of the domestic generation of electricity should be provided.

([294]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

68. In order to verify the compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

69. In order to verify the compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

70. In order to verify the compliance with point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

71. In order to verify the compliance with point 461 of the CEEAG:

(a) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464-465) of the CEEAG.*

72. Please confirm that the Member State will comply with the requirements for reporting and monitoring provided in Section 6, points 464 and 465, of the CEEAG.

……

PART III.6.B

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.2 – Aid for the improvement of the energy and environmental performance of buildings)

*This supplementary information sheet concerns measures covered in section 4.2 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s):

1.1. If not already discussed under section 5.2 of the General Information Form (Part I), please provide the background and the main objective, including any Union targets for energy and environmental performance of buildings that the measure is intended to support.

……

1.2. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions of competition in the internal market.

……

2. **Entry into force and duration**:

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate the date as of which the aid scheme is planned to enter into force;

……

2.2. Please indicate the duration of the scheme ([295]).

……

3. **Beneficiary(ies)**:

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s);

……

3.2. Please indicate the location of the beneficiary(ies) (i.e. if only economic entities located in the respective Member State or also in other Member States are eligible to participate in the measure).

……

([295]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (includes thus also the time needed for the authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

4. Please confirm that the measure(s) does not involve aid for activities falling outside the scope of application of the CEEAG (see point 13 of the CEEAG). Otherwise, please provide details.

……

5. **Budget and financing of the measure(s)**.

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget ([296]).

……

5.2. If the measure(s) is financed through a levy, please clarify if:

(a) the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

……

(b) the levy is imposed equally on domestic and imported products;

……

(c) the notified measure(s) will benefit equally domestic and imported products;

……

(d) the levy finances fully the measure(s) or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

……

(e) the levy financing the notified measure(s) also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points 23-25) and sections 4.2.1 and 4.2.2 (points 136 to 140) of the CEEAG.*

([296]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

6. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible 'aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest'. Therefore, compatible aid under that provision of the Treaty must contribute to the development of a certain economic activity.

   In order to assess the compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported.

   .....

7. In order to assess the compliance with point 25 of the CEEAG, please describe if and how the aid will contribute to the achievement of objectives of Union climate policy, environmental policy and energy policy and more specifically, the expected benefits of the aid in terms of its material contribution to environmental protection, including climate change mitigation, or the efficient functioning of the internal energy market.

   In addition, please highlight to what extent the aid relates to the policies described under point 135 of the CEEAG.

   .....

8. Please describe the eligibility requirements applicable to the beneficiary(ies) (for instance by including any technical, environmental (i.e. permits), financial (i.e. collaterals) or other requirements that the beneficiary(ies) need to comply with).

   .....

9. Please provide information on the precise scope and supported activities of the aid measure(s), as provided in section 4.2.2 of the CEEAG. In particular:

   (a) Please explain whether the aid measure(s) provides only aid for the improvement of the energy efficiency of buildings or combines aid for the improvement of the energy efficiency of buildings with aid for any or all of the investments listed in point 137 of the CEEAG. In the latter case, please clarify which of the investments are eligible for aid under the measure(s).

   .....

   (b) Please explain whether the aid measure(s) also includes types of aid that are excluded from the scope of section 4.2 of the CEEAG, by virtue of point 138 thereof. In the affirmative, the appropriate notification form(s) must be submitted as regards the relevant part(s) of the measure(s).

   .....

10. Please indicate whether the aid granted under the measure(s) concerns the renovation of existing buildings, the installation or replacement of just one type of building element ([297]), and/or energy efficiency investments in new buildings, as defined in point 139 (letters (a) to (c)) of the CEEAG.

    .....

11. Please demonstrate that the aid granted under the aid measure(s) will induce the energy performance improvements required in point 139 (letters (a) to (c), as applicable) of the CEEAG.

    .....

([297]) Footnote 74 provides that investments for one type of building element could for example aim at replacing windows or boilers in the building or focus on the wall insulation.

12. Please indicate whether the aid is granted under the aid measure(s) to SMEs and small mid-caps that are providers of energy performance improvement measures for the facilitation of energy performance contracting, as provided in point 140 of the CEEAG.

……

1.2. **Incentive effect**

*To provide the information in this section, please refer to section 3.1.2 (points 26-32) and section 4.2.3 (points 141-143) of the CEEAG.*

13. Aid can be considered to facilitate an economic activity only if it has an incentive effect. In order to assess compliance with point 26 of the CEEAG, please explain how the measure(s) *"induces the beneficiary to change its behaviour, to engage in additional economic activity or in more environmentally friendly economic activity, which it would not carry out without the aid or would carry out in a restricted or different manner"*. In addition, in order to assess compliance with point 27 of the CEEAG, please confirm that the measure does "*not compensate for the normal business risk of an economic activity*" and briefly explain why.

……

14. Pursuant to point 28 of the CEEAG:

(a) Provide a comprehensive description of the factual scenario expected to result from the aid measure and the likely counterfactual scenario(s) absent the aid measure. ([298]) Where you expect that different categories of beneficiaries may be supported, please ensure that the counterfactual is credible for each of these categories.

……

(b) Please briefly explain the rationale for the choice of the likely counterfactual scenario(s), in view of the proposed different categories of beneficiaries, if applicable.

……

(c) Please quantify the costs and revenues of factual and counterfactual scenarios and justify the change of behaviour where relevant for each category of beneficiary, based on:

(i) the respective reference project(s) ([299]), the corresponding counterfactuals and resulting funding gap;

……

*OR*

(ii) relevant quantitative evidence based on market studies (in particular studies on expected payback periods), investor plans, financial reports, or other quantitative evidence including, where applicable, bids made for similar projects in recent comparable competitive bidding processes. ([300])

……

([298]) Please note that points 38 and 52, as well as footnotes 39 and 45 of the CEEAG provide further guidance on how the likely counterfactual scenario should be developed.

([299]) 'Reference project' is defined in point 19(63) of the CEEAG.

([300]) If relying on a recent competitive process, please explain how that bidding process can be considered competitive, including how windfall profits were avoided for different technologies included in the competitive bidding process where applicable, and how it is comparable, for example:

i. Were the conditions (e.g. contract terms and duration, investment deadlines, whether support payments were indexed to inflation or not) similar to those proposed in the notified measure(s)?

ii. Was the competitive process conducted under similar macroeconomic conditions?

iii. Were the technologies / project types similar?

15. In order to demonstrate compliance with points 29 and 31 of the CEEAG:

(a) Please confirm that the start of works on the project or activity did not take place prior to a written aid application by the beneficiary to the national authorities;

……

*OR*

(b) For projects that started before the aid application, please demonstrate that the project falls within one of the exceptional cases provided in point 31 of the CEEAG letters (a), (b) or (c).

……

16. In order to demonstrate compliance with point 30 of the CEEAG, please confirm that the aid application includes at least the applicant's name, a description of the project or activity, including its location, and the amount of aid needed to carry it out.

……

17. In order to demonstrate compliance with points 32 and 142 of the CEEAG:

(a) Please indicate if there are Union standards ([301]) applicable to the notified measure(s), mandatory national standards that are more stringent or ambitious than the corresponding Union standards, or mandatory national standards adopted in the absence of Union standards;

……

(b) In cases where Union law imposes Union standards, please confirm and demonstrate that the aid has an incentive effect because it incentivises the investment to be implemented and finalised at least 18 months before the standard enters into force.

……

(c) Please explain whether projects with a payback period ([302]) of less than five years are eligible for aid under the measure(s). In the affirmative, please provide evidence to demonstrate that aid is needed to trigger a change in behaviour, as required by point 142 of the CEEAG.

……

1.3. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33) of the CEEAG.*

18. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

……

([301]) According to point 19(89) of the CEEAG, 'Union standard' means:

(a) a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings;

(b) the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purpose of these guidelines; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.

([302]) The payback period is the amount of time needed to recover the cost of an investment (without aid).

19. If a levy is used to finance the measure(s), please clarify if the assessment of compliance with Articles 30 and 110 of the Treaty needs to be carried out. In the affirmative, please demonstrate how the measure complies with the provisions of Articles 30 and 110 of the Treaty. In this context, the information submitted under question 5.2 above, where the notified measure(s) is financed through a levy can be referred to.

……

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *Necessity of the aid*

*To provide the information in this section, please refer to section 3.2.1.1 (points 34-38) of the CEEAG.*

20. Please explain which market failure(s) your authorities have identified that prevent the achievement of a sufficient level of environmental protection. Please specify in which category the market failures identified fall, by making reference to letters (a), (b), (c) or (d) of point 34 of the CEEAG.

……

21. In accordance with point 35 of the CEEAG, please provide information on any existing policies and measures that your authorities identified, which already target the identified regulatory or market failures.

……

22. In order to demonstrate compliance with point 36 of the CEEAG, please provide information that demonstrates that the aid effectively targets residual market failures, also taking into account any other policies and measures already in place to address some of the market failures identified.

……

23. In order to demonstrate compliance with point 37 of the CEEAG, please explain if, to your authorities' knowledge, projects or activities similar to those covered by the notified measure(s) with respect to their technological content, level of risk and size, are already delivered within the Union at market conditions. In the affirmative, please provide further evidence to demonstrate the need for State aid.

……

24. In order to demonstrate compliance with point 38 of the CEEAG, please refer to the quantitative evidence already provided under question 14(c) above.

……

2.1.2. *Appropriateness*

*To provide the information in this section, please refer to section 3.2.1.2 (points 39-46), section 4.2.4.1 (points 144-145) and points 153 and 157 of the CEEAG.*

25. In order to verify compliance with point 40 of the CEEAG, please demonstrate that there are no less distortive instruments available that are more appropriate than State aid.

……

26. In order to verify compliance with point 41 of the CEEAG, please demonstrate that the aid measure is designed in such a way as to not undermine the efficiency of other measures remedying the same market failure, such as market-based mechanism(s) (e.g., the EU ETS).

……

27. In order to demonstrate compliance with point 42 of the CEEAG, please confirm that none of the beneficiaries of the aid measure(s) could be held liable for the pollution under existing Union or national law (*'polluter pays' principle*).

……

28. In order to verify compliance with points 43 to 46 of the CEEAG, to demonstrate the appropriateness of the aid among different aid instruments, please provide the following information:

(a) Please explain why other potentially less distortive forms of aid are less appropriate, as required in point 44 of the CEEAG. Less distortive forms of aid may be repayable advances as compared to direct grants; tax credits as compared to tax reductions; or forms of aid that are based on financial instruments, such as debt, as compared to equity instruments, including, for example, low-interest loans or interest rebates, State guarantees, or an alternative provision of financing on favourable terms.

……

(b) Please demonstrate that the choice of the aid instrument is appropriate to the market failure that the aid measure(s) aims to address, as required in point 45 of the CEEAG.

……

(c) Please explain how the aid measure and its design are appropriate to achieve the objective of the measure at which the aid is targeted, as required in point 46 of the CEEAG.

……

29. If aid is granted under the measure(s) to SMEs and small mid-caps that are providers of energy performance improvement measures under energy performance contracts, please confirm that, as required by point 145 of the CEEAG, the aid takes the form of a loan or guarantee to the provider or consists in a financial product aimed at financing the provider (for example, factoring or forfaiting).

……

30. If aid is granted under the measure(s) in the form of financial instruments, please confirm that:

(a) The aid to the building's owner or tenant takes the form of a guarantee or a loan, in line with point 153 of the CEEAG; and

……

(b) The aid to the financial intermediary (e.g. energy efficiency fund) takes the form of an endowment, equity, a guarantee or a loan, in line with point 157 of the CEEAG.

……

2.1.3. *Proportionality*

*To provide the information in this section, please refer to section 4.2.4.2 (points 146-153) of the CEEAG.*

*Please note that the following three sections 2.1.3.1., 2.1.3.2. and 2.1.3.3. are alternative. Please provide replies only to the applicable section, depending on the design of the proposed measure.*

2.1.3.1. Proportionality of the aid when aid is not granted through a competitive bidding process and is not granted in the form of financial instruments

*To provide the information in this section, please refer to points 146-151 and 153 of the CEEAG.*

31. In order to verify compliance with point 146 of the CEEAG, please explain which are the eligible costs under the measure(s) and how they are limited to the investment costs directly linked to the achievement of a higher level of energy or environmental performance.

……

32. Please indicate the maximum aid intensities applicable under the measure and indicate whether any bonuses (as described in points 147-150 of the CEEAG) apply.

……

33. If applicable, please justify the application of the aid intensity bonus for improvements leading to a reduction in primary energy demand of at least 40 %, in line with point 148 of the CEEAG.

……

34. If by way of derogation from points 147-150 of the CEEAG, it is considered that aid beyond the maximum aid intensities set in these points is required, please indicate the level of aid considered to be necessary and justify it on the basis of a funding gap analysis, in line with points 51-52 of the CEEAG.

For this funding gap analysis, please submit a quantification, for the factual scenario(s) and a realistic counterfactual scenario(s) ([303]) identified in reply to question 14(c) above, of all main costs and revenues, the estimated weighted average cost of capital (WACC) of the beneficiaries (or reference projects) to discount future cash flows, as well as the net present value (NPV) for the factual and counterfactual scenarios, over the lifetime of the project/reference project.

Please note that for cases of individual aid and schemes benefitting a particularly limited number of beneficiaries, the Member State needs to present the supporting evidence at the level of the detailed project business plan, while for cases of aid schemes, the Member State needs to present the supporting evidence on the basis of one or more reference projects.

(a) Please provide this in an Annex to this notification form (using an Excel file where all formulas are visible).

……

(b) Please include detailed information on the assumptions, methodologies, rationale and underlying sources thereof, used for each aspect of the quantification of costs and revenues in the factual scenario and the likely counterfactual scenario (for instance please include the assumptions used to develop those scenarios and the source/rationale for these assumptions).

……

(c) You may also attach to this notification form the documents mentioned in footnote 39 of the CEEAG. Board documents may be particularly useful for individual aid measures or schemes benefitting a particularly limited number of beneficiaries. If such documents are attached to the notification form, please provide below a list of those documents, specifying the author, the date when they were drafted and the context when they were used.

……

35. Please demonstrate that the application of a higher aid intensity determined as indicated in question 34 would not result in aid exceeding the funding gap.

……

([303]) Please refer also to the further information in points 51-53 as well as footnotes 45 and 46 of the CEEAG.

36. In case point 52 of the CEEAG is applicable, i.e. the most likely counterfactual scenario consists in the beneficiary not carrying out an activity or investment, or continuing its business without changes, please provide evidence to support this assumption ([304]).

……

2.1.3.2. Proportionality of the aid when aid is granted in the form of financial instruments

*To provide the information in this section, please refer to points 146 and 153 of the CEEAG.*

37. In order to verify compliance with point 146 of the CEEAG, please explain which are the eligible costs under the measure(s) and how they are limited to the investment costs directly linked to the achievement of a higher level of energy or environmental performance.

……

38. Please provide the following information in order to verify to compliance with point 153 of the CEEAG:

(a) If the aid is granted in the form of a guarantee, please confirm that the guarantee will not exceed 80 % of the underlying loan and explain how compliance with this requirement will be ensured.

……

(b) If the aid is granted in the form of a loan, please confirm that the repayment by the owner(s) of the building to the energy efficiency fund or renewable energy fund or other financial intermediary will at least equal the nominal value of the loan and explain how compliance with this requirement will be ensured.

……

2.1.3.3. Proportionality of aid granted through a competitive bidding process

*To provide the information in this section, please refer to points 49 and 50 of the CEEAG.*

39. In order to verify the compliance with points 49 and 50 of the CEEAG, please provide the following:

(a) Please explain how the authorities ensure that the bidding process is open, clear, transparent and non-discriminatory, based on objective criteria, defined *ex ante* in accordance with the objective of the measure and minimising the risk of strategic bidding (point 49(a) of the CEEAG).

……

(b) The selection criteria used for ranking the bids, and ultimately identifying the level of aid in the competitive bidding process. More specifically:

(i) Please provide the list of the selection criteria and specify which of them are/are not directly or indirectly related to the main objectives of the measure(s). Please include their weighting.

……

([304]) Please note that points 38, 52, 165, 166 and 167 as well as footnotes 39 and 45 of the CEEAG provide further guidance on how the likely counterfactual scenario should be developed.

(ii) Please explain how the selection criteria put the contribution to the main objectives of the measure(s) in direct or indirect relation with the aid amount requested by the applicant. This may be expressed, for example, in terms of aid per unit of environmental protection ([305]) (point 50 of the CEEAG and footnote 44 of the CEEAG).

……

(iii) In case there are other selection criteria that are not directly or indirectly related to the main objectives of the measure(s), please provide reasons for the proposed approach and explain how it is appropriate to the objectives pursued by the measure(s). Please also confirm that those criteria account for no more than 30 % of the weighting of all the selection criteria (point 50 of the CEEAG).

……

(iv) Please explain how far in advance of each competitive bidding process the selection criteria will be published (point 49(b) and footnote 43 of the CEEAG).

……

(c) Please explain the elements on which you based the assumption that the bidding process will be open and properly subscribed, i.e. that it can be expected that not all bidders will receive aid and that the number of expected bidders is sufficient to ensure effective competition for the duration of the scheme (point 49(c) of the CEEAG). In your explanation, please take into account the budget or volume of the scheme. Where relevant, please refer to the evidence provided in the replies under question 14.

……

(d) Please provide information on the number of bidding rounds envisaged and expected number of bidders in the first round and over time.

……

(e) In case of one or more undersubscribed bidding processes, please explain how the design of bidding processes will be corrected during the implementation of the scheme in order to restore effective competition, and when (point 49(c) of the CEEAG).

……

(f) Please confirm that *ex post* adjustments to the bidding process outcome (such as subsequent negotiations on bid results or rationing) are avoided (point 49(d) of the CEEAG).

……

(g) In case there is a possibility of '*zero subsidy bids*', please explain how proportionality will be ensured (please see point 49, footnote 42, of the CEEAG).

……

(h) Please clarify if the authorities foresee the use of price floors or caps in the competitive bidding process. In the affirmative, please justify their use and explain how they do not constrain the competitive bidding process (point 49 and footnote 42 of the CEEAG).

……

([305]) Please note that footnote 44 of the CEEAG provides that: "*When assessing units of environmental protection, Member States may for instance develop a methodology that accounts for emissions or other pollution at different stages of the supported economic activity, project realisation time or system integration costs. When putting the contribution to the main objectives in relation with the aid amount requested, Member States may for instance weigh the various objective criteria and select on the basis of aid amount per unit of the weighted average of the objective criteria, or select among a limited range of bids with the lowest aid amount per unit of the objective criteria the ones with highest scores on the objective criteria. The parameters of any such approach must be calibrated to ensure that the bidding process remains non-discriminatory, effectively competitive and reflects economic value.*"

2.1.4. *Cumulation*

*To provide the information in this section, please refer to points 56-57 of the CEEAG.*

40. In as far as not already provided under Part I of the general notification form and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure(s) may be awarded concurrently under several aid schemes or cumulated with ad hoc or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or *de minimis* aid and how the aid will be cumulated.

.....

41. If point 56 of the CEEAG is applicable, please justify how the total amount of aid granted under the notified measure(s) for a project or an activity does not lead to overcompensation or exceed the maximum aid amount allowed under section 4.2.4.2. of the CEEAG. For each measure that the aid granted under the notified aid measure(s) can be cumulated with, please specify the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

.....

42. In case point 57 of the CEEAG is applicable, i.e. the aid granted under the notified measure(s) is combined with centrally managed Union funding ([306]) (that does not constitute State aid), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation.

.....

2.1.5. *Transparency*

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-62) of the CEEAG.*

43. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

.....

44. Please provide the internet link where the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions and information on each individual aid award granted ad hoc or under an aid scheme approved on the basis of the CEEAG and exceeding EUR 100 000 will be published.

.....

2.2. **Avoidance of undue negative effects of the aid on competition and trade and balancing**

*To provide the information in this section, please refer to section 3.2.2 (points 63-70) and section 4.2.4.3 (points 154-157) of the CEEAG.*

45. In order to verify compliance with point 67 of the CEEAG, please provide information on the possible short and long-term negative effects of the notified measure(s) on competition and trade.

.....

46. Please explain if the measure falls under any of the following situations:

(a) It concerns a market (or markets) where incumbents gained market power prior to market liberalisation;

.....

([306]) Centrally managed Union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union and that is not directly or indirectly under the control of the Member State.

(b) It involves competitive bidding processes in nascent market(s), when there is a player with a strong market position;

……

(c) It will only benefit one or a particularly limited number of beneficiaries.

……

47. Should the aid measure focus on a specific technological choice/path, please justify the reason for the technological choice and that it will not discourage the deployment of cleaner technologies.

……

48. Should the notified measure(s) only benefit one or a particularly limited number of beneficiaries, in order to verify compliance with point 68 of the CEEAG:

(a) Please explain whether the notified measure(s) strengthens or maintains the market power of the beneficiary(ies) or discourages the expansion of existing competitors or induces their exit or discourages the entry of new competitors. Explain in this regard also whether the aid measure will lead to an increase in the production capacity of the beneficiary.

……

(b) Describe the measure(s) put in place to limit the potential distortion of competition caused by granting the aid to the beneficiary(ies).

……

49. In order to verify compliance with point 69 of the CEEAG, please explain:

(a) If the aid granted under the notified measure(s) aims at preserving economic activity in one region or attracting it away from other regions within the internal market.

……

(b) In the affirmative, please specify which is the net environmental effect of the notified measure(s) and how the notified measure(s) improves the existing level of environmental protection in the Member States.

……

(c) How the aid granted under the notified measure(s) does not result in any manifestly negative effects on competition and trade.

……

(d) In case of individual aid, the main drivers of the choice of the location for the investments by the beneficiary.

……

50. In order to verify compliance with point 70 of the CEEAG:

(a) Please confirm that aid may be granted under the notified scheme for a maximum period of 10 years from the date of the notification of the Commission's decision declaring the aid compatible.

……

(b) Please confirm that, should your authorities wish to extend the duration of the scheme beyond that maximum period, they will renotify the measure.

……

51. If the aid is granted in the form of an endowment, equity, a guarantee or a loan to an energy efficiency fund or renewable energy fund or other financial intermediary, in order to verify compliance with point 157 of the CEEAG:

(a) Please demonstrate that financial intermediaries or fund managers will be selected through an open, transparent and non-discriminatory process which is made in accordance with applicable Union and national laws;

……

(b) Please demonstrate that conditions are in place to ensure that financial intermediaries, including energy efficiency funds or renewable energy funds, are managed on a commercial basis and will ensure profit-driven financing decisions;

……

(c) Please demonstrate that the managers of the energy efficiency fund or renewable energy fund or other financial intermediaries are required to pass the advantage on to the largest extent possible to the final beneficiaries (the owner(s) or tenant(s) of the building), in the form of higher volumes of financing, lower collateral requirements, lower guarantee premiums or lower interest rates.

……

3. WEIGHING THE POSITIVE EFFECTS OF THE AID AGAINST THE NEGATIVE EFFECTS ON COMPETITION AND TRADE

*To provide the information in this section, please refer to section 3.3 (points 71-76) of the CEEAG.*

52. In order to verify compliance with point 72 of the CEEAG, please explain whether activities supported under the notified measure(s) meet the criteria for environmentally sustainable economic activities provided in Article 3 of the Regulation (EU) 2020/852 of the European Parliament and of the Council ([307]), including the 'do no significant harm' principle, or other comparable methodologies.

……

53. (In case of competitive bidding process) Please explain if the notified measure(s) includes features to facilitate the participation of SMEs in competitive bidding processes. In the affirmative, please provide information on those features and justify how the positive effects of ensuring participation of SMEs in the notified measure(s) outweigh the possible distortive effects.

……

54. In order to verify compliance with points 74 and 155-156 of the CEEAG:

(a) Please clarify if investments in equipment using natural gas are eligible for aid under the notified measure(s). In the affirmative, please demonstrate that the aid will not displace investments into cleaner alternatives that are already available on the market or lock in certain technologies. Please also explain if the equipment using natural gas replaces energy equipment using most polluting fossil fuels such as oil and coal.

……

(b) Please confirm that investments in equipment using polluting fossil fuels such as oil and coal are not eligible for aid under the notified measure(s). Please note that aid for the installation of equipment using fossil fuels such as oil and coal is considered to have negative effects on competition due to the greater carbon emissions linked to the use of fossil fuels, the significant risk of locking in fossil fuel technologies and of displacing investments into cleaner and more innovative alternatives available on the market.

……

([307]) Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

Section C: Evaluation

*To provide the information in this section, please refer to Section 5 (points 455-463) of the CEEAG.*

55. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply, or else attach to this notification form an Annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG ([308]).

……

56. If a draft evaluation plan is provided:

(a) Please provide below a summary of that draft evaluation plan included in the Annex.

……

(b) Please confirm that point 460 of the CEEAG will be respected.

……

(c) Please provide the date and internet link where the evaluation plan will be publicly available.

……

57. In order to verify compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

58. In order to verify compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

59. In order to verify the compliance with point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or if it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

(d) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that the final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

([308]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

(e) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to section 6 (points 464 and 465) of the CEEAG.*

60. Please confirm that the Member State will comply with the requirements for reporting and monitoring set out in Section 6, points 464 and 465, of the CEEAG.

……

PART III.6.C

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.3.1 - Aid for the acquisition and leasing of clean vehicles and clean mobile service equipment and for the retrofitting of vehicles and mobile service equipment

*This supplementary information sheet concerns measures covered in section 4.3.1 of the the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s).

1.1. If not already discussed under section 5.2 of the General Information Form (Part I), please provide the background and the main objective, including any Union targets for the reduction of transport emissions that the measure is intended to support.

……

1.2. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions of competition in the internal market.

……

2. **Entry into force and duration**:

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate the date as of which the aid scheme is planned to enter into force;

……

2.2. Please indicate the duration of the scheme. ([309])

……

([309]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (including thus the time needed for the national authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

3. **Beneficiary(ies)**

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s);

……

3.2. Please indicate the location of the (potential) beneficiary(ies) (i.e. if only economic entities located in the respective Member State or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 of the CEEAG). Otherwise, please provide details.

……

5. **Budget and financing of the measure(s)**.

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget. ([310])

……

5.2. if the measure is financed through a levy, please clarify if:

(a) the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

……

(b) the levy is imposed equally on domestic and imported products;

……

(c) the notified measure will benefit equally domestic and imported products;

……

(d) the levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

……

(e) the levy financing the notified measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

([310]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points 23-25) and sections 4.3.1.1 (points 160 and 161) and 4.3.1.2 (points 162 and 163) of the CEEAG.*

6. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible "*aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest*". Therefore, compatible aid under that provision of the Treatymust contribute to the development of a certain economic activity.

In order to assess compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported.

……

7. In order to assess compliance with point 25 of the CEEAG, please "*describe if and how the aid will* contribute *to the achievement of objectives of Union climate policy, environmental policy and energy policy and more specifically, the expected benefits of the aid in terms of its material contribution to environmental protection, including climate change mitigation, or the efficient functioning of the internal energy market*".

……

8. In addition, please highlight to what extent the aid relates to the policies described under points 160 and 161 of the CEEAG.

……

9. Please describe the eligibility requirements applicable to the beneficiary(ies) (for instance by including any technical, environmental (i.e. permits), financial (i.e. collaterals) or other requirements that the beneficiary(ies) need to comply with).

……

10. Please provide information on the precise scope and precise supported activities of the aid measure(s), as provided in section 4.3.1.2 (points 162 and 163) of the CEEAG.

……

1.2. **Incentive effect**

*To provide the information in this section, please refer to section 3.1.2 (points 26-32) and section 4.3.1.3 (points 164-169) of the CEEAG.*

11. Aid can be considered as facilitating an economic activity only if it has an incentive effect. In order to assess the compliance with point 26 of the CEEAG, please explain how the measure(s) "*induces the beneficiary to change its behaviour, to engage in additional economic activity or in more environmentally-friendly economic activity, which it would not carry out without the aid or would carry out in a restricted or different manner*".

……

12. Pursuant to point 28 of the CEEAG:

(a) Please provide a comprehensive description of the factual scenario expected to result from the aid measure and the likely counterfactual scenario(s) absent the aid measure. ([311]) Where you expect that different categories of beneficiaries may be supported, please ensure that the counterfactual is credible for each of these categories. Please note that point 165 CEEAG requires the counterfactual scenario to be an investment with the same capacity, lifetime and, where appropriate, other relevant technical characteristics as the environmentally-friendly investment. Please note that points 165 to 169 CEEAG impose additional alternative requirements for the counterfactual:

(i) Where the counterfactual scenario consists in the acquisition or the leasing of less environmentally-friendly vehicles or mobile service equipment of the same category and the same capacity as the zero-emission or clean vehicle, please demonstrate that the less environmentally-friendly vehicle or equipment is at least compliant with Union standards, where applicable.

……

(ii) Where the counterfactual scenario consists in maintaining the existing vehicle or mobile service equipment in operation for a period corresponding to the lifetime of the environmentally-friendly investment, please note that the discounted maintenance, repair and modernisation costs over that period should be taken into account.

……

(iii) Where the counterfactual scenario consists in a later replacement of the vehicle or mobile service equipment, please provide the discounted value of the vehicle or mobile service equipment in order to take into account the difference in the respective economic lifetime of the equipment.

……

(iv) In the case of vehicles or mobile service equipment subject to leasing arrangements, please provide a comparison of the discounted value of the leasing of the clean vehicles or clean mobile service equipment with the discounted value of the leasing of the less environmentally-friendly vehicle or mobile service equipment that would be used in the absence of the aid.

……

(v) Where the investment consists in adding equipment to an existing vehicle or mobile service equipment to improve its environmental performance (for example, retrofitting of pollution control systems), please explain if the counterfactual scenario consists in continuing using the vehicle without the retrofitting investment. In that case, the eligible costs may consist of the total investment costs.

……

(b) Please briefly explain the rationale for the choice of the likely counterfactual scenario(s), in view of the proposed different categories of beneficiaries, if applicable.

……

([311]) Please note that points 38, 52, 165, 166 and 167 as well as footnotes 39 and 45 of the CEEAG provide further guidance on how the likely counterfactual scenario should be developed.

(c) Please quantify the costs and revenues of factual and counterfactual scenarios as follows:

(i) Where aid is granted without a competitive bidding process, please justify the change of behaviour where relevant for each category of beneficiary, based on the respective reference project ([312]), the corresponding counterfactuals and resulting funding gap.

……

(ii) Where aid is granted based on a competitive bidding process, please justify the change of behaviour (where relevant for each category of beneficiary/ reference project) using the same evidence as required under (c)(i) above, or alternatively provide relevant quantitative evidence based on market studies, investor plans, financial reports, or other quantitative evidence including bids made for similar projects in recent comparable competitive bidding processes. ([313])

……

13. In order to assess compliance with point 27 of the CEEAG, please provide information to confirm that the aid does not support the costs of an activity that the aid beneficiary would anyhow carry out and does not compensate for the normal business risk of an economic activity.

……

14. In order to demonstrate compliance with points 29 and 31 of the CEEAG:

(a) Please confirm that the start of works on the project or activity did not take place prior to a written aid application by the beneficiary to the national authorities;

*OR*

(b) For projects that started before the aid application, please demonstrate that the project falls within one of the exceptional cases provided in point 31 of the CEEAG ((a), (b) or (c)).

……

15. In order to demonstrate compliance with point 30 of the CEEAG, please confirm that the aid application includes at least the applicant's name, a description of the project or activity, including its location, and the amount of aid needed to carry it out.

……

([312]) "Reference project" is defined in point 19 (63) of the CEEAG.

([313]) If relying on a recent competitive process, please explain how that bidding process can be considered competitive, including how windfall profits were avoided for different technologies included in the competitive bidding process where applicable, and how it is comparable, for example:

i. Were the conditions (e.g. contract terms and duration, investment deadlines, whether support payments were indexed to inflation or not) similar to those proposed in the notified measure?

ii. Was the competitive process conducted under similar macroeconomic conditions?

iii. Were the technologies / project types similar?

16. In order to demonstrate compliance with point 32 of the CEEAG, please indicate if there are Union standards ([314]) applicable to the notified measure(s), mandatory national standards that are more stringent or ambitious than the corresponding Union standards, or mandatory national standards adopted in the absence of Union standards. In that context, please provide information to demonstrate the incentive effect.

……

17. In cases where the relevant Union standard has already been adopted but is not yet in force, please demonstrate that the aid has an incentive effect because it incentivises the investment to be implemented and finalised at least 18 months before the standard enters into force.

……

1.3. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33) of the CEEAG.*

18. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

……

19. If a levy is used to finance the measure(s), please clarify if the assessment of compliance with Articles 30 and 110 of the Treaty needs to be carried out. In the affirmative, please demonstrate how the measure complies with the provisions of Articles 30 and 110 of the Treaty. In this context, the information submitted under question 5.2 above, where the notified measure(s) is financed through a levy can be referred to.

……

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *Necessity of the aid*

*To provide the information in this section, please refer to section 3.2.1.1 (points 34-38) of the CEEAG.*

20. Please explain which market failure(s) your authorities have identified that prevent the achievement of a sufficient level of environmental protection. Please specify in which category the market failures identified fall, by making reference to letters (a), (b), (c) or (d) of point 34 of the CEEAG.

……

21. In accordance with point 35 of the CEEAG, please provide information on any existing policies and measures that your authorities identified, which already target the identified regulatory or market failures.

……

([314]) According to point 19(89) of the CEEAG, 'Union standard' means:

(a) *a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings;*

(b) *the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purpose of these guidelines; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.*

22. In order to demonstrate compliance with point 36 of the CEEAG, please provide information that demonstrates that the aid effectively targets residual market failures, also taking into account any other policies and measures already in place to address some of the market failures identified.

……

23. In order to demonstrate compliance with point 37 of the CEEAG, please explain if, to your authorities' knowledge, projects or activities similar to those covered by the notified measure(s) with respect to their technological content, level of risk and size, are already delivered within the Union at market conditions. In the affirmative, please provide further evidence to demonstrate the need for State aid.

……

24. In order to demonstrate compliance with point 38 of the CEEAG, please refer to the quantitative evidence already provided under question 12(c) above.

……

2.1.2. *Appropriateness*

*To provide the information in this section, please refer to section 3.2.1.2 (points 39-46) and section 4.3.1.4.1 (point 171) of the CEEAG.*

25. In order to verify compliance with point 41 of the CEEAG, please demonstrate that the aid measure is designed in such a way as to not undermine the efficiency of other measures remedying the same market failure, such as market-based mechanisms (e.g., the EU ETS).

……

26. In order to verify compliance with point 42 of the CEEAG, please confirm that none of the beneficiaries of the aid measure(s) could be held liable for the pollution under existing Union or national law (*'polluter pays' principle*).

……

27. In order to verify compliance with points 43 to 46 of the CEEAG, to demonstrate the appropriateness of the aid among different aid instruments, please provide the following information:

(a) Please explain why other potentially less distortive forms of aid are less appropriate, as required in point 44 of the CEEAG. Less distortive forms of aid may be repayable advances as compared to direct grants; tax credits as compared to tax reductions; or forms of aid that are based on financial instruments, such as debt as compared to equity instruments, including, for example, low-interest loans or interest rebates, State guarantees, or an alternative provision of financing on favourable terms.

……

(b) Please demonstrate that the choice of the aid instrument is appropriate to the market failure that the aid measure(s) aims to address, as required in point 45 of the CEEAG.

……

(c) Please explain how the aid measure and its design are appropriate to achieve the objective of the measure at which the aid is targeted (point 46 of the CEEAG).

……

28. In order to verify compliance with points 40 and 171 of the CEEAG, please explain whether other types of interventions than State aid could not stimulate the development of the clean mobility market and describe their expected impact compared to that of the proposed measure. Such other types of interventions may include the introduction of general measures aimed at promoting the acquisition of clean vehicles such as ecological bonus schemes or scrappage schemes or the creation of low-emission zones in the Member State concerned

……

2.1.3. *Proportionality*

*To provide the information in this section, please refer to section 3.2.1.3 (points 47-55) and section 4.3.1.4.2 (points 172-181) of the CEEAG. Please note that the following two sections 2.1.3.1. and 2.1.3.2. are alternative. Please provide replies only to the applicable section, depending on the design of the proposed measure.*

2.1.3.1. Proportionality of aid granted through a competitive bidding process

*To provide the information in this section, please refer to points 49, 50, 173, 174 and 175 of the CEEAG.*

29. In order to verify compliance with points 49, 50 and 173 of the CEEAG, please provide the following:

(a) Please explain how the authorities ensure that the bidding process is open, clear, transparent and non-discriminatory, based on objective criteria, defined *ex ante* in accordance with the objective of the measure and minimising the risk of strategic bidding (point 49(a) of the CEEAG).

……

(b) The selection criteria used for ranking the bids, and ultimately identifying the level of aid in the competitive bidding process. More specifically:

(i) Please provide the list of the selection criteria and specify which of them are/are not directly or indirectly related to the main objectives of the measure(s). Please include their weighting.

……

(ii) Please explain how the selection criteria put the contribution to the main objectives of the measure(s) in direct or indirect relation with the aid amount requested by the applicant. This may be expressed, for example, in terms of aid per unit of environmental protection or aid per clean or zero-emission vehicle (point 50 and footnote 44 of the CEEAG).

……

(iii) In case there are other selection criteria that are not directly or indirectly related to the main objectives of the measure(s), please provide reasons for the proposed approach and explain how it is appropriate to the objectives pursued by the measure(s). Please also confirm that those criteria account for no more than 30 % of the weighting of all the selection criteria (point 50 and 174 of the CEEAG).

……

(iv) Please explain how far in advance of the deadline for submitting applications in each competitive bidding process the selection criteria will be published (point 49(b) and footnote 43 of the CEEAG).

……

(c) Please explain the elements on which you based the assumption that the bidding process will be open and properly subscribed, i.e. that it can be expected that not all bidders will receive aid and that the number of expected bidders is sufficient to ensure effective competition for the duration of the scheme (point 49(c) of the CEEAG). In your explanation, please take into account the budget or volume of the scheme. Where relevant, please refer to the evidence provided in the replies under question 12.

……

(d) Please provide information on the number of bidding rounds envisaged and expected number of bidders in the first round and over time.

……

(e) In case of one or more undersubscribed bidding processes, please explain how the design of bidding processes will be corrected during the implementation of the scheme in order to restore effective competition, and when (point 49(c) of the CEEAG).

……

(f) Please confirm that *ex post* adjustments to the bidding process outcome (such as subsequent negotiations on bid results or rationing) are avoided (point 49(d) of the CEEAG).

……

(g) In case there is a possibility of '*zero subsidy bids*', please explain how proportionality will be ensured (please see point 49, footnote 42 of the CEEAG).

……

(h) Please clarify if the authorities foresee the use of price floors or caps in the competitive bidding process. In the affirmative, please justify their use and explain how they do not constrain the competitive bidding process (point 49 and footnote 42 of the CEEAG).

……

30. Please explain how the competitive bidding procedure's design ensures that sufficient incentives remain for applicants to bid for projects concerning the acquisition of zero-emission vehicles, which are generally more expensive than less environmentally friendly alternatives, insofar as these are available for that transport mode. For instance, please explain if the competitive bidding design includes premiums allowing a higher score to be assigned to projects bringing environmental benefits beyond those deriving from the eligibility requirements or the primary objective of the measure (point 175 of the CEEAG).

……

2.1.3.2. Proportionality of aid not granted through a competitive bidding process

*To provide the information in this section, please refer to points 51-55 and 176-181 of the CEEAG.*

31. Please explain why a competitive bidding process is not used (by reference to the exceptions set out in point 176 of the CEEAG):

(a) the expected number of participants is not sufficient to ensure effective competition or avoid strategic bidding; *OR*

(b) a competitive bidding process, as described in points 49 and 50, is not appropriate to ensure the proportionality of the aid and that using the alternative methods in points 177 to 180 CEEAG to demonstrate proportionality would not increase the risk of undue distortions of competition, depending on the characteristics of the measure or of the sectors or transport modes concerned; *OR*

(c) the aid is granted for the acquisition or leasing of vehicles intended for use by undertakings active in the sector of public passenger transport by land, rail or water.

……

32. Please identify the net extra costs of the investment. These are calculated as the difference, on the one hand, between the total cost of ownership of the clean vehicle foreseen to be acquired or leased, and on the other hand the total cost of ownership in the counterfactual scenario, excluding costs that are not directly linked to the achievement of a higher level of environmental protection. As regards the retrofitting of vehicles or mobile service equipment, the eligible costs may be the total costs of the retrofitting provided that in the counterfactual scenario the vehicles or mobile service equipment retain the same economic life in the absence of the retrofitting (points 178-179 of the CEEAG).

……

33. Please indicate the maximum aid intensities applicable under the measure and indicate whether any bonuses (as described in point 177 of the CEEAG) apply.

……

34. If by way of derogation from points 177-179 of the CEEAG, it is considered that aid beyond the maximum aid intensities set under point 177 of the CEEAG is required, please indicate the level of aid considered to be necessary and justify it on the basis of a funding gap analysis for reference projects in the factual and counterfactual scenarios as identified in reply to question 12(c)(i) above, in line with points 51-52 of the CEEAG.

For this funding gap analysis, please submit a quantification, for the factual scenario and a realistic counterfactual scenario ([315]) identified in reply to question 12 above, of all main costs and revenues, the estimated weighted average cost of capital (WACC) of the beneficiaries (or reference projects) to discount future cash flows, as well as the net present value (NPV) for the factual and counterfactual scenarios, over the lifetime of the project/reference project.

(a) Please provide this in an Annex to this notification form (using an Excel file where all formulas are visible).

……

(b) Please include detailed information on the assumptions, methodologies, rationale and underlying sources thereof, used for each aspect of the quantification of costs and revenues in the factual scenario and the likely counterfactual scenario (for instance please include the assumptions used to develop those scenarios and the source/rationale for these assumptions).

……

(c) For cases of individual aid and schemes benefitting a particularly limited number of beneficiaries, the Member State needs to present the supporting evidence at the level of the detailed project business plan.

For cases of aid schemes, the Member State needs to present the supporting evidence on the basis of one or more reference projects.

……

([315]) Please refer also to the further information in points 51-53 and 165-167 as well as footnotes 45 and 46 of the CEEAG.

(d) You may also attach to this notification form the documents mentioned in footnote 39 of the CEEAG. Board documents may be particularly useful for individual aid measures or schemes benefitting a particularly limited number of beneficiaries. If such documents are attached to the notification form, please provide below a list of those documents, specifying the author, the date when they were drafted and the context when they were used.

……

35. Please also demonstrate that the application of a higher aid determined as indicated in question 34 would not result in aid exceeding the funding gap.

……

36. In case point 52 of the CEEAG is applicable, i.e. the most likely counterfactual scenario consists in the beneficiary not carrying out an activity or investment, or continuing its business without changes, please provide evidence to support this assumption ([316]).

……

37. In all case where the proportionality is justified by reference to a funding gap analysis, please also confirm that your authorities will conduct an *ex post* monitoring to verify the assumptions made about the level of aid required and put in place a claw-back mechanism. Please also describe the monitoring and claw-back mechanism that your authorities intend to apply (point 180 CEEAG).

……

2.1.4. *Cumulation*

*To provide the information in this section, please refer to points 56-57 of the CEEAG.*

38. In as far as not already provided under Part I of the general notification form and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure(s) may be awarded concurrently under several aid schemes or cumulated with ad hoc or de minimis aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or de minimis aid and how the aid will be cumulated.

……

39. If point 56 of the CEEAG is applicable, please justify how the total amount of aid granted under the notified measure(s) for a project or an activity does not lead to overcompensation or exceed the maximum aid amount allowed under point 173, point 177 or point 180 of the CEEAG. For each measure that the aid granted under the notified aid measure(s) can be cumulated with, please specify the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

……

40. In case point 57 of the CEEAG is applicable, i.e. the aid granted under the notified measure(s) is combined with centrally managed Union funding ([317]) (that does not constitute State aid), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation.

……

([316]) In that case, according to point 52 of the CEEAG, "the net extra cost may be approximated by the negative NPV of the project in the factual scenario without aid over the lifetime of the project (hence, implicitly assuming that the NPV of the counterfactual is zero)"

([317]) Centrally managed Union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union and that is not directly or indirectly under the control of the Member State.

2.1.5. *Transparency*

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-61) of the CEEAG.*

41. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

42. Please provide the internet link where the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions and information on each individual aid award granted ad hoc or under an aid scheme approved on the basis of the CEEAG and exceeding EUR 100 000 will be published.

……

2.2. **Avoidance of undue negative effects on competition and trade and balancing**

*To provide the information in this section, please refer to section 3.2.2 (points 63-70) and section 4.3.1.5. (points 183-189) of the CEEAG.*

43. In order to verify compliance with point 67 of the CEEAG, please provide information on the possible short and long-term negative effects of the notified measure(s) on competition and trade.

……

44. Please explain if the measure falls under any of the following situations:

(a) It concerns a market (or markets) where incumbents gained market power prior to market liberalisation;

……

(b) It involves competitive bidding processes in nascent market(s), when there is a player with a strong market position;

……

(c) It will only benefit one or a particularly limited number of beneficiaries.

……

45. Should the aid measure focus on a specific technological choice/path, please justify the reason for the technological choice and that it will not discourage the deployment of cleaner technologies.

……

46. If the notified measure(s) will only benefit one or a particularly limited number of beneficiaries, in order to verify compliance with point 68 of the CEEAG, please:

(a) Explain whether the notified measure(s) strengthens or maintains the market power of the beneficiary/-ies or discourages the expansion of existing competitors or induces their exit or discourages the entry of new competitors. Explain in this regard also whether the aid measure will lead to an increase in the production capacity of the beneficiary.

……

(b) Describe the measures put in place to limit the potential distortion of competition caused by granting the aid to the beneficiary/-ies.

……

47. In order to verify compliance with point 69 of the CEEAG, please explain:

(a) If the aid granted under the notified measure(s) aims at preserving economic activity in one region or attracting it away from other regions within the internal market.

……

(b) In the affirmative, please specify which is the net environmental effect of the notified measure(s) and how the notified measure(s) improves the existing level of environmental protection in the Member States.

……

(c) How the aid granted under the notified measure(s) does not result in any manifestly negative effects on competition and trade.

……

(d) In case of individual aid, the main drivers of the choice of the location for the investments by the beneficiary.

……

48. In order to verify compliance with point 70 of the CEEAG:

(a) Please confirm that aid may be granted under the notified scheme for a maximum period of 10 years from the date of the notification of the Commission's decision declaring the aid compatible.

……

(b) Please confirm that, should your authorities wish to extend the duration of the scheme beyond that maximum period, they will renotify the measure.

……

49. If the notified measure(s) may incentivise new investments in vehicles and mobile service equipment using natural gas, explain how the measure can be regarded as not having long term lock-in effects and not displacing investments into cleaner alternatives. Therefore, for aid for the acquisition or leasing of CNG and LNG vehicles for waterborne transport and mobile service equipment, please demonstrate that cleaner alternatives to decarbonise the relevant transport mode are not readily available on the market and are not expected to be available in the short term. To this end, please consider a period of between 2 to 5 years following the notification of the aid measure (or a different period, if duly justified) and submit supporting independent market studies or any other appropriate evidence.

……

50. If the notified measure may incentivise investments in clean aircraft (other than zero-emission aircraft) using fossil fuels, please demonstrate that the aid contributes to the market introduction or accelerated uptake of new, more efficient and substantially more environmentally-friendly aircraft. Please also explain how such investments are in line with a pathway towards climate neutrality, and how the measure avoids the risk of lock in of conventional technologies and displacement of investments into cleaner alternatives.

……

51. If the measure concerns the air transport service, explain whether your authorities intend to require that the beneficiary decommissions an equivalent number of less environmentally-friendly aircraft of a similar take-off mass as the aircraft acquired or leased with State aid, to mitigate potentially distortive effects of the aid having regard to the market positon of the beneficiary or to increase the positive effects of the aid measure.

……

52. In relation to aid for the acquisition or leasing of vehicles or mobile service equipment, please explain whether bringing into service new vehicles would result in or aggravate existing market failures, such as overcapacity in the sector concerned.

……

53. If the notified measure grants targeted support to an individual beneficiary or a limited number of specific beneficiaries in the absence of competitive bidding, please justify the measure's design and the reasons why it is not open to all competitors willing to deliver the same service, product or benefit and demonstrate it duly addresses the higher risks of competition distortion.

……

3. WEIGHING THE POSITIVE EFFECTS OF THE AID AGAINST THE NEGATIVE EFFECTS ON COMPETITION AND TRADE

*To provide the information in this section, please refer to section 3.3 (points 71-76) of the CEEAG.*

54. In order to verify compliance with point 72 of the CEEAG, please explain whether activities supported under the notified measure meet the criteria for environmentally sustainable economic activities provided in Article 3 of the Regulation (EU) 2020/852 of the European Parliament and of the Council ([318]), including the 'do no significant harm' principle, or other comparable methodologies.

……

55. (In case of competitive bidding process) Please explain if the notified measure(s) includes features to facilitate the participation of SMEs in competitive bidding processes. In the affirmative, please provide information on those features and justify how the positive effects of ensuring participation of SMEs in the notified measure(s) outweigh the possible distortive effects.

……

Section C: Evaluation

*To provide the information in this section, please refer to Section 5 (points 455-463) of the CEEAG.*

56. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply, or attach to this notification form an Annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG ([319]).

……

57. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the Annex.

……

(b) confirm that point 460 of the CEEAG will be respected.

……

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

([318]) Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

([319]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

58. In order to verify compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

59. In order to verify compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

60. In order to verify compliance with point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or if it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

61. In order to verify compliance with point 461 of the CEEAG:

(a) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that the final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464-465) of the CEEAG.*

62. Please confirm that the Member State will comply with the requirements for reporting and monitoring set out in Section 6, points 464 and 465, of the CEEAG.

……

PART III.6.D

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.3.2 - Aid for the deployment of recharging or refuelling infrastructure

*This supplementary information sheet concerns measures covered in Section 4.3.2 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s).

1.1. If not already discussed under section 5.2 of the General Information Form (Part. I), please provide the background and the main objective, including any Union targets for reduction of transport emissions that the measure is intended to support.

……

1.2. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions of competition in the internal market.

……

2. **Entry into force and duration:**

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate the date as of which the aid scheme is planned to enter into force.

……

2.2. Please indicate the duration of the scheme. ([320])

……

3. **Beneficiary(ies)**

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s);

……

3.2. Please indicate the location of the (potential) beneficiary(ies) (i.e. if only economic entities located in the respective Member States or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 of the CEEAG). Otherwise, please provide details.

……

([320]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (including thus the time needed for the national authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

5. **Budget and financing of the measure(s)**.

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget. ([321])

……

5.2. if the measure is financed through a levy, please clarify if:

(a) the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

……

(b) the levy is imposed equally on domestic and imported products;

……

(c) the notified measure will benefit equally domestic and imported products ;

……

(d) the levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

……

(e) the levy financing the notified measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points 23-25) and sections 4.3.2.1 (points 190 and 191) and 4.3.2.2 (points 192 and 193) of the CEEAG.*

6. Article 107(3), point (c), of the Treaty provides that the Commission may declare compatible "aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest". Therefore, compatible aid under that provision of the Treatymust contribute to the development of a certain economic activity.

In order to assess compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported.

……

7. In order to assess compliance with point 25 of the CEEAG please "*describe if and how the aid will* contribute *to the achievement of objectives of Union climate policy, environmental policy and energy policy and more specifically, the expected benefits of the aid in terms of its material contribution to environmental protection, including climate change mitigation, or the efficient functioning of the internal energy market*".

……

([321]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

8. In addition, please highlight to what extent the aid relates to the policies described under points 190 and 191 of the CEEAG.

……

9. Please describe the eligibility requirements applicable to the beneficiary(ies) (for instance by pointing to any technical, environmental (i.e. permits), financial (i.e. collaterals) or other requirements that the beneficiary(ies) need to comply with).

……

10. Please provide information on the precise scope and precise supported activities of the aid measure(s), as provided in section 4.3.2.2 (points 192 and 193) of the CEEAG.

……

1.2. **Incentive effect**

*To provide the information in this section, please refer to section 3.1.2 (points 26-32) of the CEEAG.*

11. Aid can be considered as facilitating an economic activity only if it has an incentive effect. In order to assess the compliance with point 26 of the CEEAG, please explain how the measure(s) "*induces the beneficiary to change its behaviour, to engage in additional economic activity or in more environmentally-friendly economic activity, which it would not carry out without the aid or would carry out in a restricted or different manner*".

……

12. Pursuant to point 28 of the CEEAG:

(a) Please provide a comprehensive description of the factual scenario expected to result from the aid measure and the likely counterfactual scenario(s) absent the aid measure. ([322]) Where you expect that different categories of beneficiaries may be supported, please ensure that the counterfactual is credible for each of these categories.

……

(b) Please briefly explain the rationale for the choice of the likely counterfactual scenario(s), in view of the proposed different categories of beneficiaries if applicable.

……

(c) Please quantify the costs and revenues of factual and counterfactual scenarios as follows:

(i) Where aid is granted <u>without a competitive bidding process</u>, please justify the change of behaviour where relevant for each category of beneficiary, based on the respective reference project ([323]), the corresponding counterfactuals and resulting funding gap.

……

([322]) Please note that points 38 and 52 as well as footnotes 39 and 45 of the CEEAG provide further guidance on how the likely counterfactual scenario should be developed.

([323]) "Reference project" is defined in point 19 (63) of the CEEAG.

(ii) Where aid is granted based on a competitive bidding process, please justify the change of behaviour (where relevant for each category of beneficiary/ reference project) using the same evidence as required under (a) above, or alternatively provide relevant quantitative evidence based on market studies, investor plans, financial reports, or other quantitative evidence including bids made for similar projects in recent comparable competitive bidding processes. ([324])

……

13. In order to assess compliance with point 27 of the CEEAG, please provide information to confirm that the aid does not support the costs of an activity that the aid beneficiary would anyhow carry out and does not compensate for the normal business risk of an economic activity.

……

14. In order to demonstrate compliance with points 29 and 31 of the CEEAG:

(a) Please confirm that the start of works on the project or activity did not take place prior to a written aid application by the beneficiary to the national authorities;

……

*OR*

(b) For projects that started before the aid application, please demonstrate that the project falls within one of the exceptional cases provided in point 31 of the CEEAG ((a), (b) or (c)).

……

15. In order to demonstrate compliance with point 30 of the CEEAG, please confirm that the aid application includes at least the applicant's name, a description of the project or activity, including its location, and the amount of aid needed to carry it out.

……

16. In order to demonstrate compliance with point 32 of the CEEAG, please indicate if there are Union standards ([325]) applicable to the notified measure(s), mandatory national standards that are more stringent or ambitious than the corresponding Union standards, or mandatory national standards adopted in the absence of Union standards. In that context, please provide information to demonstrate the incentive effect.

……

([324]) If relying on a recent competitive process, please explain how that bidding process can be considered competitive, including how windfall profits were avoided for different technologies included in the competitive bidding process where applicable, and how it is comparable, for example:

i. Were the conditions (e.g. contract terms and duration, investment deadlines, whether support payments were indexed to inflation or not) similar to those proposed in the notified measure?

ii. Was the competitive process conducted under similar macroeconomic conditions?

iii. Were the technologies / project types similar?.

([325]) According to point 19(89) of the CEEAG, 'Union standard' means:

(a) *a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings;*

(b) *the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purpose of these guidelines; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.*

17. In cases where the relevant Union standard has already been adopted but is not yet in force, please demonstrate that the aid has an incentive effect because it incentivises the investment to be implemented and finalised at least 18 months before the standard enters into force.

……

1.3. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33) of the CEEAG.*

18. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

……

19. If a levy is used to finance the measure(s), please clarify if the assessment of compliance with Articles 30 and 110 of the Treaty needs to be carried out. In the affirmative, please demonstrate how the measure complies with the provisions of Articles 30 and 110 of the Treaty. In this context, the information submitted under question 5.2 above, where the notified measure(s) is financed through a levy can be referred to.

……

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *Necessity of the aid*

*To provide the information in this section, please refer to section 4.3.2.3.1 (points 194 and 195) of the CEEAG.*

20. Please explain whether and how it has been verified that aid is necessary to incentivise the deployment of recharging or refuelling infrastructure of the same category as the infrastructure that would be deployed with State aid, in that similar infrastructure is not likely to be developed on commercial terms in the short term. This can be demonstrated by reference to an *ex ante* open public consultation, an independent market study or based on any other appropriate evidence as set out in Section 3.2.1.1 of the CEEAG. Where applicable, please provide information on the impact of an ETS. Please provide the supporting documents.

……

21. If the supported recharging or refuelling infrastructure will be open for access by users other than the aid beneficiary or beneficiaries, please indicate (i) the level of market penetration of the clean vehicles that the infrastructure would serve as compared to the total fleet of registered vehicles in your Member State; and/or (ii) the traffic volumes in the region or regions concerned by the measure.

……

2.1.2. *Appropriateness*

*To provide the information in this section, please refer to section 3.2.1.2 (points 39-46) and section 4.3.2.3.2 (points 196 and 197) of the CEEAG.*

22. In order to verify compliance with point 41 of the CEEAG, please demonstrate that the aid measure is designed in such a way as to not undermine the efficiency of other measures remedying the same market failure, such as market-based mechanisms (e.g, the EU ETS).

……

23. In order to verify compliance with point 42 of the CEEAG, please confirm that none of the beneficiaries of the aid measure(s) could be held liable for the pollution under existing Union or national law (*'polluter pays' principle*).

……

24. In order to verify compliance with points 43 to 46 of the CEEAG, to demonstrate the appropriateness of the aid among different aid instruments, please provide the following information:

(a) Please explain why other potentially less distortive forms of aid are less appropriate, as required in point 44 of the CEEAG. Less distortive forms of aid may be repayable advances as compared to direct grants; tax credits as compared to tax reductions; or forms of aid that are based on financial instruments, such as debt as compared to equity instruments, including, for example, low-interest loans or interest rebates, State guarantees, or an alternative provision of financing on favourable terms.

……

(b) Please demonstrate that the choice of the aid instrument is appropriate to the market failure that the aid measure(s) aims to address, as required in point 45 of the CEEAG.

……

(c) Please explain how the aid measure and its design are appropriate to achieve the objective of the measure at which the aid is targeted (point 46 of the CEEAG).

……

25. In order to verify compliance with point 197 of the CEEAG, please explain whether regulatory (including new) interventions could not stimulate the shift towards clean mobility and describe their expected impact compared to that of the proposed measure.

……

2.1.3. *Proportionality*

*To provide the information in this section, please refer to section 4.3.2.3.3 (points198-204) of the CEEAG. Please note that the following two sections 2.1.3.1. and 2.1.3.2. are alternative. Please provide replies only to the applicable section, depending on the design of the proposed measure.*

2.1.3.1. Proportionality of aid granted through a competitive bidding process

*To provide the information in this section, please refer to points 49, 50 and 199 of the CEEAG.*

26. In order to verify compliance with points 49 and 50 and 199 of the CEEAG, please provide the following:

(a) Please explain how the authorities ensure that the bidding process is open, clear, transparent and non-discriminatory based on objective criteria, defined ex ante in accordance with the objective of the measure and minimising the risk of strategic bidding (point 49(a) of the CEEAG).

……

(b) The selection criteria used for ranking the bids, and ultimately identifying the level of aid in the competitive bidding process. More specifically:

(i) Please provide the list of the selection criteria and specify which of them are/are not directly or indirectly related to the main objectives of the measure(s). Please include their weighting.

……

(ii) Please explain how the selection criteria put the contribution to the main objectives of the measure(s) in direct or indirect relation with the aid amount requested by the applicant. This may be expressed, for example, in terms of aid per unit of environmental protection or aid per recharging or refuelling point (point 50 and footnote 44 of the CEEAG).

……

(iii) In case there are other selection criteria that are not directly or indirectly related to the main objectives of the measure(s), please provide reasons for the proposed approach and explain how it is appropriate to the objectives pursued by the measure(s). Please also confirm that those criteria account for no more than 30 % of the weighting of all the selection criteria (point 50 and 199 of the CEEAG).

……

(iv) Please explain how far in advance of the deadline for submitting applications in each competitive bidding process the selection criteria will be published (point 49(b) and footnote 43 of the CEEAG).

……

(c) Please explain the elements on which you based the assumption that the bidding process will be open and properly subscribed, i.e. that it can be expected that not all bidders will receive aid and that the number of expected bidders is sufficient to ensure effective competition for the duration of the scheme (point 49(c) of the CEEAG). In your explanation, please take into account the budget or volume of the scheme. Where relevant, please refer to the evidence provided in the replies to question 12 (c)(ii) above.

……

(d) Please provide information on the number of bidding rounds envisaged and expected number of bidders in the first round and over time.

……

(e) In case of one or more undersubscribed bidding processes, please explain how the design of bidding processes will be corrected during the implementation of the scheme in order to restore effective competition and when (point 49(c) of the CEEAG).

……

(f) Please confirm that *ex post* adjustments to the bidding process outcome (such as subsequent negotiations on bid results or rationing) are avoided (point 49(d) of the CEEAG).

……

(g) In case there is a possibility of '*zero subsidy bids*', please explain how proportionality will be ensured (please see point 49, footnote 42, of the CEEAG).

……

(h) Please clarify if the authorities foresee the use of price floors or caps in the competitive bidding process. In the affirmative, please justify their use and explain how they do not constrain the competitive bidding process (point 49 and footnote 42 of the CEEAG). If bid caps are used, please justify their levels by reference to the quantification of costs and revenues of reference projects as per question 12 (c)(ii) above.

……

27. Please explain how the competitive bidding procedure's design ensures that sufficient incentives remain for applicants to bid for projects concerning recharging or refuelling infrastructure supplying only renewable electricity or renewable hydrogen. For instance, please explain if the competitive bidding design includes premiums allowing a higher score to be assigned to projects bringing environmental benefits beyond those deriving from the eligibility requirements or the primary objective of the measure (point 199 of the CEEAG).

……

2.1.3.2. Proportionality of aid not granted through a competitive bidding process

*To provide the information in this section, please refer to points 200-204 of the CEEAG.*

28. Please explain why a competitive bidding process is not used (by reference to the exemptions set out in point 200 CEEAG):

(a) the expected number of participants is not sufficient to ensure effective competition or avoid strategic bidding;

……

*OR*

(b) a competitive bidding process, as set out in points 49 and 50, is not appropriate to ensure the proportionality of the aid and that using the alternative methods in points 201 to 204 CEEAG to demonstrate proportionality would not increase the risk of undue distortions of competition, depending on the characteristics of the measure or of the sectors or transport modes concerned;

……

*OR*

(c) the aid is granted for recharging or refuelling infrastructure intended exclusively or primarily for use by undertakings active in the sector of public passenger transport by land, rail or water;

……

*OR*

(d) the aid is granted for recharging or refuelling infrastructure intended exclusively or primarily for use by the aid beneficiary and which is not accessible to the public. In this case, please provide reasons why a competitive bidding process is not envisaged;

……

*OR*

(e) the aid is granted for recharging or refuelling infrastructure intended for use by certain types of vehicles for which the relevant market penetration rate (per relevant type of vehicle which would use the infrastructure) in the Member State concerned or the traffic volumes in the region or regions concerned are very limited, and provide supporting data.

……

2.1.3.2.1. Proportionality of aid granted through a funding gap analysis

29. If the aid is determined based on a funding gap analysis, in order to verify compliance with point 201 of the CEEAG, please justify the aid amount on the basis of a funding gap analysis in line with points 48, 51-52 of the CEEAG for reference projects in the factual and counterfactual scenarios as identified in reply to question 12 above.

……

30. For this funding gap analysis, please submit a quantification, for the factual scenario and a realistic counterfactual scenario ([326]) identified in reply to question 12 above, of all main costs and revenues, the estimated weighted average cost of capital (WACC) of the beneficiaries (or reference projects) to discount future cash flows, as well as the net present value (NPV) for the factual and counterfactual scenarios, over the lifetime of the project/reference project.

(a) Please provide this in an Annex to this notification form (using an Excel file where all formulas are visible).

……

(b) Please include detailed information on the assumptions, methodologies, rationale and underlying sources thereof, used for each aspect of the quantification of costs and revenues in the factual scenario and the likely counterfactual scenario (for instance please include the assumptions used to develop those scenarios and the source/rationale for these assumptions).

……

(c) For cases of individual aid and schemes benefitting a particularly limited number of beneficiaries, the Member State needs to present the supporting evidence at the level of the detailed project business plan.

For cases of aid schemes, the Member State needs to present the supporting evidence on the basis of one or more reference projects (point 53 of the CEEAG).

……

(d) You may also attach to this notification form the documents mentioned in footnote 39 of the CEEAG. Board documents may be particularly useful for individual aid measures or schemes benefitting a particularly limited number of beneficiaries. If such documents are attached to the notification form, please provide below a list of those documents, specifying the author, the date when they were drafted and the context when they were used.

……

31. In case point 52 of the CEEAG is applicable, i.e. the most likely counterfactual scenario consists in the beneficiary not carrying out an activity or investment, or continuing its business without changes, please provide evidence to support this assumption ([327]).

……

32. In all case where the proportionality is justified by reference to a funding gap analysis, please also confirm that your authorities will conduct an ex post monitoring to verify the assumptions made about the level of aid required and put in place a claw-back mechanism. Please also describe the claw-back mechanism that your authorities intend to apply (point 201 of the CEEAG).

……

([326]) Please refer also to the further information in points 51-53 and 165-167 as well as footnotes 45 and 46 of the CEEAG.

([327]) In that case, according to point 52 of the CEEAG, *"the net extra cost may be approximated by the negative NPV of the project in the factual scenario without aid over the lifetime of the project (hence, implicitly assuming that the NPV of the counterfactual is zero)"*.

2.1.3.2.2. Proportionality of aid granted on the basis of eligible costs and aid intensities

33. If the amount of aid is determined on the basis of the eligible costs and aid intensities, please describe the eligible costs under the measure, noting that under point 202, 203 and 204 CEEAG, the eligible costs are all the investment costs for the construction, installation, upgrade or extension of recharging or refuelling infrastructure. For instance, these may include the costs of:

(a) the recharging or refuelling infrastructure and related technical equipment;

(b) the installation of or upgrades to electrical or other components, including electrical cables and power transformers, required for connecting the recharging or refuelling infrastructure to the grid or to a local electricity or hydrogen production or storage unit and for ensuring the smart readiness of recharging infrastructure;

(c) civil engineering works, land or road adaptations, installation costs and costs for obtaining related permits;

(d) investment costs of the on-site renewable electricity or renewable/low-carbon hydrogen production units or of the storage facilities.

……

34. Please indicate the maximum aid intensities applicable under the measure and indicate whether any bonuses (as described in point 202 of the CEEAG) apply.

……

2.1.4. *Cumulation*

*To provide the information in this section, please refer to points 56-57 of the CEEAG.*

35. In as far as not already provided under Part I of the general notification form and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure(s) may be awarded concurrently under several aid schemes or cumulated with ad hoc aid or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or *de minimis* aid and how the aid will be cumulated.

……

36. If point 56 of the CEEAG is applicable, please justify how the total amount of aid granted under the notified measure(s) for a project or an activity does not lead to overcompensation or exceed the maximum aid amount allowed under point 199, point 201 or point 202 of the CEEAG. For each measure that the aid granted under the notified aid measure(s) can be cumulated with, please specify the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

……

37. In case point 57 of the CEEAG is applicable, i.e. the aid granted under the notified measure(s) is combined with centrally managed Union funding ([328]) (that does not constitute State aid), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation.

……

([328]) Centrally managed Union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union and that is not directly or indirectly under the control of the Member State.

2.1.5. *Transparency*

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-61) of the CEEAG.*

38. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

39. Please provide the internet link where the full text of the approved aid scheme or the individual aid granting decision and its implementing provision and information on each individual aid award granted ad hoc or under an aid scheme approved on the basis of the CEEAG and exceeding EUR 100 000 will be published.

……

2.2. **Avoidance of undue negative effects on competition and trade and balancing**

*To provide the information in this section, please refer to section 3.2.2 (points 63-70) and section 4.3.2.4. (points 205-216) of the CEEAG.*

40. In order to verify compliance with point 67 of the CEEAG, please provide information on the possible short and long-term negative effects of the notified measure(s) on competition and trade.

……

41. Please explain if the measure falls under any of the following situations:

(a) It concerns a market (or markets) where incumbents gained market power prior to market liberalisation;

……

(b) It involves competitive bidding processes in nascent market(s), when there is a player with a strong market position;

……

(c) It will only benefit one or a particularly limited number of beneficiaries.

……

42. Should the aid measure focus on a specific technological choice/path, please justify the reason for the technological choice and that it will not discourage the deployment of cleaner technologies.

……

43. If the notified measure(s) will only benefit one or a particularly limited number of beneficiaries, in order to verify compliance with point 68 of the CEEAG, please:

(a) Explain whether the notified measure(s) strengthens or maintains the market power of the beneficiary or discourages the expansion of existing competitors or induces their exit or discourages the entry of new competitors. Explain in this regard also whether the aid measure will lead to an increase in the capacity of the beneficiary.

……

(b) Describe the measures put in place to limit the potential distortion(s) of competition caused by granting the aid to the beneficiary/-ies.

……

44. In order to verify compliance with point 69 of the CEEAG, please explain:

(a) If the aid granted under the notified measure(s) aims at preserving economic activity in one region or attracting it away from other regions within the internal market.

……

(b) In the affirmative, please specify which is the net environmental effect of the notified measure(s) and how the notified measure(s) improves the existing level of environmental protection in the Member States.

……

(c) How the aid granted under the notified measure(s) does not result in any manifestly negative effects on competition and trade.

……

(d) In case of individual aid, the main drivers of the choice of the location for the investments by the beneficiary.

45. In order to verify compliance with point 70 of the CEEAG:

(a) Please confirm that aid may be granted under the notified scheme for a maximum period of 10 years from the date of the notification of the Commission's decision declaring the aid compatible.

……

(b) Please confirm that, should your authorities wish to extend the duration of the scheme beyond that maximum period, they will renotify the measure(s).

……

46. Please confirm that new recharging infrastructure that allow for a transfer of electricity with a power output of up to 22 kW is capable of supporting smart recharging functionalities (point 206 of the CEEAG).

……

47. If aid is granted for refuelling infrastructure for waterborne and air transport and supplies synthetic fuels, including renewable liquid and gaseous transport fuels of non-biological origin, or biofuels, please justify the need for new infrastructure. In the case of drop-in synthetic fuels or biofuels, please consider the extent to which existing infrastructure can be used for the supply of drop-in synthetic fuels or biofuels (point 207 of the CEEAG).

……

48. If the aid is for the construction, installation, upgrade or extension of CNG and LNG refuelling infrastructure for waterborne transport, please:

(a) demonstrate that no cleaner alternatives are readily available on the market and that such are not expected to be available in the short term.

……

(b) explain how that refuelling infrastructure would be used to trigger the transition towards low-carbon fuels (point 209 of the CEEAG), and

……

(c) whether the investment forms part of a decarbonisation pathway and how the aid contributes to achieving targets set out in Union legislation on the deployment of alternative fuel infrastructure (point 209 of the CEEAG).

……

49. If the aid is for the construction, installation, upgrade or extension of LNG refuelling infrastructure for heavy-duty vehicles, please confirm that it will not be granted after 2025. Please explain how the aid will contribute to achieving targets set out in Union legislation on the deployment of alternative fuel infrastructure (point 210 of the CEEAG).

……

50. In case of hydrogen refuelling infrastructure, please indicate if aid under the measure is subject to the condition that the hydrogen supplied at the supported refuelling infrastructure is renewable or low-carbon for its entire lifetime. If not, please explain whether and how it will be ensured that beneficiaries have a credible pathway towards the phasing out of hydrogen that is not renewable or low-carbon to supply the refuelling infrastructure by 2035 at the latest (point 212 of the CEEAG).

……

51. Please explain whether the notified measure contains safeguards against the creation or strengthening of market power positions which may prevent or impair effective competition in nascent or developing markets (for instance, the establishment of a maximum percentage of the budget for the measure that can be allocated to one single undertaking) (point 213 of the CEEAG).

……

52. Please describe the safeguards that are in place as part of the notified measure to ensure that operators of recharging or refueling infrastructure that offer or allow contract-based payments on their infrastructure do not unduly discriminate between mobility service providers, for example by applying unjustified preferential access conditions, or through unjustified price differentiation (point 214 of the CEEAG).

……

53. Please confirm that any concession or other entrustment to a third party (other than the beneficiary) to operate the refueling infrastructure would be awarded on a competitive, transparent and non-discriminatory basis, having due regard to the Union public procurement rules, where applicable (point of the 215 of the CEEAG).

……

54. If the infrastructure will be open for access by users other than the aid beneficiary or beneficiaries please confirm that non-discriminatory access to users will be ensured, including, as appropriate, in relation to tariffs, authentication and payment methods and other terms and conditions of use (point 216 of the CEEAG).

……

55. Please confirm that the fees charged to users for using the supported recharging or refuelling infrastructure correspond to market prices (point 216 of the CEEAG). Please indicate whether operators of the supported recharging or refuelling infrastructure will be subject to any price caps; if yes, please explain how such price caps were established.

……

3. **Weighing the positive effects of the aid against the negative effects on competition and trade**

*To provide the information in this section, please refer to section 3.3 (points 71-76) of the CEEAG.*

56. In order to verify compliance with point 72 of the CEEAG, please explain whether activities supported under the notified measure meet the criteria for environmentally sustainable economic activities provided in Article 3 of the Regulation (EU) 2020/852 of the European Parliament and of the Council ([329]), including the 'do no significant harm' principle, or other comparable methodologies.

……

([329]) Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

57. (In case of competitive bidding process) Please explain if the notified measure(s) includes features to facilitate the participation of SMEs in competitive bidding processes. In the affirmative, please provide information on those features and justify how the positive effects of ensuring participation of SMEs in the notified measure(s) outweigh the possible distortive effects.

……

Section C: Evaluation

*To provide the information in this section, please refer to Section 5 (points 455-463) of the CEEAG.*

58. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply or attach to this notification form an Annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG ([330]).

……

59. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the Annex.

……

(b) confirm point 460 of the CEEAG will be respected.

……

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

60. In order to verify compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

61. In order to verify compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

62. In order to verify compliance with point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or if it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

([330]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

63. In order to verify compliance with point 461 of the CEEAG:

(a) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that the final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464-465) of the CEEAG.*

64. Please confirm that the Member State will comply with the requirements for reporting and monitoring set out in Section 6, points 464 and 465 of the CEEAG.

……

PART III.6.E

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.4 - Aid for resource efficiency and for supporting the transition towards a circular economy

*This supplementary information sheet concerns measures covered in Section 4.4 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s).

1.1. If not already discussed under section 5.2 of the General Information Form (Part I), please provide the background and the main objective, including any Union targets for the transition to a circular economy that the measure is intended to support.

……

1.2. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions of competition in the internal market.

……

2. **Entry into force and duration**:

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate the date as of which the aid scheme is planned to enter into force;

……

2.2. Please indicate the duration of the scheme ([331]).

……

3. **Beneficiary(ies)**

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s);

……

3.2. Please indicate the location of the beneficiary(ies) (i.e. if only economic entities located in the respective Member State or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 of the CEEAG). Otherwise, please provide details.

……

5. **Budget and financing of the measure(s)**.

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget ([332]).

……

5.2. if the measure is financed through a levy, please clarify if:

(a) the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

……

(b) the levy is imposed equally on domestic and imported products;

……

(c) the notified measure will benefit equally domestic and imported products;

……

([331]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (including thus the time needed for the national authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

([332]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

(d) the levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

……

(e) the levy financing the notified measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points 23-25) and sections 4.4.1. (points 217 - 219) and 4.4.2. (points 220 - 224) of the CEEAG.*

6. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible "*aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest*". Therefore, compatible aid under that provision of the Treaty must contribute to the development of a certain economic activity.

In order to assess compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported.

……

7. In order to assess compliance with point 25 of the CEEAG, please "*describe if and how the aid will* contribute *to the achievement of objectives of Union climate policy, environmental policy and energy policy and more specifically, the expected benefits of the aid in terms of its material contribution to environmental protection, including climate change mitigation, or the efficient functioning of the internal energy market*".

……

8. In addition, please highlight to what extent the aid relates to the policies described under points 217 to 219 of the CEEAG.

……

9. Please describe the eligibility requirements applicable to the beneficiary(ies) (for instance by including any technical, environmental (i.e. permits), financial (i.e. collaterals) or other requirements that the beneficiary(ies) need to comply with).

……

10. For individual aid and aid schemes benefitting a particularly limited number of beneficiaries or an incumbent beneficiary, please provide a quantification of the environmental benefits expected from the measure (resources saved/avoided consumption of resources) and explain the method followed to quantify them.

……

11. Please provide information on the scope and supported activities of the aid measure(s) and indicate to which of the activities listed in points 220 and 221 of the CEEAG they correspond.

……

12. Please note that the following investment aid measures are not assessed under Section 4.4:

(a) Recovery of residual heat from production processes

(b) CCUs

(c) Production of biofuels, bioliquids, biogas or biomass fuels from waste

(d) Energy generation from waste

(e) Production of energy or heat from waste related to investments in district heating and cooling systems or for their operation.

Please refer to the notification form for Section 4.1 for investments listed in points a to d as such measures will be assessed as set out in Section 4.1 of the CEEAG and to the notification form for Section 4.10 for the investment described in point e as that will be assessed as set out in Section 4.10 of the CEEAG

……

13. Please indicate whether the aid measure also covers operating costs for separate collection and sorting of waste and if yes, for which waste streams or types of waste.

……

1.2. **Incentive effect**

*To provide the information in this section, please refer to section 3.1.2 (points 26-32) and section 4.4.3. (points 225-233) of the CEEAG.*

14. Aid can be considered as facilitating an economic activity only if it has an incentive effect. In order to assess compliance with point 26 of the CEEAG, please explain how the measure(s) *"induces the beneficiary to change its behaviour, to engage in additional economic activity or in more environmentally-friendly economic activity, which it would not carry out without the aid or would carry out in a restricted or different manner".*

……

15. Pursuant to point 28 of the CEEAG:

15.1. Please provide a comprehensive description of the factual scenario expected to result from the aid measure and the likely counterfactual scenario(s) absent the aid measure. ([333]) Where you expect that different categories of beneficiaries may be supported, please ensure that the counterfactual is credible for each of these categories. Please take into account the requirements on the counterfactual included in points 226-230 and point 239 of the CEEAG, notably:

(a) Generally, the counterfactual corresponds to an investment with the same capacity, lifetime and, where appropriate, other relevant technical characteristics, as the environmentally friendly investment, leading, however to a lower level of environmental protection, for example an installation treating the waste based on an operation that is situated lower in the priority order of the waste hierarchy or in a less resource-efficient way; where the reused or recycled (secondary) product is technically and economically substitutable with the primary raw material or product, the counterfactual can consist in the conventional installation relating to the production of primary raw material or product.

([333]) Please note that points 38, 52, 165, 166 and 167 as well as footnotes 39 and 45 of the CEEAG provide further guidance on how the likely counterfactual scenario should be developed.

(b) Alternatively, the counterfactual may also correspond to one of the following scenarios:

(i) maintaining the existing installations or equipment in operation for a period corresponding to the lifetime of the environmentally friendly investment; in that case, the discounted maintenance, repair and modernisation costs over that period should be taken into account (point 227 of the CEEAG);

(ii) a later replacement of the installations or equipment; in that case the discounted value of the installations and equipment needs to be taken into account and the difference in the respective economic lifetime of the installations or equipment needs to be equalised in line with point 228 of the CEEAG;

(iii) the leasing of a the less environmentally-friendly equipment that would be used in the absence of the aid; in that case the discounted value of the leasing of the less environmentally-friendly equipment should be taken into account in line with point 229 of the CEEAG;

(iv) the counterfactual scenario may also consist in the absence of an alternative investment project, in particular where the aided investment consists in adding installations or equipment to existing facilities, installations or equipment and for which there exist no equivalent conventional alternative.

When describing the factual scenario and the likely counterfactual scenario(s), please specify the capacity, lifetime and other technical characteristics of the investment for both the factual and the counterfactual scenario(s).

……

15.2. Please briefly explain the rationale for the choice of the likely counterfactual scenario(s), in view of the proposed different categories of beneficiaries if applicable

……

15.3. Please quantify the costs and revenues of factual and counterfactual scenarios and justify the change of behaviour where relevant for each category of beneficiary, based on:

(a) the respective reference project ([334]), the corresponding counterfactuals and resulting funding gap

……

*OR*

(b) relevant quantitative evidence based on market studies, investor plans, financial reports, or other quantitative evidence including bids made for similar projects in recent comparable competitive bidding processes. ([335])

……

16. In order to assess compliance with point 27 of the CEEAG, please provide information to confirm that the aid does not support the costs of an activity that the aid beneficiary would anyhow carry out and does not compensate for the normal business risk of an economic activity.

……

([334]) 'Reference project' is defined in point 19(63) of the CEEAG.

([335]) If relying on a recent competitive process, please explain how that bidding process can be considered competitive, including how windfall profits were avoided for different technologies included in the competitive bidding process where applicable, and how it is comparable, for example:

i. Were the conditions (e.g. contract terms and duration, investment deadlines, whether support payments were indexed to inflation or not) similar to those proposed in the notified measure?

ii. Was the competitive process conducted under similar macroeconomic conditions?

iii. Were the technologies / project types similar?

17. In order to demonstrate compliance with points 29 and 31 of the CEEAG:

(a) Please confirm that the start of works on the project or activity did not take place prior to a written aid application by the beneficiary to the national authorities;

……

*OR*

(b) For projects that started before the aid application, please demonstrate that the project falls within one of the exceptional cases provided in point 31 of the CEEAG ((a), (b) or (c)).

……

18. In order to demonstrate compliance with point 30 of the CEEAG, please confirm that the aid application includes at least the applicant's name, a description of the project or activity, including its location, and the amount of aid needed to carry it out.

……

19. In order to demonstrate compliance with points 32, 232 and 233 of the CEEAG:

(a) Please indicate if there are Union standards ([336]) applicable to the notified measure(s), mandatory national standards that are more stringent or ambitious than the corresponding Union standards, or mandatory national standards adopted in the absence of Union standards;

In that context, please provide information to demonstrate the incentive effect.

……

(b) In cases where the relevant Union standard has already been adopted but is not yet in force, please demonstrate that the aid has an incentive effect because it incentivises the investment to be implemented and finalised at least 18 months before the standard enters into force in line with point 233 of the CEEAG.

……

20. In order to demonstrate compliance with Section 4.4.3 of the CEEAG, please indicate whether projects with payback period of less than 5 years are eligible for aid under the aid measure. If that is the case, please explain why that aid is needed to trigger a change in behaviour in line with point 231 of the CEEAG.

……

1.3. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33) of the CEEAG.*

21. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

……

([336]) According to point 19(89) of the CEEAG, 'Union standard' means:

(a) *a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings;*

(b) *the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purpose of these guidelines; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.*

22. If a levy is used to finance the measure(s), please clarify if the assessment of compliance with Articles 30 and 110 of the Treaty needs to be carried out. In the affirmative, please demonstrate how the measure complies with the provisions of Articles 30 and 110 of the Treaty. In this context, the information submitted under question 5.2 above, where the notified measure(s) is financed through a levy can be referred to.

……

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *Necessity of the aid*

*To provide the information in this section, please refer to section 3.2.1.1 (points 34--38) and section 4.4.4.1 (points 234-236) of the CEEAG.*

23. Please explain which market failure(s) your authorities have identified that prevent the achievement of a sufficient level of environmental protection. Please specify in which category the market failures identified fall, by making reference to letters (a), (b), (c) or (d) of point 34 of the CEEAG.

……

24. In accordance with point 35 of the CEEAG, please provide information on any existing policies and measures that your authorities identified, which already target the identified regulatory or market failures.

……

25. In order to demonstrate compliance with point 36 of the CEEAG, please provide information that demonstrates that the aid effectively targets residual market failures, also taking into account any other policies and measures already in place to address some of the market failures identified.

……

26. In order to demonstrate compliance with point 37 of the CEEAG, please explain if, to your authorities' knowledge, projects or activities similar to those covered by the notified measure(s) with respect to their technological content, level of risk and size, are already delivered within the Union at market conditions. In the affirmative, please provide further evidence to demonstrate the need for State aid.

……

27. In order to demonstrate compliance with point 38 of the CEEAG, please refer to the quantitative evidence already provided under question 15 above.

……

28. In addition, please describe, in line with point 235 of the CEEAG what the established commercial practices in the concerned sector are and show that the project goes beyond these established commercial practices generally applied throughout the Union and across technologies.

……

29. In order to demonstrate compliance with point 236 of the CEEAG:

(a) In the case of aid for the separate collection and sorting of waste or other products, materials or substances, please demonstrate that such separate collection and sorting is underdeveloped in your Member State ([337]).

……

([337]) Where adequately demonstrated, the specific situation at the level of the region or regions concerned may also be considered.

(b) In the case of aid granted to cover operating costs, please demonstrate that such aid is required during a transitional period to facilitate the development of activities relating to the separate collection and sorting of waste. Please take into account and describe any obligations of undertakings under extended producer responsibility schemes, which you may have implemented pursuant to Article 8 of Directive 2008/98/EC.

……

2.1.2. *Appropriateness*

*To provide the information in this section, please refer to section 3.2.1.2 (points 39-46) and section 4.4.4.2 (point 238) of the CEEAG.*

30. In order to verify compliance with point 40 of the CEEAG, please demonstrate that there are no less distortive instruments available that are more appropriate.

31. In order to verify compliance with point 41 of the CEEAG, please demonstrate that the aid measure is designed in such a way as to not undermine the efficiency of other measures remedying the same market failure, such as market-based mechanisms (e.g., the EU ETS).

……

32. In order to verify compliance with point 42 of the CEEAG, please confirm that none of the beneficiaries of the aid measure(s) could be held liable for the pollution under existing Union or national law (*'polluter pays' principle*).

……

33. In order to verify compliance with point 238 of the CEEAG, please demonstrate that the aid does not relieve undertakings that generate waste from any costs or obligations relating to the treatment of waste for which they are liable under Union or national law, including under extended producer responsibility schemes; and that the aid does not relieve undertakings from costs that should be considered as normal costs for an undertaking.

……

34. In order to verify compliance with points 43 to 46 of the CEEAG, to demonstrate the appropriateness of the aid among different aid instruments, please provide the following information:

(a) Please explain why other potentially less distortive forms of aid are less appropriate, as required in point 44 of the CEEAG. Less distortive forms of aid may be repayable advances as compared to direct grants; tax credits as compared to tax reductions; or forms of aid that are based on financial instruments, such as debt, as compared to equity instruments, including, for example, low-interest loans or interest rebates, State guarantees, or an alternative provision of financing on favourable terms.

……

(b) Please demonstrate that the choice of the aid instrument is appropriate to the market failure that the aid measure(s) aims to address, as required in point 45 of the CEEAG.

……

(c) Please explain how the aid measure and its design are appropriate to achieve the objective of the measure that the aid is targeting, as required in point 46 of the CEEAG.

……

2.1.3. *Proportionality*

*To provide the information in this section, please refer to points 239-244 of the CEEAG. Please note that the following three sections 2.1.3.1., 2.1.3.2. and 2.1.3.3. are alternative. Please provide replies only to the applicable section, depending on the design of the proposed measure [for operating aid for collection, see section 2.1.3.3].*

2.1.3.1. Aid based on aid intensities set out in points 240-244 of the CEEAG

35. In order to describe the eligible costs in line with point 239 of the CEEAG, please identify the extra investment costs directly linked to the achievement of a higher level of environmental protection.

.....

36. Please explain how the investment costs of the factual and the less environmentally friendly scenarios will be determined and verified.

.....

37. For products, substances or materials that would constitute waste unless reused and when there is no legal requirement for that products, substances or materials to be disposed of or otherwise be treated, please confirm that the eligible costs will correspond to the investment necessary to recover the products, substances or materials concerned.

.....

38. Please indicate the maximum aid intensities applicable under the measure and indicate whether any bonuses apply (points 241 – 244 of the CEEAG).

.....

39. For eco-innovation activities, please demonstrate that the following cumulative conditions are fulfilled (point 244 of the CEEAG):

(a) The eco-innovation activity is new or substantially improved compared to the state of the art in its industry in the Union ([338]);

(b) The expected environmental benefit is significantly higher than the improvement resulting from the general evolution of the state of the art in comparable activities ([339]);

(c) The innovative character of the activity involves a clear degree of risk, in technological, market or financial terms, which is higher than the risk generally associated with comparable non-innovative activities ([340]).

.....

40. If by way of derogation from points 241-244 of the CEEAG, it is considered that aid beyond the maximum aid intensities is required, please indicate the level of aid considered to be necessary and justify it on the basis of a funding gap analysis for reference projects in the factual and counterfactual scenarios as identified in reply to question 15 above, in line with points 51-52 of the CEEAG.

([338]) The novelty could, for example, be demonstrated on the basis of a precise description of the innovation and of market conditions for its introduction or diffusion, comparing it with state-of-the-art processes or organisational techniques generally used by other undertakings in the same industry.

([339]) If quantitative parameters can be used to compare eco-innovative activities with standard, non-innovative activities, 'significantly higher' means that the marginal improvement expected from eco-innovative activities in terms of reduced environmental risk or pollution or improved efficiency in energy or resources should be at least twice as high as the marginal improvement expected from the general evolution of comparable non-innovative activities. Where the proposed approach is not appropriate for a given case, or if no quantitative comparison is possible, the application file for State aid should contain a detailed description of the method used to assess this criterion, ensuring a standard comparable to that of the proposed method.

([340]) This risk could be demonstrated by the Member State for instance in terms of costs in relation to the undertaking's turnover, time required for the development, expected gains from the eco-innovation activity in comparison with the costs, and probability of failure.

For this funding gap analysis, please submit a quantification, for the factual scenario(s) and realistic counterfactual scenario(s) ([341]) identified in reply to question 15 above, of all main costs and revenues, the estimated weighted average cost of capital (WACC) of the benefic4iaries (or reference projects) to discount future cash flows, as well as the net present value (NPV) for the factual and counterfactual scenarios, over the lifetime of the project/reference project.

(a) Please provide this in an Annex to this notification form (using an Excel file where all formulas are visible).

……

(b) Please include detailed information on the assumptions, methodologies, rationale and underlying sources thereof, used for each aspect of the quantification of costs and revenues in the factual scenario and the likely counterfactual scenario (for instance please include the assumptions used to develop those scenarios and the source/rationale for these assumptions).

……

(c) For cases of individual aid and schemes benefitting a particularly limited number of beneficiaries, the Member State needs to present the supporting evidence at the level of the detailed project business plan.

For cases of aid schemes, the Member State needs to present the supporting evidence on the basis of one or more reference projects.

……

(d) You may also attach to this notification form the documents mentioned in footnote 39 of the CEEAG. Board documents may be particularly useful for individual aid measures or schemes benefitting a particularly limited number of beneficiaries. If such documents are attached to the notification form, please provide below a list of those documents, specifying the author, the date when they were drafted and the context when they were used.

……

41. Please also demonstrate that the application of a higher aid determined as indicated in question 40 would not result in aid exceeding the funding gap.

……

42. In case point 52 of the CEEAG is applicable, i.e. the most likely counterfactual scenario consists in the beneficiary not carrying out an activity or investment, or continuing its business without changes, please provide evidence to support this assumption.

……

43. In line with point 245 of the CEEAG, please confirm that if a higher aid intensity is required based on question 40, your authorities will conduct an *ex post* monitoring to verify the assumptions made about the level of aid required and to put in place a claw-back mechanism and describe the monitoring and claw-back mechanisms that the Member State intends to introduce.

……

2.1.3.2. Proportionality of the aid granted through a competitive bidding process

*To provide the information in this section, please refer to points 49, 50 and 246 of the CEEAG.*

([341]) Please refer also to the further information in points 51-53 as well as footnotes 45 and 46 of the CEEAG.

44. In order to verify the compliance with points 49, 50 and 246 of the CEEAG, please provide the following:

(a) Please explain how the authorities ensure that the bidding process is open, clear, transparent and non-discriminatory, based on objective criteria, defined *ex ante* in accordance with the objective of the measure and minimising the risk of strategic bidding (point 49(a) of the CEEAG).

……

(b) The selection criteria used for ranking the bids, and ultimately identifying the level of aid in the competitive bidding process. More specifically:

(i) Please provide the list of the selection criteria and specify which of them are/are not directly or indirectly related to the main objectives of the measure(s). Please include their weighting.

……

(ii) Please explain how the selection criteria put the contribution to the main objectives of the measure(s) in direct or indirect relation with the aid amount requested by the applicant. This may be expressed, for example, in terms of aid per unit of environmental protection or aid per unit of energy (point 50 and footnote 44 of the CEEAG).

……

(iii) In case there are other selection criteria that are not directly or indirectly related to the main objectives of the measure(s), please provide reasons for the proposed approach and explain how it is appropriate to the objectives pursued by the measure(s). Please also confirm that those criteria account for no more than 30 % of the weighting of all the selection criteria (point 50 of the CEEAG).

……

(iv) Please explain how far in advance of the deadline for submitting applications in each competitive bidding process the selection criteria will be published (point 49(b) and footnote 43 of the CEEAG).

……

(c) Please explain the elements on which you based the assumption that the bidding process will be open and properly subscribed, i.e. that it can be expected that not all bidders will receive aid and that the number of expected bidders is sufficient to ensure effective competition for the duration of the scheme (point 49(c) of the CEEAG). In your explanation, please take into account the budget or volume of the scheme. Where relevant, please refer to the evidence provided in the replies under question 15.

……

(d) Please provide information on the number of bidding rounds envisaged and expected number of bidders in the first round and over time.

……

(e) In case of one or more undersubscribed bidding processes, please explain how the design of bidding processes will be corrected during the implementation of the scheme in order to restore effective competition, and when (point 49(c) of the CEEAG).

……

(f) Please confirm that *ex post* adjustments to the bidding process outcome (such as subsequent negotiations on bid results or rationing) are avoided (point 49(d) of the CEEAG).

……

(g) In case there is a possibility of '*zero subsidy bids*', please explain how proportionality will be ensured (please see point 49, footnote 42 of the CEEAG).

……

(h) Please clarify if the authorities foresee the use of price floors or caps in the competitive bidding process. In the affirmative, please justify their use and explain how they do not constrain the competitive bidding process (point 49 and footnote 42 of the CEEAG).

……

2.1.3.3. The proportionality of aid covering operating costs of separate collection and sorting of waste

45. According to point 247 of the CEEAG, the aid may cover operating costs where it relates to the separate collection and sorting of waste or other products, materials or substances in relation to specific waste streams or types of waste with a view to the preparing for re-use or recycling. Where you plan such aid, please:

(a) Provide evidence that the aid will be granted following a competitive bidding process conducted in accordance with the criteria set out in points 49 and 50 of the CEEAG which must be organised on an open and non-discriminatory basis for all operators providing separate collection and sorting services. To this end, the information and evidence listed under point 42 above needs to be provided.

(b) Indicate whether the bidding process includes rules that limit aid in certain well-identified circumstances established *ex ante*. If that is the case, please:

(i) Demonstrate that these limitations are justified by a high level of uncertainty about future evolution of the operating costs for the duration of the measure.

……

(ii) Describe these rules and related well-established circumstances.

……

(c) Provide information on any investment aid granted for an installation used for the separate collection and sorting of waste which benefits also from operating aid. When both forms of aid cover the same eligible costs, please demonstrate that the investment aid will be deducted from the operating aid granted to the same installation and how this will be ensured.

……

(d) Confirm that the duration of granting of the aid does not exceed 5 years.

……

2.1.4. *Cumulation*

*To provide the information in this section, please refer to points 56-57 of the CEEAG.*

46. In as far as not already provided under Part I of the general notification form and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure(s) may be awarded concurrently under several aid schemes or cumulated with ad hoc or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or *de minimis* aid and how the aid will be cumulated.

……

47. If point 56 of the CEEAG is applicable, please justify how the total amount of aid granted under the notified measure(s) for a project or an activity does not lead to overcompensation or exceed the maximum aid amount allowed under points 241-245 of the CEEAG. For each measure that the aid granted under the notified aid measure(s) can be cumulated with, please specify the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

……

48. In case point 57 of the CEEAG is applicable, i.e. the aid granted under the notified measure(s) is combined with centrally managed Union funding ([342]) (that does not constitute State aid), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation.

……

2.1.5. *Transparency*

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-61) of the CEEAG.*

49. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

50. Please provide the internet link where the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions and information on each individual aid award granted ad hoc or under an aid scheme approved on the basis of the CEEAG and exceeding EUR 100 000 will be published.

……

2.2. **Avoidance of undue negative effects of the aid on competition and trade**

*To provide the information in this section, please refer to section 3.2.2 (points 63-70) and section 4.4.5. (points 248-252) of the CEEAG.*

51. In order to verify compliance with point 67 of the CEEAG, please provide information on the possible short and long-term negative effects of the notified measure(s) on competition and trade.

……

52. Please explain if the measure falls under any of the following situations:

(a) It concerns a market (or markets) where incumbents gained market power prior to market liberalisation;

……

(b) It involves competitive bidding processes in nascent market(s), when there is a player with a strong market position;

……

(c) It will only benefit one or a particularly limited number of beneficiaries.

……

53. Should the aid measure focus on a specific technological choice/path, please justify the reason for the technological choice and that it will not discourage the deployment of cleaner technologies.

……

([342]) Centrally managed Union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union and that is not directly or indirectly under the control of the Member State.

54. If the notified measure(s) will only benefit one or a particularly limited number of beneficiaries, in order to verify compliance with point 68 of the CEEAG, please:

(a) Explain whether the notified measure(s) strengthens or maintains the market power of the beneficiary(ies) or discourages the expansion of existing competitors or induces their exit or discourages the entry of new competitors. Explain in this regard also whether the aid measure will lead to an increase in the production capacity of the beneficiary.

……

(b) Describe the measure(s) put in place to limit the potential distortion of competition caused by granting the aid to the beneficiary(ies).

……

55. In order to verify compliance with point 69 of the CEEAG, please explain:

(a) If the aid granted under the notified measure(s) aims at preserving economic activity in one region or attracting it away from other regions within the internal market.

……

(b) In the affirmative, please specify which is the net environmental effect of the notified measure(s), how the notified measure(s) improves the existing level of environmental protection in the Member States

……

(c) How the aid granted under the notified measure(s) does not result in any manifestly negative effects on competition and trade.

……

(d) In case of individual aid, the main drivers of the choice of the location for the investments by the beneficiary.

……

56. In order to verify compliance with point 70 of the CEEAG:

(a) Please confirm that aid may be granted under the notified scheme for a maximum period of 10 years from the date of the notification of the Commission's decision declaring the aid compatible.

……

(b) Please confirm that if your authorities wish to extend the duration of the measure beyond that maximum period, they will renotify the measure.

……

57. In order to verify compliance with point 249 of the CEEAG, please provide justification that the aid will not incentivise the generation of waste or increase the use of resources.

……

58. In order to verify compliance with point 250 of the CEEAG, please demonstrate that where the aid increases demand for the waste or other materials and resources intended to be re-used, recycled or recovered, the collection capacity of such waste, other materials and resources will be increased accordingly to meet the increased demand.

……

59. In order to verify compliance with point 251 of the CEEAG, please indicate if the aid will have any potential effects on the functioning of the markets for primary and secondary materials relating to the products concerned, and what these potential effects could result in.

……

60. In order to verify compliance with point 252 of the CEEAG, where the aid covers operating costs relating to separate collection and sorting of waste or other products, materials or substances in relation to specific waste streams or types of waste in view of preparing for re-use or recycling, please indicate if the aid may potentially interact with any extended producer responsibility schemes in your Member State, please describe any such schemes and specify how it may interact.

……

3. WEIGHING THE POSITIVE EFFECTS OF THE AID AGAINST THE NEGATIVE EFFECTS ON COMPETITION AND TRADE

*To provide the information in this section, please refer to section 3.3 (points 71-76) of the CEEAG.*

61. In order to verify compliance with point 72 of the CEEAG, please explain whether activities supported under the notified measure meet the criteria for environmentally sustainable economic activities provided in Article 3 of the Regulation (EU) 2020/852 of the European Parliament and of the Council ([343]), including the 'do no significant harm' principle, or other comparable methodologies.

……

62. (In case of competitive bidding process) Please explain if the notified measure(s) includes features to facilitate the participation of SMEs in competitive bidding processes. In the affirmative, please provide information on those features and justify how the positive effects of ensuring participation of SMEs in the notified measure(s) outweigh the possible distortive effects.

Section C: Evaluation

*To provide the information in this section, please refer to Section 5 (points 455-463) of the CEEAG.*

63. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG please either explain why in your view the exception in point 457 of the CEEAG should apply, or attach to this notification form an Annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG) ([344]).

……

64. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the Annex.

……

(b) confirm that the provisions of point 460 of the CEEAG will be respected.

……

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

([343]) Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

([344]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

65. In order to verify compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

66. In order to verify compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

67. In order to verify compliance with point 461 of the CEEAG,

(a) Please clarify if the independent expert has already been selected or it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

68. In order to verify compliance with point 461 of the CEEAG:

(a) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that the final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464 and 465) of the CEEAG.*

69. Please confirm that the Member State will comply with the requirements for reporting and monitoring set out in Section 6, points 464 and 465, of the CEEAG.

……

PART III.6.F

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.5 – Aid for the prevention or reduction of pollution other than from greenhouse gases

*This supplementary information sheet concerns measures covered in Section 4.5 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s).

1.1. If not already discussed under section 5.2 of the General Information Form (Part I), please provide the background and the main objective, including any Union targets for the environmental objective(s) the measure is intended to support.

……

1.2. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions of competition in the internal market.

……

2. Entry into force and duration:

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate the date as of which the aid scheme is planned to enter into force;

……

2.2. Please indicate the duration of the scheme ([345]).

……

3. Beneficiary(ies)

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s);

……

3.2. Please indicate the location of the beneficiary(ies) (i.e. if only economic entities located in the respective Member State or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 of the CEEAG). Otherwise, please provide details.

……

([345]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (including thus the time needed for the national authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

5. Budget and financing of the measure(s).

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget ([346]).

……

5.2. if the measure is financed through a levy, please clarify if:

(a) the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

……

(b) the levy reduction is financed by raising the levy for other consumers;

……

(c) the levy is imposed equally on domestic and imported products;

……

(d) the notified measure will benefit equally domestic and imported products;

……

(e) the levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

……

(f) the levy financing the notified measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points 23-25) and sections 4.5.1 (points 253-254), and 4.5.2 (points 255-259) of the CEEAG.*

6. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible '*aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest*'. Therefore, compatible aid under that provision of the Treatymust contribute to the development of a certain economic activity.

In order to assess compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported.

……

([346]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

7. In order to assess compliance with point 25 of the CEEAG, please "*describe if and how the aid will contribute to the achievement of objectives of Union climate policy, environmental policy and energy policy and more specifically, the expected benefits of the aid in terms of its material contribution to environmental protection, including climate change mitigation, or the efficient functioning of the internal energy market*".

……

8. In addition, please highlight to what extent the aid relates to the policies described under points 253-254 of the CEEAG.

……

9. Please describe the eligibility requirements applicable to the beneficiary(ies) (for instance by including any technical, environmental (i.e. permits), financial (i.e. collaterals) or other requirements that the beneficiary(ies) need to comply with).

……

10. Please provide information on the precise scope and supported activities of the aid measure(s), as provided in section 4.5.2 (points 255-259) of the CEEAG. Please indicate which one(s) of the following categories of investments are eligible under the aid measure:

(a) Investments enabling undertakings to prevent or reduce pollution other than from greenhouse gases beyond Union standards for environmental protection;

(b) Investments enabling undertakings to prevent or reduce pollution other than from greenhouse gases in the absence of Union standards;

(c) Investments enabling undertakings to comply with Union standards that are adopted but not yet in force.

……

11. If the aid is in the form of tradable permits ([347]):

(a) Please describe in detail the tradable permit scheme, including inter alia the objectives, the granting methodology, the authorities or entities involved, the role of the State, the beneficiaries and the procedural aspects.

……

(b) Please explain how the tradable permit scheme is designed in such a way as to prevent or reduce pollution beyond the levels to be achieved on the basis of Union standards that are mandatory for the undertakings concerned.

……

12. Please confirm that the aid targets the prevention or reduction of pollution directly linked to the beneficiary(-ies)'s own activities.

……

13. Please describe how it will be ensured that the aid will not merely displace pollution from one sector to another or from one environmental medium to another and that it will achieve an overall reduction of pollution.

……

([347]) Tradable permits can involve State aid, in particular when Member States grant permits and allowances below their market value.

14. For individual aid and aid schemes benefitting a particularly limited number of beneficiaries or an incumbent beneficiary and aiming at decreasing their pollution other than from greenhouse gases, please provide a quantification of the emission/pollutants savings expected from the measure and explain the method followed to quantify them.

.....

15. Please indicate whether the aid measure also contributes to the prevention or reduction of greenhouse gas emissions.

If yes, please provide a comparison of the expected results of the measure in terms of the prevention or reduction of greenhouse gas emissions and of emissions of other pollutants on the basis of credible, detailed quantifications.

.....

If the prevention or reduction of greenhouse gas emissions is the predominant objective of the aid measure, please refer to the supplementary information sheet for section 4.1 as its compatibility will be assessed on the basis of section 4.1. However, if the predominant objective of the measure is the prevention or reduction of pollution other than from greenhouse gas emissions, it will be assessed on the basis of section 4.5 (point 259 of the CEEAG).

1.2. **Incentive effect**

*To provide the information in this section, please refer to section 3.1.2 (points 26-32) and section 4.5.3 (points 260-262) of the CEEAG.*

16. Aid can be considered as facilitating an economic activity only if it has an incentive effect. In order to assess compliance with point 26 of the CEEAG, please explain how the measure(s) *"induces the beneficiary to change its behaviour, to engage in additional economic activity or in more environmentally-friendly economic activity, which it would not carry out without the aid or would carry out in a restricted or different manner".*

.....

17. Pursuant to point 28 of the CEEAG:

17.1. Please provide a comprehensive description of the factual scenario expected to result from the aid measure and the likely counterfactual scenario(s) absent the aid measure. ([348]) Where you expect that different categories of beneficiaries may be supported, please ensure that the counterfactual is credible for each of these categories.

Please take into account the requirements on the counterfactual included in points 266 and 226-230 CEEAG, notably:

(a) Generally, the counterfactual corresponds to an investment with the same capacity, lifetime and, where appropriate, other relevant technical characteristics, as the environmentally friendly investment, leading however to a lower level of environmental protection;

(b) Alternatively, the counterfactual may also correspond to one of the following scenarios:

(i) maintaining the existing installations or equipment in operation for a period corresponding to the lifetime of the environmentally friendly investment; in that case, the discounted maintenance, repair and modernisation costs over that period should be taken into account (point 227 of the CEEAG);

([348]) Please note that points 38 and 52, as well as footnotes 39 and 45 of the CEEAG provide further guidance on how the likely counterfactual scenario should be developed.

(ii) a later replacement of the installations or equipment; in that case the discounted value of the installations and equipment needs to be taken into account and the difference in the respective economic lifetime of the installations or equipment needs to be equalised in line with point 228 of the CEEAG;

(iii) the leasing of a the less environmentally-friendly equipment that would be used in the absence of the aid; in that case the discounted value of the leasing of the less environmentally-friendly equipment should be taken into account in line with point 229 of the CEEAG;

(iv) the absence of an alternative project, in particular where the aided investment consists in adding installations or equipment to existing facilities, installations or equipment.

When describing the factual scenario and the likely counterfactual scenario(s), please specify the capacity, lifetime and other technical characteristics of the investment for both the factual and the counterfactual scenario(s).

……

17.2. Please briefly explain the rationale for the choice of the likely counterfactual scenario(s), in view of the proposed different categories of beneficiaries if applicable;

……

17.3. Please quantify the costs and revenues of factual and counterfactual scenarios and justify the change of behaviour, where relevant for each category of beneficiary, based on:

(a) the respective reference project ([349]), the corresponding counterfactuals and resulting funding gap;

*OR*

(b) relevant quantitative evidence based on market studies, investor plans, financial reports, or other quantitative evidence including bids made for similar projects in recent comparable competitive bidding processes. ([350])

……

18. In order to demonstrate compliance with points 29 and 31 of the CEEAG:

(a) Please confirm that the start of works on the project or activity did not take place prior to a written aid application by the beneficiary to the national authorities;

……

*OR*

(b) For projects that started before the aid application, please demonstrate that the project falls within one of the exceptional cases provided in point 31 of the CEEAG ((a), (b) or (c)).

……

([349]) 'Reference project' is defined in point 19(63) of the CEEAG.

([350]) If relying on a recent competitive process, please explain how that bidding process can be considered competitive, including how windfall profits were avoided for different technologies included in the competitive bidding process where applicable, and how it is comparable, for example:

i. Were the conditions (e.g. contract terms and duration, investment deadlines, whether support payments were indexed to inflation or not) similar to those proposed in the notified measure?

ii. Was the competitive process conducted under similar macroeconomic conditions?

iii. Were the technologies / project types similar?

19. In order to demonstrate compliance with point 30 of the CEEAG, please confirm that the aid application includes at least the applicant's name, a description of the project or activity, including its location, and the amount of aid needed to carry it out.

……

20. In order to demonstrate compliance with points 32, 261 and 262 of the CEEAG:

(a) Please indicate if there are Union standards ([351]) applicable to the notified measure(s), mandatory national standards that are more stringent or ambitious than the corresponding Union standards, or mandatory national standards adopted in the absence of Union standards.

In that context, please provide information to demonstrate the incentive effect.

……

(b) In cases where the relevant Union standard has already been adopted but is not yet in force, please demonstrate that the aid has an incentive effect because it incentivises the investment to be implemented and finalised at least 18 months before the standard enters into force in line with point 262 of the CEEAG.

……

1.3. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33) of the CEEAG.*

21. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

……

22. If a levy is used to finance the measure(s), please clarify if the assessment of compliance with Articles 30 and 110 of the Treaty needs to be carried out. In the affirmative, please demonstrate how the measure complies with the provisions of Articles 30 and 110 of the Treaty. In this context, the information submitted under question 5.2 above, where the notified measure(s) is financed through a levy can be referred to.

……

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTERES

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *Necessity of the aid*

*To provide the information in this section, please refer to section 3.2.1.1 (points 34-38) and section 4.5.4.1 (point 264) of the CEEAG.*

([351]) According to point 19(89) of the CEEAG, 'Union standard' means:
(a) *a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings;*
(b) *the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purpose of these guidelines; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.*

23. Please explain which market failure(s) your authorities have identified that prevent the achievement of a sufficient level of environmental protection. Please specify in which category the market failures identified fall, by making reference to letters (a), (b), (c) or (d) of point 34 of the CEEAG.

……

24. In accordance with point 35 of the CEEAG, please provide information on any existing policies and measures that your authorities identified, which already target the identified regulatory or market failures.

……

25. In order to demonstrate compliance with point 36 of the CEEAG, please provide information that demonstrates that the aid effectively targets residual market failures, also taking into account any other policies and measures already in place to address some of the market failures identified.

……

26. In order to demonstrate compliance with point 37 of the CEEAG, please explain if, to your authorities' knowledge, projects or activities similar to those covered by the notified measure(s) with respect to their technological content, level of risk and size, are already delivered within the Union at market conditions. In the affirmative, please provide further evidence to demonstrate the need for State aid.

……

27. In order to demonstrate compliance with point 38 of the CEEAG, please refer to the quantitative evidence already provided under question 17 above.

……

28. If the aid is in the form of tradable permits, please provide evidence showing that the following cumulative conditions are fulfilled, in line with point 264 of the CEEAG:

(a) Full auctioning leads to a substantial increase in production costs for each sector or category of individual beneficiaries;

……

(b) The substantial increase in production costs cannot be passed on to customers without leading to significant sales reductions ([352]);

……

(c) Individual undertakings in the sector do not have the possibility to reduce emission levels in order to reduce the costs of the certificates/tradable permits to a level bearable to those companies. This can be shown by comparing the level of emissions of the potential beneficiaries with the emission levels achieved by implementing the best performing technique and showing that the best performing technique in the EEA was used as a benchmark for the level of the allowance granted.

……

2.1.2. *Appropriateness*

*To provide the information in this section, please refer to section 3.2.1.2 (points 39-46) of the CEEAG.*

29. In order to verify compliance with point 40 of the CEEAG, please demonstrate that there are no less distortive instruments available that are more appropriate.

……

([352]) The analysis may be conducted on the basis of estimates of the product price elasticity of the sector concerned, among other factors, as well as on estimates of lost sales as well as their impact on the profitability of the beneficiary.

30. In order to verify compliance with point 41 of the CEEAG, please demonstrate that the aid measure is designed in such a way as to not undermine the efficiency of other measures remedying the same market failure, such as market-based mechanisms (e.g., the EU ETS).

……

31. In order to verify compliance with point 42 of the CEEAG, please confirm that none of the beneficiaries of the aid measure(s) could be held liable for the pollution under existing Union or national law (*'polluter pays' principle*).

……

32. In order to verify compliance with points 43 to 46 of the CEEAG, to demonstrate the appropriateness of the aid among different aid instruments, please provide the following information:

(a) Please explain why other potentially less distortive forms of aid are less appropriate, as required in point 44 of the CEEAG. Less distortive forms of aid may be repayable advances as compared to direct grants; tax credits as compared to tax reductions; or forms of aid that are based on financial instruments, such as debt, as compared to equity instruments, including, for example, low-interest loans or interest rebates, State guarantees, or an alternative provision of financing on favourable terms.

……

(b) Please demonstrate that the choice of the aid instrument is appropriate to the market failure that the aid measure(s) aims to address, as required in point 45 of the CEEAG.

……

(c) Please explain how the aid measure and its design are appropriate to achieve its objective (point 46 of the CEEAG).

……

2.1.3. *Proportionality*

*To provide the information in this section, please refer to section 3.2.1.3 (points 47-57) and section 4.5.4.2 (points 265-273) of the CEEAG. Please note that the following three sections 2.1.3.2., 2.1.3.3. and 2.1.3.4. are alternative. Please provide replies only to the applicable section, depending on the design of the proposed measure. For aid granted in the form of tradable permits, please also reply to question 33 (section 2.1.3.1).*

2.1.3.1. Proportionality of aid granted in the form of tradable permits

33. If the aid is in the form of tradable permits, in line with point 273 please explain how:

(a) The allocation will be carried out in a transparent way, based on objective criteria and on data sources of the highest quality available;

……

(b) The total amount of tradable permits or allowances granted to each undertaking for a price below their market value will not be higher than its expected needs as estimated for a situation without the trading scheme.

……

2.1.3.2. Proportionality of aid based on aid intensities set out in points 265-273 of the CEEAG

34. In order to describe the eligible costs under the measure, please identify the extra investment costs directly linked to the achievement of a higher level of environmental protection. For this purpose, please refer to the relevant counterfactual scenario, as identified in the response to question 17 and to points 266 and 226 to 230 CEEAG.

……

35. Please explain how the investment costs of the factual and the counterfactual scenarios will be determined and verified.

……

36. Please indicate the maximum aid intensities applicable under the measure and indicate whether any bonuses apply (points 267-270 of the CEEAG).

……

37. For eco-innovation activities, please demonstrate that the following cumulative conditions are fulfilled (point 270 of the CEEAG):

(a) The eco-innovation activity is new or substantially improved compared to the state of the art in its industry in the Union ([353]);

(b) The expected environmental benefit is significantly higher than the improvement resulting from the general evolution of the state of the art in comparable activities ([354]);

(c) The innovative character of the activity involves a clear degree of risk, in technological, market or financial terms, which is higher than the risk generally associated with comparable non-innovative activities ([355]).

……

38. If by way of derogation from points 267-270 of the CEEAG, it is considered that aid beyond the maximum aid intensities set under Section 4.5.4.2 is required, please indicate the level of aid considered to be necessary and justify it on the basis of a funding gap analysis for reference projects in the factual and counterfactual scenarios as identified in reply to question 17(c) above, in line with points 51-52 of the CEEAG.

For this funding gap analysis, please submit a quantification, for the factual scenario(s) and a realistic counterfactual scenario(s) ([356]) identified in reply to question 17 C) above, of all main costs and revenues, the estimated weighted average cost of capital (WACC) of the beneficiaries (or reference projects) to discount future cash flows, as well as the net present value (NPV) for the factual and counterfactual scenarios, over the lifetime of the project/reference project.

(a) Please provide this in an Annex to this supplementary information sheet (using an Excel file where all formulas are visible).

……

(b) Please include detailed information on the assumptions, methodologies, rationale and underlying sources thereof, used for each aspect of the quantification of costs and revenues in the factual scenario and the likely counterfactual scenario (for instance please include the assumptions used to develop those scenarios and the source/rationale for these assumptions).

……

([353]) The novelty could, for example, be demonstrated on the basis of a precise description of the innovation and of market conditions for its introduction or diffusion, comparing it with state-of-the-art processes or organisational techniques generally used by other undertakings in the same industry.

([354]) If quantitative parameters can be used to compare eco-innovative activities with standard, non-innovative activities, 'significantly higher' means that the marginal improvement expected from eco-innovative activities in terms of reduced environmental risk or pollution or improved efficiency in energy or resources should be at least twice as high as the marginal improvement expected from the general evolution of comparable non-innovative activities. Where the proposed approach is not appropriate for a given case, or if no quantitative comparison is possible, the application file for State aid should contain a detailed description of the method used to assess this criterion, ensuring a standard comparable to that of the proposed method.

([355]) This risk could be demonstrated by the Member State for instance in terms of: costs in relation to the undertaking's turnover, time required for the development, expected gains from the eco-innovation activity in comparison with the costs, and probability of failure.

([356]) Please refer also to the further information in points 51-53 as well as footnotes 45 and 46 of the CEEAG.

(c) For cases of individual aid and schemes benefitting a particularly limited number of beneficiaries, the Member State needs to present the supporting evidence at the level of the detailed project business plan.

For cases of aid schemes, the Member State needs to present the supporting evidence on the basis of one or more reference projects.

……

(d) You may also attach to this supplementary information sheet the documents mentioned in footnote 39 of the CEEAG. Board documents may be particularly useful for individual aid measures or schemes benefitting a particularly limited number of beneficiaries. If such documents are attached to the supplementary information sheet, please provide below a list of those documents, specifying the author, the date when they were drafted and the context when they were used.

……

39. Please also demonstrate that the application of a higher aid determined as indicated in question 38 would not result in aid exceeding the funding gap.

……

40. In case point 52 of the CEEAG is applicable, i.e. the most likely counterfactual scenario consists in the beneficiary not carrying out an activity or investment, or continuing its business without changes, please provide evidence to support this assumption ([357]).

……

41. In all case where the proportionality is justified by reference to a funding gap analysis, please confirm that your authorities will conduct an *ex post* monitoring to verify the assumptions made about the level of aid required and will put in place a claw-back mechanism. Please also describe the monitoring and claw-back mechanism that your authorities intend to apply (point 271 CEEAG).

……

2.1.3.3. Proportionality of the aid granted through a competitive bidding process

*To provide the information in this section, please refer to points 49, 50 and 272 of the CEEAG.*

42. In order to verify the compliance with points 49 and 50 of the CEEAG, please provide the following:

(a) Please explain how the authorities ensure that the bidding process is open, clear, transparent and non-discriminatory, based on objective criteria, defined *ex ante* in accordance with the objective of the measure and minimising the risk of strategic bidding (point 49(a) of the CEEAG).

……

(b) The selection criteria used for ranking the bids, and ultimately identifying the level of aid in the competitive bidding process. More specifically:

(i) Please provide the list of the selection criteria and specify which of them are/are not directly or indirectly related to the main objectives of the measure(s). Please include their weighting.

……

([357]) In that case, according to point 52 of the CEEAG, "the net extra cost may be approximated by the negative NPV of the project in the factual scenario without aid over the lifetime of the project (hence, implicitly assuming that the NPV of the counterfactual is zero)"

(ii) Please explain how the selection criteria put the contribution to the main objectives of the measure(s) in direct or indirect relation with the aid amount requested by the applicant. This may be expressed, for example, in terms of aid per unit of environmental protection ([358]) (point 50 of the CEEAG and footnote 44 of the CEEAG).

……

(iii) In case there are other selection criteria that are not directly or indirectly related to the main objectives of the measure(s), please provide reasons for the proposed approach and explain how it is appropriate to the objectives pursued by the measure(s). Please also confirm that those criteria account for no more than 30 % of the weighting of all the selection criteria (point 50 of the CEEAG).

……

(iv) Please explain how far in advance of the deadline for submitting applications in each competitive bidding process the selection criteria will be published (point 49(b) and footnote 43 of the CEEAG).

……

43. Please explain the elements on which you based the assumption that the bidding process will be open and properly subscribed, i.e. that it can be expected that not all bidders will receive aid and that the number of expected bidders is sufficient to ensure effective competition for the duration of the scheme (point 49(c) of the CEEAG). In your explanation, please take into account the budget or volume of the scheme. Where relevant, please refer to the evidence provided in the replies under question 17.

……

44. Please provide information on the number of bidding rounds envisaged and expected number of bidders in the first round and over time.

……

45. In case of one or more undersubscribed bidding processes, please explain how the design of bidding processes will be corrected during the implementation of the scheme in order to restore effective competition, and when (point 49(c) of the CEEAG).

……

46. Please confirm that *ex post* adjustments to the bidding process outcome (such as subsequent negotiations on bid results or rationing) are avoided (point 49(d) of the CEEAG).

……

47. In case there is a possibility of '*zero subsidy bids*', please explain how proportionality will be ensured (please see point 49, footnote 42, of the CEEAG).

……

([358]) Please note that footnote 44 of the CEEAG provides that:
*"When assessing units of environmental protection, Member States may for instance develop a methodology that accounts for emissions or other pollution at different stages of the supported economic activity, project realisation time or system integration costs. When putting the contribution to the main objectives in relation with the aid amount requested, Member States may for instance weigh the various objective criteria and select on the basis of aid amount per unit of the weighted average of the objective criteria, or select among a limited range of bids with the lowest aid amount per unit of the objective criteria the ones with highest scores on the objective criteria. The parameters of any such approach must be calibrated to ensure that the bidding process remains non-discriminatory, effectively competitive and reflects economic value."*

48. Please clarify if the authorities foresee the use of price floors or caps in the competitive bidding process. In the affirmative, please justify their use and explain how they do not constrain the competitive bidding process (point 49 and footnote 42 of the CEEAG).

……

2.1.4. *Cumulation*

*To provide the information in this section, please refer to points 56-57 of the CEEAG.*

49. In as far as not already provided under Part I of the general notification form and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure(s) may be awarded concurrently under several aid schemes or cumulated with ad hoc or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or *de minimis* aid and how the aid will be cumulated.

……

50. If point 56 of the CEEAG is applicable, please justify how the total amount of aid granted under the notified measure(s) for a project or an activity does not lead to overcompensation or exceed the maximum aid amount allowed under points 267-273 of the CEEAG. For each measure that the aid granted under the notified aid measure(s) can be cumulated with, please specify the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

……

51. In case point 57 of the CEEAG is applicable, i.e. the aid granted under the notified measure(s) is combined with centrally managed Union funding ([359]) (that does not constitute State aid), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation.

……

2.1.5. *Transparency*

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-62) of the CEEAG.*

52. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

53. Please provide the internet link where the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions, and information on each individual aid award granted ad hoc or under an aid scheme approved on the basis of the CEEAG and exceeding EUR 100 000 will be published.

……

2.2. **Avoidance of undue negative effects of the aid on competition and trade and balancing**

*To provide the information in this section, please refer to section 3.2.2 (points 63-70) and section 4.5.5 (points 274-275) of the CEEAG.*

([359]) Centrally managed Union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union and that is not directly or indirectly under the control of the Member State.

54. In order to verify compliance with point 67 of the CEEAG, please provide information on the possible short and long-term negative effects of the notified measure(s) on competition and trade.

……

55. Please explain if the measure falls under any of the following situations:

(a) It concerns a market (or markets) where incumbents gained market power prior to market liberalisation;

……

(b) It involves competitive bidding processes in nascent market(s), when there is a player with a strong market position;

……

(c) It will only benefit one or a particularly limited number of beneficiaries.

……

56. Should the aid measure focus on a specific technological choice/path, please justify the reason for the technological choice and that it will not discourage the deployment of cleaner technologies.

……

57. If the notified measure(s) will only benefit one or a particularly limited number of beneficiaries, in order to verify compliance with point 68 of the CEEAG, please:

(a) Explain whether the notified measure(s) strengthens or maintains the market power of the beneficiary(ies) or discourages the expansion of existing competitors or induces their exit or discourages the entry of new competitors. Explain in this regard also whether the aid measure will lead to an increase in the production capacity of the beneficiary.

……

(b) Describe the measure(s) put in place to limit the potential distortion of competition caused by granting the aid to the beneficiary(ies).

……

58. In order to verify compliance with point 69 of the CEEAG, please explain:

(a) If the aid granted under the notified measure(s) aims at preserving economic activity in one region or attracting it away from other regions within the internal market.

……

(b) In the affirmative, please specify which is the net environmental effect of the notified measure(s) and how the notified measure(s) improves the existing level of environmental protection in the Member States.

……

(c) How the aid granted under the notified measure(s) does not result in any manifestly negative effects on competition and trade.

……

(d) In case of individual aid, the main drivers of the choice of the location for the investments by the beneficiary.

……

59. In order to verify compliance with point 70 of the CEEAG:

(a) Please confirm that aid may be granted under the notified scheme for a maximum period of 10 years from the date of the notification of the Commission's decision declaring the aid compatible.

……

(b) Please confirm that, should your authorities wish to extend the duration of the scheme beyond that maximum period, they will renotify the measure.

……

60. If the aid is in the form of tradable permits, in order to verify compliance with point 275 of the CEEAG, please confirm that the measure complies with all of the following criteria:

(a) The choice of beneficiaries is based on objective and transparent criteria and the aid is granted in principle in the same way for all competitors in the same sector if they are in a similar factual situation;

……

(b) The allocation methodology does not favour certain undertakings or certain sectors.

……

(c) In case the allocation methodology favours certain undertakings or certain sectors, please explain how that is justified by the environmental logic of the scheme itself or is necessary for consistency with other environmental policies.

……

(d) New entrants do not receive permits or allowances on more favourable conditions than existing undertakings operating on the same markets.

……

(e) Granting higher allocations to existing installations compared to new entrants does not result in creating undue barriers to entry.

……

3. WEIGHING THE POSITIVE EFFECTS OF THE AID AGAINST THE NEGATIVE EFFECTS ON COMPETITION AND TRADE

*To provide the information in this section, please refer to section 3.3 (points 71-76) of the CEEAG.*

61. In order to verify compliance with point 72 of the CEEAG, please explain whether activities supported under the notified measure meet the criteria for environmentally sustainable economic activities provided in Article 3 of the Regulation (EU) 2020/852 of the European Parliament and of the Council ([360]), including the 'do no significant harm' principle, or other comparable methodologies.

……

62. (In case of competitive bidding process) Please explain if the notified measure(s) includes features to facilitate the participation of SMEs in competitive bidding processes. In the affirmative, please provide information on those features and justify how the positive effects of ensuring participation of SMEs in the notified measure(s) outweigh the possible distortive effects.

……

([360]) Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

Section C: Evaluation

*To provide the information in this section, please refer to Section 5 (points 455-463) of the CEEAG.*

63. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply, or attach to this supplementary information sheet an Annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG ([361]).

……

64. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the Annex.

……

(b) confirm that point 460 of the CEEAG will be respected.

……

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

65. In order to verify compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

66. In order to verify compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

67. In order to verify compliance with point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

([361]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

68. In order to verify compliance with point 461 of the CEEAG:

(a) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that the final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464 and 465) of the CEEAG.*

69. Please confirm that the Member State will comply with the requirements for reporting and monitoring set out in Section 6, points 464 and 465, of the CEEAG.

……

PART III.6.G

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.6 - Aid for the remediation of contaminated sites, for the rehabilitation of natural habitats and ecosystems and for biodiversity and nature-based solution

*This supplementary information sheet concerns measures covered in Section 4.6 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s).

1.1. If not already discussed under section 5.2 of the General Information Form (Part I), please provide the background and the main objective, including any Union targets for remediating contaminated sites, rehabilitating natural habitats and ecosystems and biodiversity and implementing nature-based solutions that the measure is intended to support.

……

1.2. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions of competition in the internal market.

……

2. Entry into force and duration:

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate the date as of which the aid scheme is planned to enter into force;

……

2.2. Please indicate the duration of the scheme. ([362])

……

3. Beneficiary(ies)

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s);

……

3.2. Please indicate the location of the (potential) beneficiary(ies) (i.e. if only economic entities located in the respective Member State or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 of the CEEAG). Otherwise, please provide details.

……

5. Budget and financing of the measure(s).

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget. ([363])

……

5.2. if the measure is financed through a levy, please clarify if:

(a) the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

……

(b) the levy is imposed equally on domestic and imported products;

……

(c) the notified measure will benefit equally domestic and imported products;

……

([362]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (including thus the time needed for the national authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

([363]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

(d) the levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

……

(e) the levy financing the notified measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points 23-25) and sections 4.6.1 (points 276-278) and 4.6.2 (points 279-282) of the CEEAG.*

6. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible "*aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest*". Therefore, compatible aid under that provision of the Treaty must contribute to the development of a certain economic activity.

In order to assess compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported.

……

7. In order to assess compliance with point 25 of the CEEAG, please describe "*if and how the aid will contribute to the achievement of objectives of Union climate policy, environmental policy and energy policy and more specifically, the expected benefits of the aid in terms of its material contribution to environmental protection, including climate change mitigation, or the efficient functioning of the internal energy market*".

……

8. In addition, please highlight to what extent the aid relates to the policies described under points 276, 277 and 278 of the CEEAG.

……

9. Please describe the eligibility requirements applicable to the beneficiary(ies) (for instance by including any technical, environmental (i.e. permits), financial (i.e. collaterals) or other requirements that the beneficiary(ies) need to comply with).

……

10. Please provide information on the precise scope and precise supported activities of the aid measure(s) to demonstrate that the scheme covers activities falling under one or several of the categories listed under point 281 of the CEEAG.

……

11. Please confirm that the aid granted under the measure(s) is not awarded for remediation or rehabilitation following the closure of power plants and mining or extraction operations to the extent that the aid in question is covered by Section 4.12 (point 280(a) of the CEEAG). Should the aid for remediation or rehabilitation be directly following the early closure of profitable coal, peat and oil shale activities or the closure of uncompetitive coal, peat and oil shale activities please fill in Supplementary information sheet for State aid granted under Section 4.12 of the CEEAG, as such aid is assessed under Section 4.12.

……

12. Please confirm that the aid granted under the measure(s) is not awarded to make good the damage caused by natural disasters, such as earthquakes, avalanches, landslides, floods, tornadoes, hurricanes, volcanic eruptions and wild fires of natural origin (point 280(b) of the CEEAG).

……

13. In order to determine whether the compatibility of the measure will be assessed under Section 4.6 or Section 4.1, please indicate whether the aid granted under the measure(s) also contributes to the reduction of greenhouse gas emissions.

……

14. In the affirmative, please provide, in order to determine the predominant objective of the measure in line with point 282 and footnote 124 of the CEEAG, a comparison of the expected results of the measure in terms of the prevention or reduction of emissions of greenhouse gases and of the remediation of environmental damage, the rehabilitation of natural habitats and ecosystems, the protection or restoration of biodiversity and the implementation of nature-based solutions for climate change adaptation and mitigation, on the basis of credible, detailed quantifications.

……

1.2. **Incentive effect**

*To provide the information in this section, please refer to section 3.1.2 (points 26-32) and section 4.6.3 (points 283-287) of the CEEAG.*

15. Aid can be considered as facilitating an economic activity only if it has an incentive effect. In order to assess the compliance with point 26 of the CEEAG, please explain how the measure(s) *"induces the beneficiary to change its behaviour, to engage in additional economic activity or in more environmentally-friendly economic activity, which it would not carry out without the aid or would carry out in a restricted or different manner"*.

……

16. Pursuant to point 28 of the CEEAG, please provide a comprehensive description of the factual scenario expected to result from the aid measure and the likely counterfactual scenario(s) absent the aid measure. ([364]) Where you expect that different categories of beneficiaries may be supported, please ensure that the counterfactual is credible for each of these categories and justify the choice of the counterfactual.

……

Please justify the change of behaviour where relevant for each category of beneficiary, based on the respective reference project ([365]), the corresponding counterfactuals and resulting funding gap.

……

17. In order to assess compliance with point 27 of the CEEAG, please provide information to confirm that the aid does not support the costs of an activity that the aid beneficiary would anyhow carry out and does not compensate for the normal business risk of an economic activity.

……

([364]) Please note that points 38 and 52 as well as footnotes 39 and 45 of the CEEAG provide further guidance on how the likely counterfactual scenario should be developed.

([365]) "Reference project" is defined in point 19(63) of the CEEAG.

18. In order to demonstrate compliance with points 29 and 31 of the CEEAG:

(a) Please confirm that the start of works on the project or activity did not take place prior to a written aid application by the beneficiary to the national authorities;

……

*OR*

(b) For projects that started before the aid application, please demonstrate that the project falls within one of the exceptional cases provided in point 31 of the CEEAG ((a), (b) or (c)).

……

19. In order to demonstrate compliance with point 30 of the CEEAG, please confirm that the aid application includes at least the applicant's name, a description of the project or activity, including its location, and the amount of aid needed to carry it out.

……

20. In order to demonstrate compliance with point 32 of the CEEAG, please indicate if there are Union standards ([366]) applicable to the notified measure(s), mandatory national standards that are more stringent or ambitious than the corresponding Union standards, or mandatory national standards. adopted in the absence of Union standards. In that context, please provide information to demonstrate the incentive effect.

……

21. In cases where the relevant Union standard has already been adopted but is not yet in force, please demonstrate that the aid has an incentive effect because it incentivises the investment to be implemented and finalised at least 18 months before the standard enters into force.

……

22. Without prejudice to Directive 2004/35/EC or other relevant Union rules ([367]), in order to verify the compliance with points 284 and 285 of the CEEAG and with the '*polluter pays*' principle:

(a) Please confirm that the undertaking at the origin of the environmental damage cannot be identified or be held liable for financing the works necessary to prevent and correct the environmental damage in accordance with the polluter pays principle.

……

(b) Please demonstrate that all necessary measures, including legal action, have been taken to identify the liable entity or undertaking at the origin of the environmental damage and make it bear the relevant costs.

……

([366]) According to point 19(89) of the CEEAG, 'Union standard' means:

(a) *a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings;*

(b) *the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purpose of these guidelines; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.*

([367]) Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56). See also Commission Notice Guidelines providing a common understanding of the term 'environmental damage' as defined in Article 2 of Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage (OJ C 118, 7.4.2021, p. 1).

(c) Please indicate whether the undertaking at the origin of the environmental damage, has ceased to legally exist and no other undertaking can be regarded as its legal or economic successor and whether there is insufficient financial security to meet the costs of remediation.

.....

23. In order to verify compliance with point 286 of the CEEAG, please confirm that the aid is not granted for the implementation of compensatory measures referred to in Article 6(4) of Council Directive 92/43/EEC ([368]).

.....

24. Please indicate whether the aid covers extra costs necessary to increase the scope or ambition of the compensatory measures beyond the legal obligations under Article 6(4) of the Council Directive 92/43/EEC.

.....

1.3. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33) of the CEEAG.*

25. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

.....

26. If a levy is used to finance the measure(s), please clarify if the assessment of compliance with Articles 30 and 110 of the Treaty needs to be carried out. In the affirmative, please demonstrate how the measure complies with the provisions of Articles 30 and 110 of the Treaty. In this context, the information submitted under question 5.2 above, where the notified measure(s) is financed through a levy can be referred to.

.....

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *Minimisation of distortions of competition and trade*

*To provide the information in this section, please refer to section 3.2.1.1 (points 34-38) of the CEEAG.*

27. Please explain which market failure(s) your authorities have identified that prevent the achievement of a sufficient level of environmental protection. Please specify in which category the market failures identified fall, by making reference to letters (a), (b), (c) or (d) of point 34 of the CEEAG.

.....

28. In accordance with point 35 of the CEEAG, please provide information on any existing policies and measures that your authorities identified, which already target the identified regulatory or market failures.

.....

29. In order to demonstrate compliance with point 36 of the CEEAG, please provide information that demonstrates that the aid effectively targets residual market failures, also taking into account any other policies and measures already in place to address some of the market failures identified.

.....

([368]) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

30. In order to demonstrate compliance with point 37 of the CEEAG, please explain if, to your authorities' knowledge, projects or activities similar to those covered by the notified measure(s) with respect to their technological content, level of risk and size, are already delivered within the Union at market conditions. In the affirmative, please provide further evidence to demonstrate the need for State aid.

……

31. In order to demonstrate compliance with point 38 of the CEEAG, please refer to the quantitative evidence already provided under question 16 above.

……

2.1.2. *Appropriateness*

*To provide the information in this section, please refer to section 3.2.1.2 (points 39-46) of the CEEAG.*

32. In order to verify compliance with point 40 of the CEEAG, please demonstrate that there are no less distortive instruments available that are more appropriate.

……

33. In order to verify compliance with point 41 of the CEEAG, please demonstrate that the aid measure is designed in such a way as to not undermine the efficiency of other measures remedying the same market failure, such as market-based mechanisms (e.g., the Union's ETS).

……

34. In order to verify compliance with points 43 to 46 of the CEEAG, to demonstrate the appropriateness of the aid among different aid instruments, please provide the following information:

(a) Please explain why other potentially less distortive forms of aid are less appropriate, as required in point 44 of the CEEAG. Less distortive forms of aid may be repayable advances as compared to direct grants; tax credits as compared to tax reductions; or forms of aid that are based on financial instruments, such as debt as compared to equity instruments, including, for example, low-interest loans or interest rebates, State guarantees, or an alternative provision of financing on favourable terms.

……

(b) Please demonstrate that the choice of the aid instrument is appropriate to the market failure that the aid measure(s) aims to address, as required in point 45 of the CEEAG.

……

(c) Please explain how the aid measure and its design are appropriate to achieve the objective of the measure at which the aid is targeted (point 46 of the CEEAG).

……

2.1.3. *Proportionality*

*To provide the information in this section, please refer to section 4.6.4 (points 288-291 of the CEEAG.*

35. Please describe what costs are eligible under the aid measure and how they will be identified.

……

36. For investments in the remediation of environmental damage or the rehabilitation of natural habitats and ecosystems:

(a) Please indicate (i) the remediation or rehabilitation costs and provide their amounts using the quantification of the project costs or the reference project costs under question 16 and (ii) the value of the land before the remediation or rehabilitation has been undertaken and after the remediation or rehabilitation has been undertaken or describe the procedure to determine the increase in the value of the land.

……

(b) Please confirm that the aid may not exceed the difference between the remediation or rehabilitation costs and the increase in land value (point 288 of the CEEAG).

……

(c) Please confirm that evaluations of the increase in value of the land or property resulting from the remediation or rehabilitation will be carried out by an independent qualified expert (point 288 of the CEEAG).

……

37. For investments in the protection or restoration of biodiversity and in the implementation of nature-based solutions for climate change adaptation and mitigation, please confirm that eligible costs may not exceed the total costs of the works resulting in the contribution to protecting or restoring biodiversity or in the implementation of nature-based solutions for climate change adaptation and mitigation (point 289 of the CEEAG).

……

38. For aid granted for the implementation of nature-based solutions in buildings, for which an energy performance certificate exists, please demonstrate that these investments do not prevent the implementation of energy efficiency measures recommended in the energy performance certificate (point 290 of the CEEAG).

……

39. Point 291 of the CCEAG allows the aid intensity to reach up to 100 %. Please indicate the maximum aid intensities applicable under the measure.

2.1.4. *Cumulation*

*To provide the information in this section, please refer to points 56-57 of the CEEAG.*

40. In as far as not already provided under Part I of the general notification form and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure(s) may be awarded concurrently under several aid schemes or cumulated with ad hoc or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or *de minimis* aid and how the aid will be cumulated.

……

41. If point 56 of the CEEAG is applicable, please justify how the total amount of aid granted under the notified measure(s) for a project or an activity does not lead to overcompensation or exceed the maximum aid amount allowed under point 291 of the CEEAG. For each measure that the aid granted under the notified aid measure(s) can be cumulated with, please specify the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

……

42. In case point 57 of the CEEAG is applicable, i.e. the aid granted under the notified measure(s) is combined with centrally managed Union funding ([369]) (that does not constitute State aid), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation.

……

2.1.5. *Transparency*

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-61) of the CEEAG.*

43. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

44. Please provide the internet link where the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions and information on each individual aid award granted ad hoc or under an aid scheme approved on the basis of the CEEAG and exceeding EUR 100 000 will be published.

……

2.2. **Avoidance of undue negative effects on competition and trade and balancing**

*To provide the information in this section, please refer to section 3.2.2 (points 63-70) of the CEEAG.*

45. In order to verify compliance with point 67 of the CEEAG, please provide information on the possible short and long-term negative effects of the notified measure(s) on competition and trade.

……

46. Please explain if the measure falls under any of the following situations:

(a) It concerns a market (or markets) where incumbents gained market power prior to market liberalisation;

……

(b) It involves competitive bidding processes in nascent market(s), when there is a player with a strong market position;

……

(c) It will only benefit one or a particularly limited number of beneficiaries.

……

47. Should the aid measure focus on a specific technological choice/path, please justify the reason for the technological choice and that it will not discourage the deployment of cleaner technologies.

……

48. If the notified measure(s) will only benefit one or a particularly limited number of beneficiaries, in order to verify compliance with point 68 of the CEEAG, please:

(a) Explain whether the notified measure(s) strengthens or maintains the market power of the beneficiary(ies) or discourages the expansion of existing competitors or induces their exit or discourages the entry of new competitors. Explain in this regard also whether the aid measure will lead to an increase in the production capacity of the beneficiary.

……

([369]) Centrally managed Union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union and that is not directly or indirectly under the control of the Member State.

(b) Describe the measures put in place to limit the potential distortion of competition caused by granting the aid to the individual beneficiary(ies).

……

49. In order to verify compliance with point 69 of the CEEAG, please explain:

(a) If the aid granted under the notified measure(s) aims at preserving economic activity in one region or attracting it away from other regions within the internal market.

……

(b) In the affirmative, please specify which is the net environmental effect of the notified measure(s) and how the notified measure(s) improves the existing level of environmental protection in the Member States.

……

(c) How the aid granted under the notified measure(s) does not result in any manifestly negative effects on competition and trade.

……

(d) In case of individual aid, the main drivers of the choice of the location for the investments by the beneficiary.

……

50. In order to verify compliance with point 70 of the CEEAG:

(a) Please confirm that aid may be granted under the notified scheme for a maximum period of 10 years from the date of the notification of the Commission's decision declaring the aid compatible.

……

(b) Please confirm that should your authorities wish to extend the duration of the scheme beyond that maximum period, they will renotify the measure(s).

……

3. WEIGHING THE POSITIVE EFFECTS OF THE AID AGAINST THE NEGATIVE EFFECTS ON COMPETITION AND TRADE

*To provide the information in this section, please refer to section 3.3 (points 71-76) of the CEEAG.*

51. In order to verify compliance with point 72 of the CEEAG, please explain whether activities supported under the notified measure meet the criteria for environmentally sustainable economic activities provided in Article 3 of the Regulation (EU) 2020/852 of the European Parliament and of the Council ([370]), including the 'do no significant harm' principle, or other comparable methodologies.

……

Section C: Evaluation

*To provide the information in this section, please refer to Section 5 (points 455-463) of the CEEAG.*

([370]) Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

52. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply, or attach to this notification form an Annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG ([371]).

……

53. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the Annex.

……

(b) confirm that point 460 of the CEEAG will be respected.

……

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

54. In order to verify compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

55. In order to verify compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

56. In order to verify compliance with point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or if it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

57. In order to verify compliance with point 461 of the CEEAG:

(a) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that the final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

([371]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464-465) of the CEEAG.*

58. Please confirm that the Member State will comply with the requirements for reporting and monitoring set out in Section 6, points 464 and 465, of the CEEAG.

……

PART III.6.H

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.7.1 – Aid in the form of reductions in environmental taxes and parafiscal levies

*This supplementary information sheet concerns measures covered in Section 4.7.1 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the measure(s)

1. Background and objective(s) of the measure(s):

1.1. If not already discussed under section 5.2 of the General Information Form (Part. I), please provide the background and the main objective, including the relation to any Union environmental targets that the measure is intended to support.

……

1.2. If not already discussed under section 5.2 of the General Information Form (Part. I), please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions to the internal market.

……

2. Entry into force and duration:

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate:

(a) For an aid scheme:

— the date as of which it is planned that the scheme will enter into force:

……

— The duration of the scheme ([372]).

……

([372]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (includes thus also the time needed for the authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

(b) For individual aid:

— the (planned) aid granting date (promise of aid):

……

and

— the payment date (first payment date if various successive payments are foreseen).

……

3. Beneficiary(ies):

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s).

……

3.2. Please indicate the location of the beneficiary(ies) (i.e. if only economic entities located in the respective Member States or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

……

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 CEEAG). Otherwise, please provide details.

……

5. Budget and financing of the measure(s):

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget. ([373])

……

5.2. As the measure concerns an environmental tax/parafiscal levy ([374]), please clarify if:

(a) The levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act.

……

(b) The levy reduction is financed by raising the levy for other consumers.

……

([373]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.
([374]) References in this sub-question to 'levy' should be understood as also covering environmental taxes.

(c) The levy is imposed equally on domestic and imported products.

……

(d) The measure will benefit equally domestic and imported producers.

……

(e) The levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion.

……

(f) The levy financing the measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity, incentive effect, rationale for the aid and scope of supported activities**

*To provide the information in this section, please refer to sections 3.1.1 and 3.1.2, to the extent they are applicable to the measure(s), and sections 4.7.1.1.and 4.7.1.2 (points 293-296) of the CEEAG.*

6. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible 'aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest'. Therefore, compatible aid under that provision of the Treaty must contribute to the development of a certain economic activity.

In order to assess the compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported.

……

7. Aid can be considered as facilitating an economic activity only if it has an incentive effect. In order to assess the compliance with section 3.1.2 of the CEEAG, please explain how the measure(s) 'induce[s] the beneficiary to change its behaviour, to engage in additional economic activity or in more environmentally-friendly economic activity, which it would not carry out without the aid or would carry out in a restricted or different manner', in light of the rationale for the aid as explained in section 4.7.1.1 of the CEEAG.

……

8. In order to assess the compliance with point 293 of the CEEAG, please describe (i) why 'reductions in environmental taxes or parafiscal levies [that] may adversely impact the environmental protection objective, (…) may nonetheless be needed', and (ii) why 'the beneficiaries would otherwise be placed at such a competitive disadvantage that it would not be feasible to introduce the environmental tax or parafiscal levy in the first place'.

……

9. In order to assess the compliance with point 294 of the CEEAG please describe:

(a) Why 'granting a more favourable treatment to some undertakings may allow to achieve a higher general level of contribution to the environmental taxes or parafiscal levies'.

……

(b) Why ‘reductions in environmental taxes or levies can indirectly contribute to a higher level of environmental protection’;

……

*AND*

(c) How the Member State ensures that such reductions do ‘not undermine the overall objective of the environmental tax or parafiscal levy to discourage environmentally harmful behaviour and/or increase the cost of such behaviour where satisfactory alternatives are not available’.

……

10. In order to assess compliance with point 295 of the CEEAG, please provide the information as described in point 296 of the CEEAG:

(a) A description of the sectors or categories of beneficiaries eligible for the reductions

……

(b) A list of the largest beneficiaries in each sector concerned, their turnover, market shares, the size of the tax base and the proportion that the environmental tax or levy would represent in their pre-tax profit with and without the reduction (which can be provided in a separate annex to this supplementary information sheet).

……

(c) A description of the situation of those beneficiaries explaining why they would not be able to pay the standard rate of environmental tax or levy.

……

(d) An explanation of how the reduced tax or levy would contribute to an actual increase of the level of environmental protection compared to the level of environmental protection to be achieved in the absence of reductions ([375]).

……

1.2. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33) of the CEEAG.*

11. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

……

12. If a levy is used to finance the measure(s), please clarify if the assessment of compliance with Articles 30 and 110 of the Treaty needs to be carried out. In the affirmative, please demonstrate how the measure complies with the provisions of Articles 30 and 110 of the Treaty. In this context, the information submitted under question 5.2 above can be referred to.

……

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

*Please note that sections 2.1.1 and 2.1.2 are alternative. For cases that are eligible for a simplified approach in line with section 2.1.1 below, replies under section 2.1.2 are not required.*

([375]) For example, by comparing the standard rate that would be implemented with the reductions to the standard rate that would be implemented without the reductions, the number of undertakings that would be subject to the tax or levy in total or other indicators reflecting actual change in environmentally harmful behaviour.

2.1.1. *Simplified approach for harmonised environmental taxes*

*To provide the information in this section, please refer to section 4.7.1.3 (points 297-300) of the CEEAG. When environmental taxes are harmonised, the Commission may apply a simplified approach to assess the necessity and proportionality of the aid. In the context of Directive 2003/96/EC, the Commission may apply a simplified approach for tax reductions respecting the Union minimum tax level set out in points 298 and 299.*

13. Please clarify whether the measure(s) falls in the scope of Directive 2003/96/EC.

……

14. In the affirmative, and in order to assess compliance with point 298 of the CEEAG, please provide the following information:

(a) Please indicate the minimum applicable Union tax level and the applicable tax rate paid by the beneficiary under the measure.

……

(b) Please provide and explain the criteria for the selection of beneficiaries. In your reply, please explain why these are objective and transparent.

……

(c) Please explain and confirm that the aid is granted in the same way for all undertakings in the same sector, if they are in a similar factual situation.

……

(d) Please confirm that an *ex ante* open public consultation has been conducted where the sectors eligible for the reductions have been properly described and a list of the largest beneficiaries for each sector has been provided. Please provide relevant evidence for this consultation.

……

15. In order to assess compliance with point 299 of the CEEAG:

(a) Please explain whether the aid is granted in the form of a reduction of the tax rate or as a fixed annual compensation amount (tax refund), or as a combination of the two;

……

(b) If (part of) the aid is in the form of a tax refund, please confirm that (i) the amount of the tax refund is calculated on the basis of historical data, i.e. the level of production, and the consumption or pollution observed for the undertaking in a given base year; and (ii) the level of the tax refund does not go beyond the Union minimum tax amount that would otherwise be due for the base year.

……

2.1.2. *In-depth assessment of the measure(s)*

*When environmental taxes are non-harmonised or the beneficiaries pay less than the Union minimum level of the harmonised tax where allowed by Directive 2003/96/EC, an in-depth assessment of the necessity and proportionality of the aid is needed.*

2.1.2.1. Necessity of the aid

*To provide the information in this section, please refer to section 3.2.1.1, to the extent it is applicable to the measure(s), and section 4.7.1.3.1 (points 301-303) of the CEEAG.*

16. In order to assess the compliance with the applicable requirements of section 3.2.1.1 of the CEEAG, please describe how the measure(s) is targeted towards a situation where it can bring about a material development that the market alone cannot deliver. In your reply, please refer to market failures as described in point 34 of the CEEAG as applicable and explain why other policies and measures already in place as mentioned in point 35 of the CEEAG are not sufficient to address these.

……

17. In order to assess compliance with point 302 of the CEEAG, please describe whether the following conditions are met:

(a) the selection of beneficiaries is based on objective and transparent criteria, and the aid is granted in the same way for all eligible undertakings operating in the same sector of economic activity that are in the same or similar factual situation in respect of the aims or objectives of the aid measure;

……

(b) the environmental tax or parafiscal levy without the reduction would lead to a substantial increase in production costs, calculated as a proportion of the gross value added for each sector or category of beneficiaries (e.g. based on figures from representative beneficiaries or aggregated figures for the sector or category of beneficiaries);

……

(c) the substantial increase in production costs could not be passed on to customers without leading to significant reductions of sales volumes (e.g. based on references to competition from undertakings in jurisdictions not subject to the tax and the degree of substitutability of the relevant product);

……

18. For tax reductions for biofuels, bioliquids and biomass fuels, in order to assess compliance with point 303 of the CEEAG, please:

(a) confirm that a mechanism to verify that the measure is still necessary will be in place, applying the necessity conditions of section 4.1.3.1. of the CEEAG;

……

(b) explain how this mechanism will work; and

……

(c) confirm that the Member State will take appropriate measures, such as termination of the exemption or a reduction of the support level and specify which appropriate measures will be applied concretely.

……

2.1.2.2. Appropriateness of the aid

*To provide the information in this section, please refer to section 3.2.1.2, to the extent it is applicable to the measure(s), and section 4.7.1.3.2. (points 304-306) of the CEEAG.*

19. In order to assess the compliance with the applicable requirements of section 3.2.1.2 of the CEEAG, please describe why the measure(s) is an appropriate policy instrument to achieve the intended objective of the aid, that is to say there must not be a less distortive policy and aid instrument capable of achieving the same results, taking into account other policy instruments and different aid instruments that could be implemented as an alternative.

……

20. In order to assess compliance with point 305 of the CEEAG, please confirm that (i) the duration of the measure(s) is of maximum 10 years and (ii) any re-notification will be based on a re-evaluation of the appropriateness of the measure(s).

……

21. If (part of) the aid is in the form of a tax refund, in order to assess compliance with point 306 of the CEEAG, please confirm that the amount of the tax refund will be calculated on the basis of historical data, that is to say the level of production, and the consumption or pollution observed for the undertaking in a given base year.

……

2.1.2.3. Proportionality of the aid

*To provide the information in this section, please refer to section 4.7.1.3.3. (points 307-309) of the CEEAG.*

22. In order to assess the compliance with point 308 of the CEEAG (requiring that at least one of the following conditions is fulfilled), please provide either of the following information:

(a) Please indicate whether each aid beneficiary pays at least 20 % of the nominal amount of the environmental tax or parafiscal levy that would otherwise be applicable to that beneficiary in the absence of the reduction.

……

(b) Or please indicate whether (i) the tax or levy reduction does not exceed 100 % of the national environmental tax or parafiscal levy; (ii) the tax or levy reduction is conditional on the conclusion of agreements between the Member State and the beneficiaries or associations of beneficiaries whereby the beneficiaries or associations of beneficiaries commit themselves to achieve environmental protection objectives which have the same effect as if beneficiaries or associations of beneficiaries paid at least 20 % of the national tax or levy ([376]).

……

23. If option ii. of question 22 is relied upon, in order to assess the compliance with point 309 of the CEEAG, please describe:

(a) the substance of the applicable agreements, including the specific targets and fixed time schedule for reaching them;

……

(b) how independent and regular monitoring of the commitments in the agreements will be ensured;

……

(c) how the agreements are revised periodically in the light of technological and other developments and provide for effective penalties in the event that the commitments are not met.

……

2.2. **Cumulation**

*To provide the information in this section, please refer to points 56-57 of the CEEAG.*

([376]) Such agreements or commitments may relate, among other things, to a reduction in energy consumption, a reduction in emissions and other pollutants, or any other environmental protection measure.

24. In as far as not already provided under Part I of the general notification form and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the measure(s) may be awarded concurrently under several aid schemes or cumulated with *ad hoc* or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, *ad hoc* aid or *de minimis* aid and how the aid will be cumulated.

……

25. If point 56 of the CEEAG is applicable, please justify how the total amount of aid granted under the measure(s) for a project or an activity does not lead to overcompensation or exceed the maximum aid amount allowed under point 308 of the CEEAG. For each measure that the aid granted under the notified aid measure(s) can be cumulated with, please specify the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

……

26. If point 57 of the CEEAG is applicable, i.e. the aid granted under the measure(s) is combined with centrally managed Union funding ([377]) (that does not constitute State aid), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation.

……

2.3. **Transparency**

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-62) of the CEEAG.*

27. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

28. Please provide the internet link(s) where the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions, and information on each individual aid award granted *ad hoc* or under an aid scheme approved on the basis of these guidelines and exceeding EUR 100 000 will be published.

……

2.4. **Avoidance of undue negative effects on competition and trade**

*To provide the information in this section, please refer to section 3.2.2 of the CEEAG, to the extent it is applicable to the measure(s).*

29. In order to assess the compliance with the applicable requirements of section 3.2.2 of the CEEAG, please describe how the measure(s) mitigates any manifestly negative effects on competition and trade.

……

30. In order to assess compliance with point 70 of the CEEAG:

(a) If not already done so in reply to question 20 above, please confirm that the duration of the scheme is of maximum 10 years from the date of the notification of the Commission's decision declaring the aid compatible.

……

([377]) Centrally managed union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union that is not directly or indirectly under the control of the Member State.

(b) Please confirm that an extension of the duration of the measure beyond that maximum period, will require a new notification of the measure(s).

……

3. WEIGHING THE POSITIVE EFFECTS OF THE AID AGAINST THE NEGATIVE EFFECTS ON COMPETITION AND TRADE

*To provide the information in this section, please refer to section 3.3 (points 71-76) of the CEEAG, to the extent it is applicable to the measure(s).*

31. In order to assess compliance with the applicable requirements of section 3.3. of the CEEAG:

(a) Please justify how in general the positive effects of the measure(s) outweigh the negative effects.

……

(b) As regards the application of point 75 of the CEEAG, please clarify if the measure(s) includes features to facilitate the participation of SMEs. In the affirmative, please provide information on those features and justify how the positive effects of ensuring participation and acceptance of SMEs in the measure(s) outweigh the possible distortive effects.

……

(c) As regards the application of point 76(c) of the CEEAG, please specify if the aid measure(s) is subject to a time limitation.

……

Section C: Evaluation

*To provide the information in this section, please refer to point 76(a) and Section 5 (points 455-463) of the CEEAG.*

32. If the measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in the view of the Member State the exception in point 457 of the CEEAG should apply, or attach to this supplementary information sheet an annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG. ([378])

……

33. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the annex.

……

(b) confirm that point 460 of the CEEAG will be respected.

……

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

34. In order to assess the compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that the Member State will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

([378]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

35. In order to assess the compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

36. In order to assess the compliance with point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

37. In order to further assess the compliance with point 461 of the CEEAG:

(a) Please provide the proposed deadlines of the Member State for the submission of the interim and final evaluation report. Please note that final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464-465) of the CEEAG.*

38. Please confirm that the Member State will comply with the requirements for reporting and monitoring provided in Section 6, points 464 and 465, of the CEEAG.

……

PART III.6.I

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.7.2 – Aid for environmental protection in the form of reductions in taxes or parafiscal levies

*This supplementary information sheet concerns measures covered in Section 4.7.2 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s).

1.1. If not already discussed under section 5.2 of the General Information Form (Part I), please provide the background and the main objective, including any Union targets for environmental protection that the measure is intended to support.

……

1.2. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions of competition in the internal market.

……

2. Entry into force and duration:

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate the date as of which the aid scheme is planned to enter into force;

……

2.2. Please indicate the duration of the scheme ([379]).

……

3. Beneficiary(ies)

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s);

……

3.2. Please indicate the location of the beneficiary(ies) (i.e. if only economic entities located in the respective Member State or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 of the CEEAG). Otherwise, please provide details.

……

5. Budget and financing of the measure(s).

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget ([380]).

……

([379]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (including thus the time needed for the national authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

([380]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

5.2. if the measure (i.e. the tax/parafiscal reduction) is financed through a levy, please clarify if:

(a) the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

……

(b) the levy is imposed equally on domestic and imported products;

……

(c) the notified measure will benefit equally domestic and imported products;

……

(d) the levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

……

(e) the levy financing the notified measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points 23-25) and sections 4.7.2.1 (point 310) and 4.7.2.2 (points 311-313) of the CEEAG.*

6. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible '*aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest*'. Therefore, compatible aid under that provision of the Treaty must contribute to the development of certain economic activity.

In order to assess compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported.

……

7. In order to assess compliance with point 25 of the CEEAG, please "describe if and how the aid will contribute to the achievement of objectives of Union climate policy, environmental policy and energy policy and more specifically, the expected benefits of the aid in terms of its material contribution to environmental protection, including climate change mitigation, or the efficient functioning of the internal energy market".

……

8. In addition, depending on the Section of the CEAAG under which the supported activities fall, please highlight to what extent the aid relates to the objectives and/or policies described under point 135 of the CEEAG (for Section 4.2), points 160-161 of the CEEAG (for Section 4.3.1), points 190-191 of the CEEAG (for Section 4.3.2), points 217-219 of the CEEAG (for Section 4.4), points 253-254 of the CEEAG (for Section 4.5) or points 276-278 of the CEEAG (for Section 4.6).

……

9. Pursuant to point 311 of the CEEAG, and depending on the Section of the CEEAG under which the supported activities fall, please provide information on the precise scope and precise supported activities of the aid measure(s) by filling in the following question(s) of the relevant supplementary information sheet. For activities falling under Section:

☐ 4.2 (questions 9-12 of the relevant supplementary information sheet)

☐ 4.3.1 (question 10 of the relevant supplementary information sheet)

☐ 4.3.2 (question 10 of the relevant supplementary information sheet)

☐ 4.4 (questions 11-13 of the relevant supplementary information sheet)

☐ 4.5 (questions 10-15 of the relevant supplementary information sheet)

☐ 4.6 (questions 10-12 of the relevant supplementary information sheet)

……

10. Please indicate whether the supported activities primarily pursue a decarbonisation objective. If the prevention or reduction of greenhouse gas emissions is the predominant objective of the aid measure, please refer to the supplementary information sheet for Section 4.1 of the CEEAG in line with point 312 of the CEEAG, as such aid is assessed on the basis of Section 4.1 of the CEEAG.

……

11. Please provide a detailed description of the taxes and/or parafiscal levies that will be reduced (including their purpose, how they are charged across the base, the rate and the entities involved in setting and reviewing the rate as well as in collecting and managing the revenues raised). On this basis, in order to ensure compliance with point 313 of the CEEAG, please demonstrate that the proposed measure does not involve reductions in taxes or levies reflecting the essential costs of providing energy or related services, such as network charges or charges financing capacity mechanisms. In addition, please confirm that the measure does not cover reductions from levies on electricity consumption that finance an energy policy objective.

……

12. Please describe the eligibility requirements applicable to the beneficiary(ies) (for instance by including any technical, environmental (i.e. permits), financial (i.e. collaterals) or other requirements that the beneficiary(ies) need to comply with).

……

1.2. **Incentive effect**

*To provide the information in this section, please refer to section 3.1.2 (points 26-32) and section 4.7.2.3 (points 315-316) of the CEEAG.*

13. Aid can be considered as facilitating an economic activity only if it has an incentive effect. In order to assess compliance with point 26 of the CEEAG, please explain how the measure(s) "*induces the beneficiary to change its behaviour, to engage in additional economic activity or in more environmentally-friendly economic activity, which it would not carry out without the aid or would carry out in a restricted or different manner*".

……

14. Pursuant to point 28 and 315 of the CEEAG:

14.1. Please provide a comprehensive description of the factual scenario expected to result from the aid measure and the likely counterfactual scenario(s) absent the aid measure. ([381]) Where you expect that different categories of beneficiaries may be supported, please ensure that the counterfactual is credible for each of these categories.

Please take into account the requirements regarding the counterfactual included in points 165-169 of the CEEAG (for projects and activities that fall within the scope of Section 4.3.1) and 226-230 of the CEEAG (for projects and activities that fall within the scope of Sections 4.4 and 4.5) and fill in the questions from the respective supplementary information sheet for Sections 4.3.1, 4.4 or 4.5.

……

14.2. Please briefly explain the rationale for the choice of the likely counterfactual scenario(s), in view of the proposed different categories of beneficiaries, if applicable;

……

14.3. Please quantify the costs and revenues of factual and counterfactual scenarios and justify the change of behaviour, where relevant for each category of beneficiary, by comparing the profitability of the reference project ([382]) or activity with and without the tax or parafiscal levy reduction ([383]), based on:

(a) the respective reference project, the corresponding counterfactuals and resulting funding gap ([384]);

……

*OR*

(b) equivalent data.

……

15. In order to assess compliance with point 27 of the CEEAG, please provide information to confirm that the aid does not support the costs of an activity that the aid beneficiary would anyhow carry out and does not compensate for the normal business risk of an economic activity.

……

([381]) Please note that points 38 and 52, as well as footnotes 39 and 45 of the CEEAG provide further guidance on how the likely counterfactual scenario should be developed.

([382]) "Reference project" is defined in point 19(63) of the CEEAG.

([383]) For example, if the measure consists in a reduction of the car registration tax on electric cars, the Member State would first need to compare the profitability of the reference project (acquisition of a fleet of electric cars) and the counterfactual project (e.g. acquisition of a fleet of gasoline cars) applying in both scenarios the normal car registration tax. Subsequently, the Member State must then show that the reduction in the car registration tax for electric cars would incentivise the beneficiary to acquire the electric car fleet by making a comparison between the profitability of the reference project with the tax reduction (i.e. acquisition of a fleet of electric cars applying a reduced car registration tax) and the profitability of the counterfactual project (i.e. acquisition of a fleet of gasoline cars applying the normal rate of car registration tax). Another example could be a measure consisting in a 40% additional cost deduction from the taxable income base on top of the standard depreciation for tax purposes for investments in environmental-friendly machinery. In that case, the Member State would need to compare the profitability of the reference project (acquisition of environmental-friendly machinery) and the counterfactual project (e.g. acquisition of standard machinery) applying in both scenarios the standard depreciation rules for tax purposes and the same depreciation period. Subsequently, the Member State must show that the additional reduction of 40 % of the investment cost of the environmental-friendly machinery from the taxable base (so in total depreciation of 140 % of the costs over the lifetime of the machinery) would incentive the beneficiary to acquire this more expensive version. This can be carried out by making a comparison between the profitability of the reference project with the tax reduction (i.e. final amount of tax due after applying the additional deduction to the tax base) and the profitability of the counterfactual project (i.e. final amount of tax due after applying the standard depreciation rules to the taxable base).

([384]) See examples provided in footnote 6.

16. In order to demonstrate compliance with points 29, 31 and 316 of the CEEAG, please indicate if the project or activity already started prior to a written aid application by the beneficiary to the national authorities.

……

17. For projects or activities that started before the aid application is submitted, please:

(a) confirm that the measure establishes a right to aid in accordance with objective and non-discriminatory criteria and without further exercise of discretion by the Member States and that the measure has been adopted and is in force before work on the aided project or activity has started;

*OR*

(b) In case the project or activity already started prior to a written aid application and prior to the adoption and/or entry into force of the measure, please confirm that the project or activity was already covered by a previous similar scheme in the form of tax or parafiscal advantages

*OR*

(c) demonstrate that the project or activity falls within one of the exceptional cases provided in point 31 of the CEEAG (b) or (c).

……

18. In order to demonstrate compliance with point 30 of the CEEAG, please confirm that the aid application includes at least the applicant's name, a description of the project or activity, including its location, and the amount of aid needed to carry it out.

……

19. In order to demonstrate compliance with point 32 of the CEEAG:

(a) Please indicate if there are Union standards ([385]) applicable to the notified measure(s), mandatory national standards that are more stringent or ambitious than the corresponding Union standards, or mandatory national standards adopted in the absence of Union standards.

In that context, please provide information to demonstrate the incentive effect.

……

(b) In cases where the relevant Union standard has already been adopted but is not yet in force, please demonstrate that the aid has an incentive effect because it incentivises the investment to be implemented and finalised at least 18 months before the standard enters into force.

……

(c) For projects and activities that fall within the scope of Section 4.2, please explain whether projects with a payback period ([386]) of less than five years are eligible for aid under the measure(s). In the affirmative, please provide evidence to demonstrate that aid is needed to trigger a change in behaviour, as required by point 142 of the CEEAG.

……

([385]) According to point 19(89) of the CEEAG, 'Union standard' means:

(a) *a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings;*

(b) *the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purpose of these guidelines; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.*

([386]) The payback period is the amount of time needed to recover the cost of an investment (without aid).

1.3. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33) of the CEEAG.*

20. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

……

21. If a levy is used to finance the measure(s), please clarify if the assessment of compliance with Articles 30 and 110 of the Treaty needs to be carried out. In the affirmative, please demonstrate how the measure complies with the provisions of Articles 30 and 110 of the Treaty. In this context, the information submitted under question 5.2 above, where the notified measure(s) is financed through a levy can be referred to.

……

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *Necessity of the aid*

*To provide the information in this section, please refer to section 3.2.1.1 (points 34-38) of the CEEAG.*

22. Please explain which market failure(s) your authorities have identified that prevent the achievement of a sufficient level of environmental protection. Please specify in which category the market failures identified fall, by making reference to letters (a), (b), (c) or (d) of point 34 of the CEEAG.

……

23. In accordance with point 35 of the CEEAG, please provide information on any existing policies and measures that your authorities identified, which already target the identified regulatory or market failures.

……

24. In order to demonstrate compliance with point 36 of the CEEAG, please provide information that demonstrates that the aid effectively targets residual market failures, also taking into account any other policies and measures already in place to address some of the market failures identified.

……

25. In order to demonstrate compliance with point 37 of the CEEAG, please explain if, to your authorities' knowledge, projects or activities similar to those covered by the notified measure(s) with respect to their technological content, level of risk and size, are already delivered within the Union at market conditions. In the affirmative, please provide further evidence to demonstrate the need for State aid.

……

26. In order to demonstrate compliance with point 38 of the CEEAG, please refer to the quantitative evidence already provided under question 14(c) above.

……

2.1.2. *Appropriateness*

*To provide the information in this section, please refer to section 3.2.1.2 (points 39-46) of the CEEAG.*

27. In order to verify compliance with point 40 of the CEEAG, please demonstrate that there are no less distortive instruments available that are more appropriate.

……

28. In order to verify compliance with point 41 of the CEEAG, please demonstrate that the aid measure is designed in such a way as to not undermine the efficiency of other measures remedying the same market failure, such as market-based mechanisms (e.g., the EU ETS).

……

29. In order to verify compliance with point 42 of the CEEAG, please confirm that none of the beneficiaries of the aid measure(s) could be held liable for the pollution under existing Union or national law (*'polluter pays' principle*).

……

30. In order to verify compliance with points 43 to 46 of the CEEAG, to demonstrate the appropriateness of the aid among different aid instruments, please provide the following information:

(a) Please explain why other potentially less distortive forms of aid are less appropriate, as required in point 44 of the CEEAG.

……

(b) Please demonstrate that the choice of the aid instrument is appropriate to the market failure that the aid measure(s) aims to address, as required in point 45 of the CEEAG.

……

(c) Please explain how the aid measure and its design are appropriate to achieve its objective (point 46 of the CEEAG).

……

2.1.3. *Proportionality*

*To provide the information in this section, please refer to section 4.7.2.4 (points 318-320) of the CEEAG.*

31. In order to verify the compliance with point 318 of the CEEAG, please provide information to demonstrate that the aid does not exceed the normal amount of the tax or levy that would otherwise be applicable.

……

32. In cases where the tax or parafiscal levy reduction is linked to investment costs, depending on the Section of the CEAAG under which the supported activities fall, please describe in line with point 319 of the CEEAG how it will be ensured that the aid will not exceed the applicable aid intensities and maximum aid amounts:

☐ For Section 4.2 (points 146-151 of the CEEAG)

☐ For Section 4.3.1 (points 177-180 of the CEEAG)

☐ For Section 4.3.2 (points 200-204 of the CEEAG

☐ For Section 4.4 (points 239-245 of the CEEAG)

☐ For Section 4.5 (points 265-271 of the CEEAG)

☐ For Section 4.6 (points 288-291 of the CEEAG)

Please fill in for the maximum aid intensities and maximum aid amounts the questions from the respective supplementary information sheet for the relevant Section.

33. In cases where the tax or parafiscal levy reduction reduces recurrent operating costs, in order to verify compliance with point 320 of the CEEAG, please describe how it will be ensured that the aid amount will not exceed the difference between the costs of the environmentally-friendly project or activity and of the less environmentally-friendly counterfactual scenario. Please also detail how potential cost savings and/or additional revenues of the more environmentally friendly project will be taken into account.

……

2.1.4. *Transparency*

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-62) of the CEEAG.*

34. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

35. Please provide the internet link where the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions, and information on each individual aid award granted ad hoc or under an aid scheme approved on the basis of the CEEAG and exceeding EUR 100 000 will be published, whereby the individual aid amounts may be published in ranges as set out in point 60 of the CEEAG.

……

2.2. **Avoidance of undue negative effects of the aid on competition and trade and balancing**

*To provide the information in this section, please refer to section 3.2.2 (points 63-70) and section 4.7.2.5 (points 322-324) of the CEEAG.*

36. In order to verify compliance with point 67 of the CEEAG, please provide information on the possible short and long-term negative effects of the notified measure(s) on competition and trade.

……

37. Please explain if the measure falls under any of the following situations:

(a) It will only benefit one or a particularly limited number of beneficiaries;

……

(b) It targets a market (or markets) where incumbents gained market power prior to market liberalisation.

……

38. Should the aid measure focus on a specific technological choice/path, please justify the reason for the technological choice and that it will not discourage the deployment of cleaner technologies.

……

39. If the notified measure(s) will only benefit one or a particularly limited number of beneficiaries, in order to verify compliance with point 68 of the CEEAG, please:

(a) Explain whether the notified measure(s) strengthens or maintains the market power of the beneficiary(ies) or discourages the expansion of existing competitors or induces their exit or discourages the entry of new competitors. Explain in this regard also whether the aid measure will lead to an increase in the production capacity of the beneficiary.

……

(b) Describe the measure(s) put in place to limit the potential distortion of competition caused by granting the aid to the beneficiary(ies).

……

40. In order to verify compliance with point 69 of the CEEAG, please explain:

(a) If the aid granted under the notified measure(s) aims at preserving economic activity in one region or attracting it away from other regions within the internal market.

……

(b) In the affirmative, please specify which is the net environmental effect of the notified measure(s) and how the notified measure(s) improves the existing level of environmental protection in the Member States.

……

(c) How the aid granted under the notified measure(s) does not result in any manifestly negative effects on competition and trade.

……

41. In order to verify compliance with point 70 of the CEEAG:

(a) Please confirm that aid may be granted under the notified scheme for a maximum period of 10 years from the date of the notification of the Commission's decision declaring the aid compatible.

……

(b) Please confirm that, should your authorities wish to extend the duration of the scheme beyond that maximum period, they will renotify the measure.

……

42. Please describe how it is ensured that aid is granted, in line with point 322 of the CEEAG, in the same way for all eligible undertakings operating in the same sector of economic activity that are in the same or similar factual situation in respect of the aims or objectives of the aid measure.

……

43. For schemes that run for more than 3 years, please describe in line with point 323 of the CEEAG the monitoring that will be undertaken to ensure that aid remains necessary and confirm that the scheme will be subject to a verificationexercise at least every 3 years.

……

44. Pursuant to point 324 of the CEEAG, and depending on the Section of the CEEAG under which the supported activities fall, please fill in the following question(s) of the relevant supplementary information sheet. For projects falling under Section:

☐ 4.2 (question 52 of the relevant supplementary information sheet).

☐ 4.3.1 (questions 49-52 of the relevant supplementary information sheet).

☐ 4.3.2 (questions 46-55 of the relevant supplementary information sheet).

……

3. WEIGHING THE POSITIVE EFFECTS OF THE AID AGAINST THE NEGATIVE EFFECTS ON COMPETITION AND TRADE

*To provide the information in this section, please refer to section 3.3 (points 71-76) of the CEEAG.*

45. In order to verify compliance with point 72 of the CEEAG, please explain whether activities supported under the notified measure meet the criteria for environmentally sustainable economic activities provided in Article 3 of the Regulation (EU) 2020/852 of the European Parliament and of the Council ([387]), including the 'do no significant harm' principle, or other comparable methodologies.

……

Section C: Evaluation

*To provide the information in this section, please refer to Section 5 (points 455-463) of the CEEAG.*

46. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply, or attach to this supplementary information sheet an Annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG ([388]).

……

47. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the Annex.

……

(b) confirm that point 460 of the CEEAG will be respected.

……

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

48. In order to verify compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

49. In order to verify compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

50. In order to verify compliance with point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

([387]) Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

([388]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

51. In order to verify compliance with point 461 of the CEEAG:

(a) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that the final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464 and 465) of the CEEAG.*

52. Please confirm that the Member State will comply with the requirements for reporting and monitoring set out in Section 6, points 464 and 465, of the CEEAG.

……

PART III.6.J

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.8 – Aid for the security of electricity supply

*This notification form concerns measures covered in Section 4.8 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please also fill in the respective notification form that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to the notification form must be numbered and document numbers must be indicated in the relevant sections of this notification form.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s).

1.1. If not already discussed under section 5.2 of the General Information Form (Part. I), please provide the background and the main objective of the measure.

……

1.2. Please indicate any other objectives pursued by the measure. For any objectives which do not concern the security of electricity supply or environmental protection, please explain whether they may result in any distortions to the internal market.

……

2. Entry into force and duration:

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate the date as of which the measure(s) is planned to enter into force;

……

2.2. Please indicate the duration of measure(s). ([389])

……

3. Beneficiary(ies)

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s).

……

3.2. Please indicate the location of the beneficiary(ies) (i.e. if only economic entities located in the respective Member States or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the notified measure.

……

4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 of the CEEAG). Otherwise, please provide details.

……

5. Budget

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget. ([390])

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points 23-25) and sections 4.8.1 and 4.8.2 (points 325-328) of the CEEAG.*

6. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible "aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest". Therefore, compatible aid under that provision of the Treaty must contribute to the development of a certain economic activity.

([389]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (including thus the time needed for the national authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

([390]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

In order to assess the compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported. Point 328 of the CEEAG provides examples of such economic activities concerning measures aimed at increasing the security of electricity supply.

……

7. In order to assess the compliance with point 25 of the CEEAG, please "describe if and how the aid will contribute to the achievement of objectives of Union climate policy, environmental policy and energy policy and more specifically, the expected benefits of the aid in terms of its material contribution to environmental protection, including climate change mitigation, or the efficient functioning of the internal energy market".

……

8. Please describe the requirements applicable to the beneficiary(ies) (for instance by including any technical, environmental (i.e. permits), financial (i.e. collaterals) or other requirements that the beneficiary(ies) need to comply with).

……

9. Please provide information on the rationale of the measure, as provided in section 4.8.1. (point 325) of the CEEAG.

……

10. Please provide information on the scope of the measure, as provided in section 4.8.2. (points 326-327) of the CEEAG.

……

1.2. **Incentive effect**

*To provide the information in this section, please refer to point 329 and section 3.1.2 (points 29, 30, 31 and 32) of the CEEAG.*

11. In order to demonstrate the compliance with points 29 and 31 of the CEEAG:

(a) Please confirm that the start of works on the project or activity did not take place prior to a written aid application by the beneficiary to the national authorities;

……

*OR*

(b) For projects that started before the aid application, please demonstrate that the project falls within one of the exceptional cases provided in point 31 of the CEEAG ((a), (b) or (c)).

……

12. In order to demonstrate compliance with point 30 of the CEEAG, please confirm that the aid application includes at least the applicant's name, a description of the project or activity, including its location, and the amount of aid needed to carry it out.

……

13. In order to demonstrate the compliance with point 32 of the CEEAG, please indicate if there are Union standards ([391]) applicable to the notified measure, mandatory national standards that are more stringent or ambitious than the corresponding Union standards, or mandatory national standards adopted in the absence of Union standards. In that context, please provide information to demonstrate the incentive effect.

……

14. In cases where the relevant Union standard has already been adopted but is not yet in force, please demonstrate that the aid has an incentive effect because it incentivises the investment to be implemented and finalised at least 18 months before the standard enters into force.

……

1.3. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33 of the CEEAG).*

15. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG (see e.g. question 49 regarding compliance with Regulation (EU) 2019/943).

……

16. If a levy is used to finance the measure(s) (see question 54 below), please clarify if:

……

(a) the levy is imposed equally on domestic and imported products;

……

(b) the notified measure will benefit equally domestic and imported products.

……

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *Necessity of the aid*

*To provide the information in this section, please refer to section 4.8.4.1 (points 331-339 of the CEEAG).*

17. Point 331 of the CEEAG provides that the nature and causes of the security of electricity supply problem, and therefore of the need for State aid to ensure security of electricity supply, must be properly analysed and quantified, including when and where the problem is expected to arise with reference where applicable to the reliability standard as defined in Article 25 of Regulation (EU) 2019/943.

Please provide an analysis identifying and quantifying the security of electricity supply problem. Please provide in the answer details in view of the considerations set out in points 331-333 of the CEEAG.

……

([391]) According to point 19(89) of the CEEAG, 'Union standard' means:

(a) *a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings;*

(b) *the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purpose of these guidelines; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.*

18. In line with point 334 of the CEEAG and for measures related to the risk of electricity crises, please provide the national risk-preparedness plan provided for in Article 11 of Regulation (EU) 2019/941 in which the proposed measure should be identified.

……

19. In line with point 335 of the CEEAG and in case of a proposal to introduce several measures targeting security of electricity supply, please clearly explain how they interact with one another in ensuring the overall cost effectiveness of the combined measures for ensuring security of supply, for example as regards capacity mechanisms by explaining how they reach (but do not go beyond) the reliability standard referred to in point 331.

……

20. In line with point 336 of the CEEAG, please identify the regulatory or market failure(s), along with any other issues preventing a sufficient level of security of electricity supply (and of environmental protection if relevant) being achieved in the absence of intervention.

……

21. In line with point 337 of the CEEAG, please identify existing measures that already target the market or regulatory failure(s) or other issues identified in point 336. In as far as appropriate you may refer to the evidence already provided in response to question 16 above.

……

22. In line with point 338 of the CEEAG, please demonstrate the reasons why the market cannot be expected to deliver security of electricity supply in the absence of State aid, taking account of market reforms and improvements planned by the Member State and technology developments.

……

23. Please provide the following information set out in point 339 of the CEEAG:

(a) Assessment of the impact of variable generation, including that originating from neighbouring systems.

……

(b) Assessment of the impact of demand-side and storage participation, including a description of measures to encourage demand side management.

……

(c) Assessment of the actual or potential existence of interconnectors and major internal transmission grid infrastructure, including a description of projects under construction and planned.

……

(d) Assessment of any other element which might cause or exacerbate the security of electricity supply problem, such as caps on wholesale prices or other regulatory or market failures. Where applicable, please provide and take into account the implementation plan for measures eliminating any identified regulatory distortions or market failures, as well as the opinion of the Commission on such implementation plan under Article 20(3) and (5) of Regulation (EU) 2019/943.

……

(e) Any relevant content in an action plan under Article 15 of the Regulation (EU) 2019/943.

……

2.1.2. *Appropriateness*

*To provide the information in this section, please refer to section 4.8.4.2 (points 341-342) of the CEEAG.*

24. In order to assess the compliance with point 341 of the CEEAG:

(a) Please explain which alternative ways of achieving security of electricity supply have been considered, in particular more efficient electricity market design that can alleviate the market failures that undermine security of electricity supply. In this respect, point 341 CEEAG provides examples of improvements to electricity market design (improving the functioning of electricity imbalance settlement, better integrating variable generation, incentivising and integrating demand response and storage, enabling efficient price signals, removing barriers to cross-border trade, and improving infrastructure, including interconnection.).

……

(b) Please demonstrate that despite appropriate and proportionate improvements to market design and investments in network assets, whether already implemented or planned, a security of supply concern remains (point 341 of the CEEAG).

……

25. For network congestion measures, in addition please explain how the efficiency of redispatch measures is being improved in line with Article 13 of Regulation (EU) 2019/943 (point 342 of the CEEAG).

……

2.1.3. *Eligibility*

*To provide the information in this section, please refer to section 4.8.4.3 (points 343-346) of the CEEAG.*

26. To demonstrate compliance with point 343 of the CEEAG, please confirm that the measure will be open to all beneficiaries or projects technically capable of contributing efficiently to the achievement of the security of supply objective (e.g. generation, storage, demand response, aggregation of small units into larger blocks).

……

27. In line with point 344 of the CEEAG, please explain whether there are any limitations on participation in the proposed security of supply measure that aim to ensure that the measure does not undermine environmental protection.

……

28. If the notified security of supply measure includes additional criteria or features to promote the participation of greener technologies (or reduce the participation of polluting technologies) necessary to support the delivery of the Union's environmental protection objectives, please demonstrate that such additional criteria or features are objective, transparent and non-discriminatory in relation to clearly identified environmental protection objectives, and will not result in the overcompensation of beneficiaries (point 345 of the CEEAG).

……

29. In line with point 346 of the CEEAG:

(a) Please indicate whether the measure for security of electricity supply will be open to direct cross-border participation of capacity providers located in another Member State. If not, please provide a justification.

……

(b) Please demonstrate that foreign capacity capable of providing equivalent technical performance to domestic capacities will have the opportunity to participate in the same competitive process as domestic capacity.

……

(c) If applicable, please demonstrate compliance with the relevant rules set out in Article 26 of Regulation (EU) 2019/943 on cross-border participation in capacity mechanisms.

……

2.1.4. *Public consultation*

*To provide the information in this section, please refer to section 4.8.4.4 (points 348-351) of the CEEAG.*

30. Please explain whether or not the measure requires a public consultation under Section 4.8.4.4, and if not, why not.

……

31. If the measure requires a public consultation, please:

(a) Specify the duration of the public consultation and provide a summary of the main issues covered.

……

(b) In line with the requirements in point 350 of the CEEAG, please provide the address of the public website where consultation questionnaires and the government's summary of the responses will be/are published.

2.1.5. *Proportionality*

*To provide the information in this section, please refer to section 3.2.1.3 (points 49-53 and 55) and section 4.8.4.5. (points 353-357) of the CEEAG. Please note that the following two sections 2.1.5.1. and 2.1.5.2. are alternative. Please provide replies only to the applicable section, depending on the design of the proposed measure*

2.1.5.1. Proportionality of aid granted through a competitive bidding process

*To provide the information in this section, please refer to section 3.2.1.3 (points 49, 50, 51, 52, 53 and 55) and points 353, 354 and 356 of the CEEAG.*

*For aid granted without a competitive bidding process, this section is not applicable. For such measures, please go directly to section 2.1.5.2.*

32. In order to assess compliance with point 353 CEEAG, and in case not already provided in response to question 16 above, please provide an analysis used to set the level of demand in the notified security of supply measure based on the reliability standard or cost benefit analysis. Please confirm that the analysis used to set the level of demand is at most 12 months old at the point in time when the demand level is set.

……

33. In line with point 354 of the CEEAG, please demonstrate that the lead-time between the granting of the aid and the deadline by when projects must be delivered will allow effective competition between the various eligible projects.

……

34. In line with point 356 of the CEEAG, please demonstrate that the beneficiaries of security of supply measures will have efficient incentives to contribute to security of supply during the delivery period. These incentives should in general be related to the value of lost load (VoLL) as determined according to Article 11 of Regulation (EU) 2019/943.

……

35. In order to verify the compliance with points 49 and 50 of the CEEAG, please provide the following:

(a) Please explain how the authorities ensure that the bidding process is open, clear, transparent and non-discriminatory, based on objective criteria, defined ex ante in accordance with the objective of the measure and minimising the risk of strategic bidding (point 49(a) of the CEEAG).

……

(b) The selection criteria used for ranking the bids, and ultimately identifying the level of aid in the competitive bidding process. More specifically:

(i) Please provide the list of the selection criteria and specify which of them are/are not directly or indirectly related to the main objectives of the measure. Please include their weighting.

……

(ii) Please explain how the selection criteria put the contribution to the main objectives of the measure(s) in direct or indirect relation with the aid amount requested by the applicant. This may be expressed, for example, in terms of aid per unit of environmental protection or aid per unit of energy (point 50 and footnote 44 of the CEEAG).

……

(iii) In case there are other selection criteria that are not directly or indirectly related to the main objectives of the measure, please provide reasons for the proposed approach and explain how it is appropriate to the objectives pursued by the measure. Please also confirm that those criteria account for no more than 30 % of the weighting of all the selection criteria (point 50 of the CEEAG).

……

(iv) Please explain how far in advance of the deadline for submitting applications in each competitive bidding process the selection criteria will be published (point 49(b) and footnote 43 of the CEEAG).

……

(c) Please confirm that the budget or the volume related to the bidding process is a binding constraint in that it can be expected that not all bidders will receive aid (point 49(c) of the CEEAG).

……

(d) Please provide information on the number of bidding rounds envisaged and expected number of bidders in the first round and over time.

……

(e) In case of one or more undersubscribed bidding processes, please explain how the design of bidding processes will be corrected during the implementation of the scheme to restore effective competition and when (point 49(c) of the CEEAG).

……

(f) Please confirm that *ex post* adjustments to the bidding process outcome (such as subsequent negotiations on bid results or rationing) are avoided (point 49(d) of the CEEAG).

……

(g) In case there is a possibility of '*zero subsidy bids*', please explain how proportionality will be ensured.

……

(h) Please clarify if the authorities foresee the use of price floors or caps in the competitive bidding process. In the affirmative, please justify their use and explain how they do not constrain the competitive bidding process ([392]) (point 49 and footnote 42 of the CEEAG).

……

2.1.5.2. Proportionality of aid not granted through a competitive bidding process

*To provide the information in this section, please refer to points 51-55 and 353 to 357 of the CEEAG.*

*This section does not apply to measures in which aid is granted through a competitive bidding process. For such measures, please reply to section 2.5.1.1 above instead.*

36. In order to assess compliance with point 353 of the CEEAG, and in case not already provided in response to question 16 above, please provide an analysis used to set the level of demand in the notified security of supply measure based on the reliability standard or cost benefit analysis. Please confirm that the analysis used to set the level of demand is at most 12 months old at the point in time when the demand level is set.

……

37. In line with point 354 of the CEEAG, please demonstrate that the lead-time between the granting of the aid and the deadline by when projects must be delivered will allow effective competition between the various eligible projects.

……

38. In line with point 356 of the CEEAG, please demonstrate that the beneficiaries of security of supply measures will have efficient incentives to contribute to security of supply during the delivery period. These incentives should in general be related to the value of lost load (VoLL) as determined according to Article 11 of Regulation (EU) 2019/943.

……

39. Please explain why a competitive bidding process is not used (pursuant to point 355 of the CEEAG).

……

40. In the case of aid schemes, please provide a list of reference projects and an explanation for why these have been defined (for example, explaining that within each reference project the costs and revenues can be expected to be broadly similar). For the avoidance of doubt, a reference project is an example project that is representative of the average project in a category of eligible beneficiaries for an aid scheme (point 19(63) of the CEEAG).

……

41. Pursuant to point 51 of the CEEAG, for each reference project (in the case of aid schemes) or for each beneficiary (in the case of individual aid), please demonstrate that the aid does not exceed the minimum necessary, i.e. the difference between the net present value (NPV) for the factual scenario and the NPV for the counterfactual scenario over the lifetime of the reference project or the project.

([392]) Please note that footnote 42 of the CEEAG provides that *"Price floors or caps that constrain the competitive process undermining proportionality, even if at zero, should be avoided."*

For this assessment, please submit a quantification, for the factual scenario and for a realistic counterfactual scenario, ([393]) of all main costs and revenues, the estimated weighted average cost of capital (WACC) of the beneficiaries (or of the reference projects in the case of aid schemes) to discount future cash flows, as well as the NPV for the factual and counterfactual scenarios, over the lifetime of the project/reference project.

(a) Please provide this in an Annex to this notification form (using an Excel file where all formulas are visible).

……

(b) Please include detailed information on the assumptions, methodologies, rationale and underlying sources thereof, used for each aspect of the quantification of costs and revenues in the factual scenario and the likely counterfactual scenario (for instance please include the assumptions used to develop those scenarios and the source/rationale for these assumptions).

……

(c) You may also attach to this notification form the documents mentioned in footnote 39 of the CEEAG. Board documents may be particularly useful for individual aid measures or schemes benefitting a particularly limited number of beneficiaries. If such documents are attached to the notification form, please provide below a list of those documents, specifying the author, the date when they were drafted and the context when they were used.

……

42. If point 55 of the CEEAG is applicable, please provide information on the compensation models that the Member State might intend to introduce (a mix of *ex ante* and *ex post* or *ex post* claw-back or cost monitoring mechanisms).

If point 55 of the CEEAG is not applicable for the measure(s), please provide a justification.

……

43. If the notified measure(s) takes the form of a competitive certificates or supplier obligation scheme (point 357 of the CEEAG), please:

(a) confirm that demand in the scheme will be set below potential supply; and

……

(b) explain how the buyout/penalty price will be established and ensures that there will be no overcompensation.

……

2.1.6. *Cumulation*

*To provide the information in this section, please refer to points 56 and 57 of the CEEAG.*

44. In as far as not already provided under Part I of the general notification form and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure may be awarded concurrently under several aid schemes or cumulated with ad hoc or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or *de minimis* aid and how the aid will be cumulated. Please note that you may wish to refer to the quantification provided above.

……

([393]) Please refer also to the further information in points 51-53 as well as footnotes 45, 46, and 55 of the CEEAG.

45. If point 56 of the CEEAG is applicable, please justify how the total amount of aid granted under the notified measure(s) for a project or an activity does not lead to overcompensation or exceed the maximum aid amount allowed under the CEEAG. The maximum aid amount allowed under the CEEAG is either the amount of aid factored in the successful bid or, in the absence of a competitive process, the funding gap taking into account all main revenues including other sources of aid (point 51 of the CEEAG). For each measure that the aid granted under the notified aid measure(s) can be cumulated with, please specify the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

……

46. In case point 57 of the CEEAG is applicable, i.e. the aid granted under the notified measure(s) is combined with centrally managed Union funding ([394]) (that does not constitute State aid), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation

……

2.1.7. *Transparency*

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-61) of the CEEAG.*

47. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

48. Please provide the internet link where the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions, and information on each individual aid award granted ad hoc or under an aid scheme approved on the basis of the CEEAG and exceeding EUR 100 000 will be published.

……

2.2. **Avoidance of undue negative effects on competition and trade and balancing**

*To provide the information in this section, please refer to section 4.8.5 (points 359-370) and section 3.3 (points 71-76) of the CEEAG.*

49. In order to verify compliance with points 359, 360 and 361 of the CEEAG, please:

(a) demonstrate (in case not already provided in response to question 23 above) that the aid is designed to maintain the efficient functioning of markets and preserve efficient operation incentives and price signals.

……

(b) confirm the absence of incentives for the generation of energy that would displace less polluting forms of energy.

……

(c) indicate whether the measure pays for capacity (EUR per megawatt (MW)) or for electricity output (EUR/MWh).

……

50. Please provide evidence that the measure meets any applicable design conditions in Article 22 of Regulation (EU) 2019/943 (point 362 of the CEEAG).

……

([394]) Centrally managed union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union that is not directly or indirectly under the control of the Member State.

51. For strategic reserves and any other measure(s) for resource adequacy, including interruptibility schemes, where capacity is held outside the market, to ensure market price formation is not distorted, please demonstrate, in line with point 363 of the CEEAG, that the following cumulative conditions are met:

(a) The resources of the measure(s) are to be dispatched only if the transmission system operators are likely to exhaust their balancing resources to establish an equilibrium between demand and supply.

……

(b) During imbalance settlement periods where resources in the measure(s) are dispatched, imbalances in the market are to be settled at least at VOLL or at a higher value than the intraday technical price limit, whichever is higher.

……

(c) The output of the measure(s) following dispatch is to be attributed to balance responsible parties through the imbalance settlement mechanism.

……

(d) The resources do not receive remuneration from the wholesale electricity market or balancing markets.

……

(e) The resources in the measure(s) are to be held outside the energy markets for at least the duration of the contractual period.

……

52. For network congestion measures, where resources are held outside the market, please confirm that those resources will not receive remuneration from the wholesale electricity market or balancing markets and that they will be held outside the energy markets for at least the duration of the contractual period (point 364 of the CEEAG).

……

53. For capacity mechanisms other than strategic reserves, please demonstrate, in line with point 365 of the CEEAG, that the measure:

(a) Is constructed so as to ensure that the price paid for availability automatically tends to zero when the level of capacity supplied is expected to be adequate to meet the level of capacity demanded.

……

(b) Remunerates the participating resources only for their availability and ensure that the remuneration does not affect decisions of the capacity provider on whether or not to generate.

……

(c) Enables capacity obligations to be transferable between eligible capacity providers.

……

54. In order to verify compliance with point 366 of the CEEAG, please demonstrate that the measure will not:

(a) Create undue market distortions nor limit cross-zonal trade.

……

(b) Reduce incentives to invest in interconnection capacity – for example by reducing congestion revenue for existing or new interconnectors.

……

(c) Undermine market coupling, including intra-day and balancing markets.

……

(d) Undermine investment decisions on capacity which preceded the measure.

……

55. In order to verify compliance with point 367 of the CEEAG, please demonstrate that the costs of the notified measure will be borne by the market participants who contribute to the need for the measure(s). If you consider that such a cost allocation is not required, please explain why this is the case and provide evidence, including that gathered in the public consultation. ([395])

……

56. Pursuant to point 72 of the CEEAG, please justify the compliance of the notified measure with the criteria for environmentally sustainable economic activities provided in Article 3 of the Regulation (EU) 2020/852 of the European Parliament and of the Council ([396]), including the 'do no significant harm' ([397]) principle, or other comparable methodologies.

……

57. Pursuant to point 75 of the CEEAG, in cases where the Member State chooses to implement a competitive bidding procedure, please clarify if the notified measure includes features to facilitate the participation of SMEs or renewable energy communities. In the affirmative, please provide information on those features and justify how the positive effects of ensuring participation and acceptance of SMEs in the notified measure(s) outweigh the possible distortive effects.

……

58. In order to verify compliance with points 368 and 369 of the CEEAG, please:

(a) If the notified measure incentivises new investments in the most polluting fossil fuels, explain whether the measure, including network congestion measures and interruptibility schemes, respects the emissions threshold applicable to capacity mechanisms set out in Article 22 of Regulation (EU) 2019/943.

……

(b) If the notified measure incentivises new investments in energy generation based on natural gas, explain how the measure will ensure that it contributes to achieving the Union's 2030 climate target and 2050 climate neutrality target. In particular, explain how a lock in of this gas-fired energy generation or gas-fired production equipment will be avoided.

……

59. For individual aid measures or schemes benefitting only a particularly limited number of beneficiaries or an incumbent beneficiary, in addition, please demonstrate that the proposed aid measure will not lead to increased market power (point 370 of the CEEAG).

……

Section C: Evaluation

*To provide the information in this section, please refer to point 76(a) and Section 5 (points 455-463) of the CEEAG.*

([395]) According to point 367 of the CEEAG, "*such a cost allocation may not be required where the Member State provides analysis based on evidence, including that gathered in the public consultation, that allocating costs in this way would undermine the cost effectiveness of the measure or result in severe competition distortions that would clearly undermine the potential benefits of such a cost allocation.*

([396]) Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

([397]) Please note that according to footnote 50 of the CEEAG, *"For measures which are identical to measures within Recovery and Resilience Plans as approved by the Council, their compliance with the 'Do no significant harm' principle is considered fulfilled as this has already been verified."*

60. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply, or attach to this notification form an Annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG. ([398])

……

61. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the Annex.

……

(b) confirm that point 460 of the CEEAG will be respected.

……

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

62. In order to verify the compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

63. In order to verify the compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

64. In line with the provisions of point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

65. In line with the provisions of point 461 of the CEEAG:

(a) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

([398]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464-465) of the CEEAG.*

66. Please confirm that the Member State will comply with the requirements for reporting and monitoring provided in Section 6, points 464 and 465, of the CEEAG.

……

PART III.6.K

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.9 – Aid for energy infrastructure

*This supplementary information sheet concerns measures covered in Section 4.9 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s).

1.1. If not already discussed under section 5.2 of the General Information Form (Part. I), please provide the background and the main objective, including any Union targets for reduction and removal of greenhouse gas emissions that the measure is intended to support.

……

1.2. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions to the internal market.

……

2. Entry into force and duration:

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate the date as of which the measure is planned to enter into force;

……

2.2. If the measure concerns an aid scheme, please indicate its duration. ([399])

……

([399]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (including thus the time needed for the national authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

3. Beneficiary(ies)

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s).

……

3.2. Please indicate the location of the (potential) beneficiary(ies) (i.e. if only economic entities located in the respective Member States or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if individual aid is granted under the measure(s) in favour of an undertaking (as part of a scheme or not) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

3.4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 of the CEEAG). Otherwise, please provide details.

……

Points 373 and 374 of the CEEAG provide that *"support to energy infrastructure within the framework of a legal monopoly is not subject to State aid rules"*. This could be the case where the construction and operation of certain infrastructures is exclusively reserved by law for the TSO or DSO. Similarly, point 375 CEEAG provides that *"the Commission considers that there is no State aid involved in investments where the energy infrastructure is run under a 'natural monopoly'"*.

Is the project notified within the framework of a legal monopoly or is it run under a "natural monopoly"?

……

3.5. If the answer to the previous question is Yes, please explain why the notified project falls within the framework of a legal and/or natural monopoly, with reference to each cumulative criterion laid down in point 374 for legal monopolies and/or in point 375 for natural monopolies of the CEEAG.

……

4. Budget and financing of the measure(s).

4.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget. ([400])

……

4.2. If the measure is financed through a levy, please clarify if:

(a) the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

……

([400]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

(b) the levy is imposed equally on domestic and imported products;

……

(c) the notified measure will benefit equally domestic and imported products;

……

(d) the levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

……

(e) the levy financing the notified measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points 23-25) and sections 4.9.1 and 4.9.2 of the CEEAG.*

5. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible 'aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest'. Therefore, compatible aid under that provision of the Treaty must contribute to the development of certain economic activity.

In order to assess the compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported.

……

6. In order to assess the compliance with point 25 of the CEEAG, please "describe if and how the aid will contribute to the achievement of objectives of Union climate policy, environmental policy and energy policy and more specifically, the expected benefits of the aid in terms of its material contribution to environmental protection, including climate change mitigation, or the efficient functioning of the internal energy market".

……

7. In addition, please highlight to what extent the aid relates to policies described under points 371 and 372 CEEAG.

……

8. Please provide information on the scope and supported activities of the aid measure(s), as provided in point 376 CEEAG. By doing so, please also:

(a) Ensure that the project is about an energy infrastructure as defined under point 19(36) of the CEEAG.

(b) Ensure that the project does not involve dedicated infrastructure and/or other energy infrastructure combined with production and/or consumption activities.

(c) Specify what type of costs will be supported by the measure: investment or operating costs.

(d) In case where the measure will cover operating costs, demonstrate that those costs cannot be recovered from network users and that they are not related to sunk costs, and that the operating aid leads to a change in behaviour that enables the delivery of security of supply or environmental protection objectives.

……

1.2. **Incentive effect**

*To provide the information in this section, please refer to section 3.1.2 (points 26-32) of the CEEAG.*

9. Aid can be considered as facilitating an economic activity only if it has an incentive effect. In order to assess the compliance with point 26 of the CEEAG, please explain how the measure(s) "*induces the beneficiary to change its behaviour, to engage in additional economic activity or in more environmentally-friendly economic activity, which it would not carry out without the aid or would carry out in a restricted or different manner*".

……

10. In order to assess the compliance with point 27 of the CEEAG, please provide information to confirm that the aid does not support the costs of an activity that the aid beneficiary would anyhow carry out and does not compensate for the normal business risk of an economic activity ([401]).

……

11. In order to demonstrate the presence of an incentive effect, point 28 of the CEEAG requires the identification of the factual scenario and the likely counterfactual scenario in the absence of aid. For aid to energy infrastructure, as explained in point 52, the counterfactual scenario is presumed to be the situation in which the project would not take place.

(a) Please provide a comprehensive description of the factual scenario. In case of schemes covering different reference projects ([402]), please provide a description of the factual scenario for each reference project.

……

(b) In as far as the measure is not an aid scheme, please attach to this notification form any official board documents, risk assessments, financial report, internal business plans, expert opinions and other studies related to the project under assessment, documents containing information on demand forecasts, costs forecasts, financial forecasts, documents submitted to an investment committee and that elaborate on investment/operation scenarios, or documents provided to the financial institutions as provided in point 28, footnote 39 of the CEEAG.

Please note that those documents need to be contemporary to the decision-making process concerning the investment/operation decision.

If such documents are attached to the notification form, please provide below a list of those documents, specifying the author, the date when they were drafted and the context when they were used.

……

([401]) See judgment of the Court of Justice of 13 June 2013, *HGA and others* v *Commission*, C-630/11 P to C-633/11 P, ECLI:EU:C:2013:387, paragraph 104.

([402]) According to point 19(63) CEEAG, 'reference project' means an example project that is representative of the average project in a category of eligible beneficiaries for an aid scheme.

12. In order to demonstrate the compliance with points 29 and 31 of the CEEAG:

(a) Please confirm that the start of works on the project or activity did not take place prior to a written aid application by the beneficiary to the national authorities;

……

*OR*

(b) For projects that started before the aid application, please demonstrate that the project falls within one of the exceptional cases provided in point 31 of the CEEAG ((a), (b) or (c)).

……

13. In order to demonstrate compliance with point 30 of the CEEAG, please confirm that the aid application includes at least the applicant's name, a description of the project or activity, including its location, and the amount of aid needed to carry it out.

……

14. In order to demonstrate compliance with point 32 of the CEEAG, please indicate if there are Union standards ([403]) applicable to the notified measure(s), mandatory national standards that are more stringent or ambitious than the corresponding Union standards, or mandatory national standards adopted in the absence of Union standards. In that context, please provide information to demonstrate the incentive effect.

……

15. In cases where the relevant Union standard has already been adopted but is not yet in force, please demonstrate that the aid has an incentive effect because it incentivises the investment to be implemented and finalised at least 18 months before the standard enters into force.

……

1.3. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33 of the CEEAG).*

16. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

……

17. If a levy is used to finance the measure(s), please clarify if the assessment of compliance with Articles 30 and 110 of the Treaty needs to be carried out. In the affirmative, please demonstrate how the measure complies with the provisions of Articles 30 and 110 of the Treaty. In this context, the information submitted under question 4.2. above, where the notified measure(s) is financed through a levy can be referred to.

……

([403]) According to point 19(89) of the CEEAG, 'Union standard' means:

(a) *a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings;*

(b) *the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purpose of these guidelines; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.*

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *The necessity and the appropriateness of State aid intervention*

*To provide the information in this section, please refer to section 4.9.3.1 (points 379 and 380) of the CEEAG.*

18. Point 379 of the CEEAG provides that, regarding energy infrastructure, market failures are usually addressed/financed by means of compulsory user tariffs subject to regulation. Nevertheless, as point 380 of the CEEAG mentioned, this may not always be the case. Please explain to what extent the measure addresses market failures that cannot be addressed by means of compulsory user tariffs.

……

19. In order to demonstrate the necessity and the appropriateness of the State aid, please specify under which of the different situations the notified project has to be assessed:

(a) The project notified is a project of common interest as defined in Article 2, point (4) of Regulation (EU) No 347/2013, which are fully subjected to internal energy market legislation. In that situation, the Commission considers that there is a presumption of market failure. There is no need for the Member State to justify further the need and the appropriateness of the State aid, or

(b) the project notified is not a project of common interest as defined above or is a project of common interest but is partially or fully exempted from internal energy market legislation, or

(c) the project is not a project of common interest and is between the Union and a third country.

……

20. If the notified project falls within the situation mentioned in point 19(b) above, in order to justify the necessity and the appropriateness of the measure, please explain to what extent:

— the market failure leads to a sub-optimal provision of the necessary infrastructure;

— the infrastructure is open to third party access and subject to tariff regulation;

— the project contributes to the security of supply in the Union or to climate neutrality objectives to the Union.

……

21. If the project is in the situation mentioned in point 19©, please explain if (i) for the part of the infrastructure located on Union territory, the project is built and operated in line with Union legislation, particularly Directives 2009/73/EC and (EU) 2019/944, and (ii) for the part located in third country or countries involved, the project has a high level of regulatory alignment and supports the overall objectives of the Union, in particular to ensure:

— a well-functioning internal energy market,

— security of energy supply based on cooperation and solidarity,

— an energy system on a trajectory towards decarbonisation in line with the Paris Agreement and the Union's climate objectives, and in particular

— avoidance of carbon leakage.

……

2.1.2. *The proportionality of the aid*

*To provide the information in this section, please refer to points 51-52 and 381 of the CEEAG.*

22. Pursuant to point 51 of the CEEAG, the typical net extra costs can be estimated as the difference between the NPV for the factual scenario and the counterfactual scenario over the lifetime of the project or per reference project where applicable. Where the counterfactual scenario is that the project will not be implemented (see point 52 of the CEEAG), the negative NPV of the factual scenario is equal to the net extra costs.

Please provide the following in an Annex to this notification form (using an Excel file where all formulas are visible):

(a) In order to determine the funding gap ([404]), please submit a quantification, for the factual scenario, of:

(i) all main costs and revenues of the project;

(ii) the estimated weighted average cost of capital (WACC) of the beneficiaries to discount future cash flows;

(iii) net present value (NPV) for the factual scenario, over the lifetime of the project.

……

(b) Please include in an Annex to this notification form detailed information on the assumptions, methodologies, rationale and underlying sources thereof, used for each aspect of the quantification of costs and revenues in the factual scenario (for instance please include the assumptions used to develop the factual scenario)

……

23. Pursuant to point 53 of the CEEAG, for cases of individual aid and schemes benefitting a particularly limited number of beneficiaries, the Member State needs to present the supporting evidence at the level of the detailed project business plan.

For cases of aid schemes, the Member State needs to present the supporting evidence on the basis of one or more reference projects.

24. In order to allow the Commission to verify that the aid amount does not exceed the minimum necessary for the aided project to be sufficiently profitable ([405]), please provide the following information:

(a) The internal rate of return (IRR) corresponding to the sector or firm specific benchmark or hurdle rate; or

(b) The normal rates of return required by the beneficiary in other investment projects of a similar kind, its cost of capital as a whole; or

(c) The returns commonly observed in the industry concerned; or

(d) Any other information justifying that the aid amount does not exceed the minimum necessary for the aided project to be sufficiently profitable.

……

([404]) Point 51 of the CEEAG provides that the *"typical net extra cost can be estimated as the difference between the NPV for the factual scenario and for the counterfactual scenario over the lifetime of the reference project."*

([405]) According to footnote 46 of the CEEAG, please note that *"all relevant expected costs and benefits must be considered over the lifetime of the project"*.

25. Pursuant to point 381 of the CEEAG, if the aid is close to the maximum allowed and where there is a risk of windfall profits, a monitoring and claw-back mechanism may be necessary, while keeping incentives for the beneficiaries to minimise their costs and develop their business in a more efficient manner over time. Please explain if there is any monitoring and claw-back mechanism in place. If not, please explain why.

……

2.1.3. *Cumulation*

*To provide the information in this section, please refer to points 56-57 of the CEEAG.*

26. In so far as not already provided under section 7.4 of the General Information Form (Part I), and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure(s) may be awarded concurrently under several aid schemes or cumulated with ad hoc or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or *de minimis* aid and how the aid will be cumulated. Please note that you may wish to refer to the quantification provided above.

……

27. If aid is awarded concurrently under several aid schemes or cumulated with ad hoc or de minimis aid in relation to the same eligible costs, please justify how the total amount of aid granted under the notified measure(s) for a project or an activity does not lead to overcompensation or exceed the maximum aid amount allowed under points 51 and 381 of the CEEAG. Please specify, for each measure, that the aid granted under the notified aid measure(s) can be cumulated, the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

……

28. If the aid granted under the notified measure(s) is combined with centrally managed Union funding pursuant to point 57 of the CEEAG ([406]), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation.

……

2.1.4. *Transparency*

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-62) of the CEEAG.*

29. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

30. Please provide the internet link where the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions, and information on each individual aid award granted ad hoc or under an aid scheme approved on the basis of the CEEAG and exceeding EUR 100 000 will be published.

……

2.2. **Avoidance of undue negative effects of the aid on competition and trade and balancing**

*To provide the information in this section, please refer to section 4.9.4. (points 382 et seq. of the CEEAG).*

([406]) Centrally managed union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union that is not directly or indirectly under the control of the Member State.

31. If the project notified is exempted, in whole or in part, from internal energy market legislation, please explain:

— To what degree the aided infrastructure is open to third party access;

— To what degree customers can have access to alternative infrastructure, if any;

— To what degree the project could result in crowding-out of private investments;

— The competitive position of the beneficiary(ies), both as regards the operation of infrastructure and as regards relevant product markets for the good transported with the infrastructure.

……

32. If the project notified is a natural gas infrastructure, please provide information on how the notified project will fulfil the following conditions:

— The infrastructure is ready for the use of hydrogen and leads to increase the use of renewable gases; or alternatively, the reason why it is not possible to design the project so that it is ready for the of hydrogen and how the project does not create a lock-in effect for the use of natural gas;

— The investment contributes to achieving the Union's 2030 climate targets and 2050 climate neutrality target.

……

33. If the project notified is a Project of Common Interest or Project of Mutual Interest not subject to internal market legislation**,** please explain what the impact of the project will be on related services markets as well as on other services markets.

……

Section C: Evaluation

*To provide the information in this section, please refer to point 76(a) and Section 5 (points 455-463) of the CEEAG.*

34. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply, or attach to this notification form an Annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG. ([407])

……

35. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the Annex.

……

(b) confirm that point 460 of the CEEAG will be respected.

……

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

([407]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

36. In order to verify the compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

37. In order to verify the compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

38. In order to verify the compliance with point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

39. In order to verify the compliance with point 461 of the CEEAG:

(a) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464-465) of the CEEAG.*

40. Please confirm that the Member State will comply with the requirements for reporting and monitoring provided in Section 6, points 464 and 465, of the CEEAG.

……

PART III.6.L

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.10 – Aid to district heating and cooling

*This supplementary information sheet concerns measures covered in Section 4.10 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s).

1.1. If not already discussed under section 5.2 of the General Information Form (Part. I), please provide the background and the main objective, including any Union targets for reduction and removal of greenhouse gas emissions that the measure is intended to support.

……

1.2. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions to the internal market.

……

2. Entry into force and duration:

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate the date as of which the aid scheme is planned to enter into force;

……

2.2. Please indicate the duration of the scheme. ([408])

……

3. Beneficiary(ies)

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s).

……

3.2. Please indicate the location of the (potential) beneficiary(ies) (i.e. if only economic entities located in the respective Member States or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 of the CEEAG). Otherwise, please provide details.

……

5. Budget and financing of the measure(s).

([408]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (including thus the time needed for the national authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the yearly and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget. ([409])

……

5.2. If the measure is financed through a levy, please clarify if:

(a) the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

……

(b) the levy is imposed equally on domestic and imported products;

……

(c) the notified measure will benefit equally domestic and imported producers;

……

(d) the levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

……

(e) the levy financing the notified measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points 23-25) and sections 4.10.1 and 4.10.2 (points 383-390) of the CEEAG.*

6. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible 'aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest'. Therefore, compatible aid under that provision of the Treaty must contribute to the development of certain economic activity.

In order to assess the compliance with point 23 of the CEEAG, please identify the economic activities that will be facilitated as a result of the aid and how the development of those activities is supported.

……

7. In order to assess the compliance with point 25 of the CEEAG, please "*describe if and how the aid will contribute to the achievement of objectives of Union climate policy, environmental policy and energy policy and more specifically, the expected benefits of the aid in terms of its material contribution to environmental protection, including climate change mitigation, or the efficient functioning of the internal energy market*".

……

([409]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

8. In addition, please highlight to what extent the aid relates to policies described under points 383 and 384 CEEAG. By doing so, please also clarify whether the project promotes renewable energy in line with Article 2(1) of Directive 2018/2001/EU. Specifically, please confirm whether the measure develops efficient district heating and cooling systems within the meaning of Article 26 of Directive 2023/1791/EU to promote heating and cooling from renewable energy sources.

……

9. Points 385 and 386 of the CEEAG provide that support that is limited to district heating distribution networks can, under certain circumstances, be considered to fall outside of State aid control.

(a) Does the measure support district heating distribution networks which will be subject to third party access, unbundling (i.e. separation between generation and distribution of heating/cooling) and regulated tariffs?

(b) If the answer to point a) is Yes, please explain if the distribution network will be run under a legal and/or natural monopoly, with reference to the criteria laid down in points 374 and 375 of the CEEAG.

……

10. Please provide information on the scope and supported activities of the aid measure(s), as provided in section 4.10.2. (points 388-389) of the CEEAG. By doing so, please also:

(a) Explain why the project falls within the definition of district heating/cooling under point 19(27) of the CEEAG and within the definition of district heating and/or a district cooling system under point 19(28) of the CEEAG.

(b) Explain if the project supports the construction, upgrade or operation of:

— a generation unit, and/or

— a storage plant and/or

— a distribution network.

(c) If the support is about a generation unit, explain which resources this generation unit uses to produce electricity, district heating or cooling: renewable energy, waste heat or highly efficient cogeneration including thermal storage solution.

(d) If the support is about a generation unit using waste, confirm that the support is limited to either waste that meets the definition of renewable energy sources or waste used to fuel installations that meet the definition of high-efficiency cogeneration.

(e) Where aid is granted for the upgrade of a district heating and cooling system, clarify if the district heating and cooling system meets the standard of efficient district heating and cooling in line with Article 2(46) and Article 26 of Directive 2023/1791/EU.

(f) Specify what type of costs will be supported by the measure: investment and/or operating costs.

……

11. If the aid aims at supporting the upgrade of a district heating and cooling system which however does not lead to system meeting the standard of efficient district heating and cooling within the meaning of Article 26 of Directive 2023/1791/EU as a result of the upgrade supported, please provide a commitment that the beneficiary will start the works to reach that efficiency standard within 3 years following the upgrade works pursuant to point 390 of the CEEAG.

……

1.2. **Incentive effect**

*To provide the information in this section, please refer to section 3.1.2 (points 26-32) of the CEEAG.*

12. Aid can be considered as facilitating an economic activity only if it has an incentive effect. In order to assess the compliance with point 26 of the CEEAG, please explain how the measure(s) *"induces the beneficiary to change its behaviour, to engage in additional economic activity or in more environmentally-friendly economic activity, which it would not carry out without the aid or would carry out in a restricted or different manner".*

.....

13. In order to assess the compliance with point 27 of the CEEAG, please provide information to confirm that the aid does not support the costs of an activity that the aid beneficiary would anyhow carry out and does not compensate for the normal business risk of an economic activity ([410]).

.....

14. Please provide a comprehensive description of the factual scenario and the likely counterfactual scenario(s). In case of schemes covering different reference projects ([411]), such description needs to be submitted for each reference project. For the construction, upgrade and operation of distribution networks, the counterfactual scenario is presumed to be the situation in which the project would not take place (point 395 of the CEEAG).

.....

(a) As provided in point 28, footnote 39 of the CEEAG, please attach to this supplementary information sheet any official board documents, risk assessments, financial report, internal business plans, expert opinions and other studies related to the project under assessment, documents containing information on demand forecasts, costs forecasts, financial forecasts, documents submitted to an investment committee and that elaborate on investment/operation scenarios, or documents provided to the financial institutions.

Please note that those documents need to be contemporary to the decision making process concerning the investment/operation decision.

If such documents are attached to the supplementary information sheet, please provide below a list of those documents, specifying the author, the date when they were drafted and the context when they were used.

.....

(b) Please provide in an Annex to this supplementary information sheet (using an Excel file where all formulas are visible) a quantification, for the factual scenario and a credible counterfactual scenario as described under point i., of all main costs and revenues, the estimated weighted average cost of capital (WACC) of the beneficiaries to discount future cash flows, as well as the net present value (NPV) for the factual and counterfactual scenarios, over the lifetime of the project. For cases of individual aid and schemes benefitting a particularly limited number of beneficiaries, those calculations and projections need to be presented at the level of the detailed project business plan, and for aid schemes on the basis of one or more reference projects.

([410]) See judgment of the Court of Justice of 13 June 2013, HGA and others v Commission, C-630/11 P to C-633/11 P, ECLI:EU:C:2013:387, paragraph 104.

([411]) According to point 19(63) CEEAG, 'reference project' means an example project that is representative of the average project in a category of eligible beneficiaries for an aid scheme.

(c) Please include in an Annex to this supplementary information sheet detailed information on the assumptions, methodologies, rationale and underlying sources thereof, used for each aspect of the quantification of costs and revenues in the factual scenario and the likely counterfactual scenario(s) (for instance please include the assumptions used to develop those scenarios).

……

15. In order to demonstrate the compliance with points 29 and 31 of the CEEAG:

(a) Please confirm that the start of works on the project or activity did not take place prior to a written aid application by the beneficiary to the national authorities;

……

*OR*

(b) For projects that started before the aid application, please demonstrate that the project falls within one of the exceptional cases provided in point 31 of the CEEAG ((a), (b) or (c)) ([412]).

……

16. In order to demonstrate compliance with point 30 of the CEEAG, please confirm that the aid application includes at least the applicant's name, a description of the project or activity, including its location, and the amount of aid needed to carry it out.

……

17. In order to demonstrate compliance with point 32 of the CEEAG, please indicate if there are Union standards ([413]) applicable to the notified measure(s), mandatory national standards that are more stringent or ambitious than the corresponding Union standards, or mandatory national standards adopted in the absence of Union standards. In that context, please provide information to demonstrate the incentive effect.

……

([412]) Point 31 of the CEEAG provides that*"In certain exceptional cases, aid can have an incentive effect even for projects which started before the aid application. In particular, aid is considered to have an incentive effect in the following situations:*

(a) *the aid is granted automatically in accordance with objective and non-discriminatory criteria and without further exercise of discretion by the Member State, and the measure has been adopted and is in force before work on the aided project or activity has started, except in the case of fiscal successor schemes, where the activity was already covered by the previous schemes in the form of tax advantages;*

(b) *the national authorities have published, before the start of works, a notice of their intention to establish the proposed aid measure, conditional upon the Commission's approval of the measure as required by Article 108(3) of the Treaty. That notice must be made available on a public website or other publicly accessible media with comparably broad and easy access and clearly state the type of projects that the Member State proposes to be eligible and the point in time from which the Member State intends to consider such projects eligible. The proposed eligibility must not be unduly limited. The beneficiary must have informed the granting authority prior to the start of works that the proposed aid measure was considered as a condition for the investment decisions taken. Where it relies upon such a notice to demonstrate an incentive effect, the Member State must provide, as part of its State aid notification, a copy of the notice and a link to the website on which it was published or respective proof of its availability to the public;*

(c) *operating aid granted to existing installations for environmentally-friendly production where there is no 'start of works' because there is no significant new investment. In these cases, the incentive effect can be demonstrated by a change to operate the installation in an environmentally-friendly way rather than an alternative cheaper mode of operation that is less environmentally friendly."*

([413]) According to point 19(89) of the CEEAG, 'Union standard' means:

(a) *a mandatory Union standard setting the levels to be attained in environmental terms by individual undertakings, excluding standards or targets set at Union level which are binding for Member States but not for individual undertakings;*

(b) *the obligation to use the best available techniques (BAT), as defined in Directive 2010/75/EU, and to ensure that emission levels do not exceed those that would be achieved when applying BAT; where emission levels associated with the BAT have been defined in implementing acts adopted under Directive 2010/75/EU or under other applicable directives, those levels will be applicable for the purpose of these guidelines; where those levels are expressed as a range, the limit for which the BAT is first achieved for the undertaking concerned will be applicable.*

18. In cases where the relevant Union standard has already been adopted but is not yet in force, please demonstrate that the aid has an incentive effect because it incentivises the investment to be implemented and finalised at least 18 months before the standard enters into force.

……

1.3. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33) of the CEEAG.*

19. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

……

20. If a levy is used to finance the measure(s), please clarify if the assessment of compliance with Articles 30 and 110 of the Treaty needs to be carried out. In the affirmative, please demonstrate how the measure complies with the provisions of Articles 30 and 110 of the Treaty. In this context, the information submitted under question 5.2 above, where the notified measure(s) is financed through a levy can be referred to.

……

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *Necessity and appropriateness for State aid intervention*

*To provide the information in this section, please refer to section 4.10.3 (points 391-393 of the CEEAG.*

21. Please explain in detail how the project will contribute to the creation, extension or upgrade of efficient district heating and cooling systems.

……

22. If the measure exceptionally covers operating costs, please demonstrate that these costs cannot be passed on to district heating/cooling consumers without undermining environmental protection in line with point 392 of the CEEAG. Please show that the supported district heating/cooling systems increase energy efficiency, reduce CO2 emissions and other pollution sources as well as network losses, in comparison to alternative district heating/cooling solutions.

……

23. In line with point 393 of the CEEAG, if the project is based on waste as input fuel, please explain how it respects the waste hierarchy principle (Article 4 point (1) of Directive 2008/98/EU).

……

2.1.2. *The proportionality of the aid*

*To provide the information in this section, please refer to section 3.2.1.3 and section 4.10.4 (points 394 and 395) of the CEEAG.*

24. In order to verify the compliance with point 51 of the CEEAG, please provide the following:

(a) In order to determine the funding gap ([414]), please submit a quantification, for the factual scenario and a credible counterfactual scenario ([415]), of:

(i) all main costs and revenues of the project;

(ii) the estimated weighted average cost of capital (WACC) of the beneficiaries to discount future cash flows;

(iii) net present value (NPV) for the factual and counterfactual scenarios, over the lifetime of the project.

……

(b) The reasons for the assumptions used for each aspect of the quantification, and explain and justify any methodologies applied.

……

For cases of individual aid and schemes benefitting a particularly limited number of beneficiaries, the Member State needs to present the supporting evidence at the level of the detailed project business plan.

For cases of aid schemes, the Member State needs to present the supporting evidence on the basis of one or more reference projects.

……

25. In case an alternative project is absent, in order to allow the Commission to verify that the aid amount does not exceed the minimum necessary for the aided project to be sufficiently profitable ([416]), please provide the following information:

(a) The internal rate of return (IRR) corresponding to the sector or firm specific benchmark or hurdle rate; or

(b) The normal rates of return required by the beneficiary in other investment projects of a similar kind, its cost of capital as a whole; or

(c) The returns commonly observed in the industry concerned; or

(d) Any other information justifying that the aid amount does not exceed the minimum necessary for the aided project to be sufficiently profitable.

……

2.1.3. *Cumulation*

*To provide the information in this section, please refer to points 56-57 of the CEEAG.*

26. In order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure(s) may be awarded concurrently under several aid schemes or cumulated with ad hoc or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or *de minimis* aid and how the aid will be cumulated.

……

([414]) Point 51 of the CEEAG provides that the *"typical net extra cost can be estimated as the difference between the NPV for the factual scenario and for the counterfactual scenario over the lifetime of the reference project."*

([415]) Please note that, according to footnote 45 of the CEEAG, a *"counterfactual that proposes as alternative investment/operation scenario a continuation in the long term of current non-environmentally sustainable activities will not be considered realistic"*.

([416]) According to footnote 46 of the CEEAG, please note that *"all relevant expected costs and benefits must be considered over the lifetime of the project"*.

27. If point 56 of the CEEAG is applicable to the notified aid measure(s), please justify how the total amount of aid granted under the notified measure(s) for a project or an activity does not lead to overcompensation or exceed the maximum aid amount allowed under point 394 of the CEEAG. For each measure that the aid granted under the notified aid measure(s) can be cumulated with, please specify the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

……

28. In case point 57 of the CEEAG is applicable, i.e. the aid granted under the notified measure(s) is combined with centrally managed Union funding ([417]), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation

……

2.1.4. *Transparency*

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-61) of the CEEAG.*

29. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

30. Please provide the internet link where the full text of the approved aid scheme or the individual aid granting decision and its implementing provisions, and information on each individual aid award granted ad hoc or under an aid scheme approved on the basis of the CEEAG and exceeding EUR 100 000 will be published.

……

2.2. **Avoidance of undue negative effects of the aid on competition and trade and balancing**

*To provide the information in this section, please refer to section 4.10.5 (points 396-398) of the CEEAG.*

31. If the district heating and cooling systems rely on most polluting fossil fuels such as coal, lignite, oil and diesel, please explain whether the following cumulative conditions are fulfilled pursuant to point 396 of the CEEAG:

(a) The aid is limited to investments on the distribution network.

……

(b) The distribution network already enables the transport of heat and cooling generated from renewable energy sources, waste heat or carbon neutral sources.

……

(c) The aid does not result in increased generation of energy from the most polluting fossil fuels (for example by connecting additional customers).

……

(d) There is a clear timeline involving firm commitments for transitioning away from the most polluting fossil fuels in view of the Union's 2030 climate target and the 2050 climate neutrality target (see example in the footnote 156 of the CEEAG).

……

([417]) Centrally managed union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union that is not directly or indirectly under the control of the Member State.

32. If the project incentivises new investments in natural gas or operation of energy generation assets based on natural gas, please explain whether the project ensures the following, in line with point 397 of the CEEAG :

(a) the contribution of the aid to achieving the Union's 2030 climate target and 2050 climate neutrality target;

(b) how a lock-in effect of the gas-fired energy generation will be avoided;

(c) how the aid does not displace investments into cleaner alternatives that are already available on the market, and does not impede the development of cleaner technologies and their use.

……

33. In order to verify compliance with point 398 of the CEEAG, please clarify whether the district heating and cooling system is open to third party access and whether using sustainable alternative heating solutions would be possible.

……

Section C: Evaluation

*To provide the information in this section, please refer to point 76(a) and Section 5 (points 455-463) of the CEEAG.*

34. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply, or attach to this supplementary information sheet an Annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG. ([418])

……

35. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the Annex.

……

(b) confirm that point 460 of the CEEAG will be respected.

……

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

36. In order to verify the compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

37. In order to verify the compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

([418]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

38. In order to verify the compliance with point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

39. In order to verify the compliance with point 461 of the CEEAG:

(a) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464-465) of the CEEAG.*

40. Please confirm that the Member State will comply with the requirements for reporting and monitoring provided in Section 6, points 464 and 465, of the CEEAG.

……

PART III.6.M

Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (hereafter 'CEEAG') - Section 4.11 - Aid in the form of reductions from electricity levies for energy-intensive users

*This supplementary information sheet concerns measures covered in Section 4.11 of the CEEAG. If the notification includes measures that are covered by more than one section of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective section of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

Section A: Summary of the main characteristics of the notified measure(s)

1. Background and objective(s) of the notified measure(s).

1.1. Please indicate whether this is a new measure or an amendment to an existing measure. If it is an amendment, please provide details on the changes to the scheme.

……

1.2. If not already discussed under section 5.2 of the General Information Form (Part. I), please provide the background and the main objective, including the relation to any Union environmental targets that the measure is intended to support.

……

1.3. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions to the internal market.

……

2. Entry into force and duration:

2.1. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate:

(a) For an aid scheme:

— the date as of which it is planned that the scheme will enter into force:

……

— The duration of the scheme ([419]).

……

(b) For individual aid:

— the (planned) aid granting date (promise of aid):

……

and

— the payment date (first payment date if various successive payments are foreseen).

……

3. Beneficiary(ies)

3.1. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s).

……

3.2. Please indicate the location of the (potential) beneficiary(ies) (i.e. if only economic entities located in the respective Member States or also in other Member States are eligible to participate in the measure).

……

3.3. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

……

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

……

4. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 CEEAG). Otherwise, please provide details.

……

([419]) Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (includes thus also the time needed for the authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure.

5. Budget and financing of the measure(s).

5.1. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the annual and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget. ([420])

……

5.2. As the measure concerns a levy, please specify if:

(a) the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

……

(b) the levy reduction is financed by raising the levy for other consumers.

……

(c) the levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

……

(d) the levy financing the notified measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

……

Section B: Compatibility assessment of the aid

1. POSITIVE CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Contribution to the development of an economic activity and incentive effect**

*To provide the information in this section, please refer to section 4.11.1 of the CEEAG.*

6. Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty') provides that the Commission may declare compatible 'aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest'. Therefore, compatible aid under that provision of the Treatymust contribute to the development of certain economic activity.

Furthermore, State aid can only be considered to facilitate an economic activity if it has an incentive effect. An incentive effect occurs when the aid induces the beneficiary to change its behaviour towards the development of an economic activity pursued by the aid, and if this change in behaviour would not otherwise occur without the aid.

(a) Please explain how the levy reduction mechanism provides incentives to eligible undertakings to avoid the risk of activities moving outside the Union where environmental disciplines are absent or less ambitious or incentives to encourage the electrification of production processes in line with point 400 of the CEEAG.

……

(b) Please identify in which part of the (draft) legal basis this consideration is reflected.

……

([420]) Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification.

1.2. **No breach of any relevant provision of Union law**

*To provide the information in this section, please refer to section 3.1.3 (point 33) of the CEEAG.*

7. Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

……

2. NEGATIVE CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

2.1. **Minimisation of distortions of competition and trade**

2.1.1. *Necessity and appropriateness for State aid intervention*

*To provide the information in this section, please refer to section 4.11.2 and point 413 of the CEEAG.*

8. Point 403 of the CEEAG applies to levy reductions on electricity consumption which finance energy and environmental objectives. For each of the levy on which reductions are envisaged to be granted, please provide a complete and detailed description on the nature, scope and application of the levies by explaining how the levy system works in practice (functioning of the scheme and granting authority) and by making detailed references to its regulatory framework (legal basis).

……

In particular, please share information about the following elements:

(a) the purpose of each levy (explaining how the revenues raised through each levy are used);

……

(b) how and on whom the levy is charged; what is the base on which the levy is charged for an undertaking; the methodology to calculate the levy rate; whether, why and how different levy rates apply across the charged base; how frequently and on which basis the levy rate is reviewed;

……

(c) describe the various entities involved in setting and reviewing the levy as well as those involved in collecting and managing the revenues raised through the levy;

……

(d) describe how the levy collection and redistribution system work;

……

(e) provide the most recent annual figures on applied levy rates and total revenues raised. If available, please provide projections for the future;

……

9. Point 404 of the CEEAG states that Member States have to include all reductions on potentially multiple electricity levies for energy-intensive users into a single scheme and to inform the Commission of the cumulative effect of all eligible levies and all reductions proposed.

(a) Please confirm that all levy reductions to be granted on the basis of Section 4.11 of the CEEAG are covered by the notified measure, and that possible future reductions on levies other than those covered will be notified through an amendment to the notified measure.

……

(b) On the basis of recent years and possible projections, please provide information on the cumulative effect of all relevant levies (both in absolute and relative terms, compared to overall electricity costs and overall electricity levies, charges and taxes) and of related reductions for the beneficiaries under the notified scheme.

……

10. Please describe whether the aid under the notified measure will be in the form of an ex ante reduction in levies, an ex post compensation amount (refund) or a combination of the two. Please make specific references in your answer to the (draft) legal basis (e.g. Article 7, paragraph 3).

……

(a) Pursuant to point 413 of the CEEAG, if the aid is granted in the form of a reduction in levies, please confirm:

(i) that an ex post monitoring mechanism is in place;

……

(ii) and that any overpayment of aid will be repaid before 1 July of the following year. Indicate where this information can be found in the (draft) legal basis.

……

(b) Pursuant to point 413, last sentence, of the CEEAG, if the aid is granted in the form of a refund, please confirm that it is calculated on the basis of the observed levels of electricity consumption and, if applicable, the gross value added over the period of time during which the eligible levies were applied.

……

2.2. **Eligibility**

*To provide the information in this section, please refer to section 4.11.3.1 (points 405-407) of the CEEAG.*

11. Point 405 of the CEEAG defines electro-intensive sectors "at significant risk" (point (a)) and "at risk" (point (b)). In order to verify the compliance with point 405 of the CEEAG, please confirm that all eligible electro-intensive sectors "at risk" and "at significant risk" under the notified measure are listed in related parts of Annex I to the CEEAG and provide in annex to this form the lists of NACE-4 sectors "at risk" and "at significant risk" that are eligible for aid under the measure, indicating where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3).

……

12. Point 406 of the CEEAG states that a sector or subsector ([421]) not included in Annex I of the CEEAG will also be considered eligible provided that it meets the eligibility criteria of point 405. If aid under the notified measure is intended to be granted also to sectors and/or subsectors not included in Annex I to the CEEAG, please:

(a) demonstrate compliance with the methodology under point 405 of the CEEAG for each (sub) sector;

……

([421]) In the definition of the Statistical Classification of Economic Activities in the European Community ('NACE rev. 2' classification), to a level of disaggregation not higher than eight digits ('PRODCOM' level).

(b) provide in annex to this form data that is representative of the sector or subsector at Union level ([422]), verified by an independent expert and based on a time period of at least three consecutive years starting no earlier than 2013.

……

13. Please describe how applicants will have to demonstrate that they operate in an eligible sector, indicating where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3).

……

14. Please list all other conditions to be eligible for aid under the notified measure, indicating where this information can be found in legal basis (e.g. Article 7, paragraph 3). In particular, please explain (a) whether beneficiaries or (sub)sectors in principle eligible under Annex I CEEAG are excluded, (b) whether there are additional eligibility criteria which would apply and are not mentioned in Section 4.11 CEEAG or (c) whether different levy reductions are envisaged for beneficiaries in the same category.

……

15. In line with point 407 of the CEEAG, it is possible to further restrict the eligible beneficiaries of the measure. If that is the case, please explain for each such additional eligibility condition the underlying rationale and demonstrate that (i) the respective condition is based on objective, non-discriminatory and transparent criteria and that (ii) the aid is granted, in principle, in the same way for all eligible beneficiaries in the same sector if they are in a similar factual situation.

……

2.3. **The proportionality of the aid (aid limited to the minimum necessary to attain its objective), including cumulation**

2.3.1. *The proportionality of the aid*

*To provide the information in this section, please refer to section 4.11.3.2 and point 407 of the CEEAG.*

16. With a view to proving compliance with section 4.11.3.2 and point 407 of the CEEAG, please provide a complete and detailed description of the methodology to calculate levy reductions applicable to the eligible beneficiaries, indicating where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3). In particular:

(a) Please indicate the maximum levy reduction rate applicable to undertakings operating in sectors "at risk" and "at significant risk", respectively;

……

(b) Please indicate whether the notified measure foresees, compared to point "i" above, further limits the additional costs resulting from the relevant electricity levies. If it is the case, please also (a) provide the value of such limits in relation to the gross value added ("GVA") of undertakings operating in sectors "at risk" and "at significant risk" and (b) describe how the GVA of eligible undertakings operating in sectors "at risk" and "at significant risk" is computed;

……

(c) Please confirm that, in any event, levy reductions will not result in a levy below 0,5 EUR/MWh.

……

([422]) For example, data covering a significant percentage of the gross value added at EU level of the concerned sector or subsector.

17. Indicate whether the notified measure foresees, in line with point 410 of the CEEAG, higher aid intensities for those undertakings operating in sectors "at risk" that reduce the carbon footprint of their electricity consumption.

In the affirmative:

(a) Please describe the higher aid intensities and confirm the related conditions to be fulfilled by the undertakings concerned (i.e. 50 % of electricity consumption from carbon-free sources, of which either at least 10 % from a forward instrument such as a PPA or at least 5 % from on-site or near-site generation), indicating where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3);

……

(b) Please describe how the fulfilment of these conditions will be monitored and, in case of ex-post monitoring, what would be the effect in case of non-compliance by an undertaking.

……

18. If applicable, please describe any further modulation of the levy reduction rate across beneficiaries operating in sectors "at risk" and "at significant risk", respectively, indicating where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3). Please demonstrate that (a) different levy reductions are based on objective, non-discriminatory and transparent criteria and that (b) the aid is granted, in principle, in the same way for all eligible beneficiaries in the same sector if they are in a similar factual situation.

……

2.3.2. *Energy audits and management systems*

*To provide the information in this section, please refer to section 4.11.3.4 of the CEEAG.*

19. In line with point 414 of the CEEAG, please describe how the national authorities will verify under the notified measure that beneficiaries comply with the obligation to conduct an energy audit within the meaning of Article 8 of Directive 2012/27/EU. Please indicate where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3).

……

20. Point 415 of the CEEAG provides that beneficiaries required to conduct an energy audit must comply with at least one of three following options, i.e. (a) implementing audit recommendations, to the extent that the pay-back time is 3 years maximum and that the costs of their investments is proportionate, or (b) covering at least 30% of their electricity consumption from carbon-free sources, or (c) investing at least 50% of the aid in projects that lead to substantial reductions of greenhouse gas emissions. Please describe how the national authorities will monitor under the notified measure that beneficiaries required to conduct an energy audit under Article 8(4) of Directive 2012/27/EU comply with one or more of the three options listed in point 415 of the CEEAG, indicating where this information can be found in the (draft) legal basis (e.g., Article 7, paragraph 3). In particular, please provide details for each option foreseen in the notified measure:

(a) how exactly beneficiaries will have to demonstrate compliance;

……

(b) when the deadline is to comply with the requirements (e.g., to complete the relevant investments within one year from the granting of the aid) and how frequently beneficiaries will have to prove compliance (e.g., on an annual basis);

……

(c) how and how frequently the fulfilment of the conditions will be monitored (e.g., on an annual basis);

……

(d) what the consequences of non-compliance will be for the beneficiaries (e.g., refusal to grant the aid, if ex ante verification, or reimbursement of the aid already granted, if ex post verification).

……

2.3.3. *Cumulation*

*To provide the information in this section, please refer to points 56-57 of the CEEAG.*

21. In so far as not already provided under the General Information Form (Part I) and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure(s) may be awarded concurrently under several aid schemes or cumulated with ad hoc or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or *de minimis* aid and how the aid will be cumulated.

……

22. If point 56 of the CEEAG is applicable to the notified aid measure(s), please justify how the total amount of aid granted under the notified measure(s) for an activity does not lead to overcompensation or exceed the maximum aid amount allowed under points 408 to 410 of the CEEAG. For each measure that the aid granted under the notified aid measure(s) can be cumulated with, please specify the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

……

23. In case point 57 of the CEEAG is applicable, i.e., the aid granted under the notified measure(s) is combined with centrally managed Union funding ([423]), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation.

……

2.3.4. *Transitional rules*

*To provide the information in this section, please refer to section 4.11.3.5 of the CEEAG.*

24. Please indicate whether the present notification encompasses non-notified aid granted in the form of reduced electricity levies for energy-intensive users in the period prior to the publication of the CEEAG. In the affirmative, please explain how the non-notified aid complies with point 419 of the CEEAG, paragraphs (a) and (b).

……

25. Please indicate whether the notified measure establishes a transitional plan to avoid disruptive changes in the levy burden for individual undertakings that do not meet the eligibility conditions set out in Section 4.11 of the CEEAG. In the affirmative, please reply to the next questions of this section.

……

26. In line with point 416 of the CEEAG, please explain how eligibility to the transitional plan will be limited to undertakings that (i) met the eligibility criteria of Section 3.7.2 of the Guidelines on State aid for environmental protection and energy 2014-2020, and (ii) received aid in the form of reduced levies in at least one of the 2 years prior to the amendment of existing aid schemes in order to bring them into line with the CEEAG. Please indicate where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3)

……

([423]) Centrally managed union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union that is not directly or indirectly under the control of the Member State.

27. Please describe how the transitional plan will entail a progressive and complete adjustment to the conditions resulting from the application of the eligibility and proportionality criteria of section 4.11 of the CEEAG, and notably how the aid intensity decreases over time and how the GVA cap increases over time in line with the schedule mentioned in point 417 of the CEEAG. Please make specific references to where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3).

……

28. Please indicate whether the transitional plan will exceptionally allow fixed aid intensities throughout the entire transitional period, provided that the undertakings concerned reduce the carbon footprint of their electricity consumption in line with the conditions in point 418 of the CEEAG (i.e. 50 % of electricity consumption from carbon-free sources, of which either at least 10 % from a forward instrument such as a PPA or at least 5 % from on-site or near-site generation). In the affirmative, please indicate where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3) and explain how compliance with point 418 of the CEEAG is ensured and monitored by the national authorities.

……

2.4. **Transparency**

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-62) of the CEEAG.*

29. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

……

30. In order to verify compliance with point 61 of the CEEAG, please confirm that the information provided in point 58(b) will be available for at least 10 years from the date on which the aid was granted in order to allow the enforcement of State aid rules under the Treaty,

……

2.5. **Avoidance of undue negative effects of the aid on competition and trade and balancing**

*To provide the information in this section, please refer to section 3.2.2 of the CEEAG.*

31. In order to verify compliance with point 70 of the CEEAG:

(a) please confirm that the duration of the scheme is of maximum 10 years from the date of the notification of the Commission's decision declaring the aid compatible;

……

(b) please confirm that if the Member State wishes to extend the duration of the measure beyond that maximum period of 10 years, it will renotify the measure(s).

……

3. WEIGHING THE POSITIVE EFFECTS OF THE AID AGAINST THE NEGATIVE EFFECTS ON COMPETITION AND TRADE

*To provide the information in this section, please refer to section 3.3 (points 71-76) and points 400-402 of the CEEAG.*

32. In line with point 75 of the CEEAG, please clarify if the notified measure(s) includes features to facilitate the participation of SMEs. In the affirmative, please provide information on those features and justify how the positive effects of ensuring participation and acceptance of SMEs in the notified measure(s) outweigh the possible distortive effects.

……

33. As regards the application of point 76(c) of the CEEAG, please specify if the aid measure(s) is subject to a time limitation.

……

Section C: Evaluation

*To provide the information in this section, please refer to point 76(a) and Section 5 (points 455-463) of the CEEAG.*

34. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply, or attach to this supplementary information sheet an annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG. ([424])

……

35. If a draft evaluation plan is provided, please:

(a) provide below a summary of that draft evaluation plan included in the Annex.

……

(b) confirm that point 460 of the CEEAG will be respected.

……

(c) provide the date and internet link where the evaluation plan will be publicly available.

……

36. In order to verify the compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

……

37. In order to verify the compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex-post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

……

38. In order to verify the compliance with point 461 of the CEEAG:

(a) Please clarify if the independent expert has already been selected or it will be selected in the future.

……

(b) Please provide information on the selection procedure of the expert.

……

(c) Please justify how the expert is independent from the granting authority.

……

([424]) The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan.

39. In order to verify the compliance with point 461 of the CEEAG:

(a) Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

……

(b) Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

……

Section D: Reporting and monitoring

*To provide the information in this section, please refer to Section 6 (points 464-465) of the CEEAG.*

40. Please confirm that the Member State will comply with the requirements for reporting and monitoring provided in Section 6, points 464 and 465, of the CEEAG.

……’

(e) Part III.7 is replaced by the following:

‘PART III.7

**SUPPLEMENTARY INFORMATION SHEET ON RISK FINANCE AID**

*Please complete this supplementary information sheet, in addition to the 'General information' form, for the notification of any aid scheme covered by the Guidelines on State aid to promote risk finance investments ('RFG')* ([425]). *Please consult paragraph 35 of RFG for definitions.*

*Please submit, together with this Supplementary Information Sheet, an in-depth "*ex ante *assessment" that proves the specific market failure or other relevant obstacle, and justifies how the notified scheme is necessary, appropriate and proportionate to address them* ([426]).

1. SCOPE

1.1. **Reasons for notifying the scheme:**

(a) ☐ The scheme does not comply with Regulation (EU) No 651/2014 ([427]). Please identify the provisions in the legal basis of the scheme that go beyond Regulation (EU) No 651/2014 and indicate which Regulation (EU) No 651/2014 provisions they go beyond:

……

([425]) Guidelines on State aid to promote risk finance investments (OJ C 508 of 16.12.2021, p. 1), available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2021.508.01.0001.01.ENG&toc=OJ%3AC%3A2021%3A508%3ATOC.

([426]) See Section 3 of this Supplementary Information Sheet.

([427]) Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1, ELI: http://data.europa.eu/eli/reg/2014/651/oj). See in particular section 3 entitled "Aid for access to finance for SMEs" and its Articles 21, 21a, 22, 23, 24.

(b) ☐ The scheme does not comply with the *de minimis* Regulation ([428]). Please indicate the reasons why:

……

(c) ☐ The scheme does not comply with the market economy operator test at one or more levels (at the level of the investors, at the level of the financial intermediary and its manager, and at the level of the undertakings in which the investment is made) (See Commission Notice on the notion of Aid ([429]); for loans, reference is made to the Communication on the Reference Rate ([430]); for guarantees, reference is made to the Guarantee Notice ([431])). Please specify the reasons why:

……

(d) ☐ The scheme does not contain aid and it is notified for legal certainty reasons.

1.2. **Scope of the notified scheme: Please tick as appropriate to confirm:**

(a) ☐ The notified scheme is deployed through financial intermediaries or alternative trading platforms, except for fiscal incentives for direct investments in eligible undertakings (paragraph 22 of RFG).

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

……

(b) ☐ The notified scheme excludes large companies, except for middle-capitalisation firms ("mid-caps") that are either small mid-caps or innovative mid-caps (paragraph 23 of RFG).

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

……

(c) ☐ The notified scheme excludes risk finance aid to companies listed on the official list of a regulated market (paragraph 24 of RFG).

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

……

(d) ☐ The notified scheme involves participation from independent private investors (paragraph 25 of RFG).

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

……

(e) ☐ The notified scheme provides that, as regards asymmetric risk-reward sharing between the State and private investors, there is a substantial risk incurred by private investors or the State receives a reward on its investment (paragraph 26 of RFG).

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

……

(f) ☐ The notified scheme cannot be used to support buy-outs (paragraph 27 of RFG).

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

……

([428]) Commission Regulation (EU) 2023/2831 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L, 2023/2831, 15.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2831/oj).

([429]) Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union, OJ C 262, 19.7.2016, p. 1.

([430]) Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6).

([431]) Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (OJ C 155, 20.6.2008, p. 10).

(g) ☐ The notified scheme provides that no risk finance aid will be granted to undertakings in difficulty, as defined in the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty ([432]) (Please note that under the RFG, SMEs that have been operating in any market for no longer than the eligibility period fixed in Article 21 of Regulation (EU) No 651/2014 that qualify for risk finance investments following due diligence by the selected financial intermediary will not be considered as undertakings in difficulty, unless they are subject to insolvency proceedings or fulfil the criteria under their domestic law for being placed in collective insolvency proceedings at the request of their creditors) (paragraph 28(a) of RFG).

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

……

(h) ☐ The notified scheme excludes aid to undertakings that have received illegal aid that has not yet been fully recovered (paragraph 28(b) of RFG).

(i) ☐ The notified scheme does not concern aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, the establishment and operation of a distribution network or to other current costs linked to the export activity, as well as aid contingent upon the use of domestic over imported goods (paragraph 29 of RFG).

(j) ☐ The notified scheme does not make aid subject to the obligation to use nationally produced goods or national services; does not violate the freedom of establishment, where the aid is subject to the obligation for financial intermediaries, their managers or final beneficiaries to have or move their headquarters in the territory of the Member State concerned; and does not impose conditions which violate Article 63 of the Treaty pertaining to the free movement of capital (paragraph 41 of RFG)

2. DESCRIPTION OF THE SCHEME

2.1. **Budget of the scheme:**

(a) What is the total investment amount (including both the public and private part) per target undertaking over the whole investment cycle for each undertaking benefiting from the scheme (that is to say: not per annum)? Please specify the public and private part:

……

(b) What is the size of the annual budget of the scheme?

……

(c) What is the overall size of budget of the scheme for its entire duration?

……

(d) What is the size of the investment fund(s) set up under the scheme?

……

(e) Is the scheme to be co-financed by Union funds (InvestEU Fund, European Social Fund, European Regional Development Fund, other)? Please specify which Union fund:

……

2.2. **Duration of the scheme:**

(a) What is the duration of the scheme? (Please specify the dates of its entry into force and its end date)

(b) What is the envisaged duration of the investment period?

(c) What is the envisaged duration of the holding period?

([432]) Communication from the Commission – Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).

(d) Are there different end dates for different forms of aid under the scheme?

……

2.3. **Target undertakings which are the final beneficiaries of the notified scheme: The ex ante assessment** ([433]) **demonstrates the need for the following undertakings to be targeted by the scheme as final beneficiaries (paragraphs 53 to 66 of RFG)**

(a) ☐ Small mid-caps (an undertaking that is not an SME and (i) whose number of employees does not exceed 499, calculated in accordance with Articles 3 to 6 of Annex I to Regulation (EU) No 651/2014, and (ii) whose annual turnover does not exceed EUR 100 million or whose annual balance sheet does not exceed EUR 86 million). With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

(b) ☐ Innovative mid-caps as defined under Article 2 of Regulation (EU) No 651/2014. With reference to the *ex* ante assessment, please provide a summary of its the economic evidence and appropriate justification:

……

(c) ☐ Undertakings receiving the initial risk finance investment while they have been operating in any market for longer than the eligibility period fixed in Article 21, paragraph 3, letter b, of Regulation (EU) No 651/2014. With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

(d) ☐ Start-ups and SMEs requiring a risk finance investment (including public and private) of an amount exceeding the maximum amount of EUR 16.5 million per eligible undertaking fixed in Article 21 of Regulation (EU) No 651/2014. With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

(e) ☐ Alternative trading platforms not fulfilling the conditions of Article 23 of Regulation (EU) No 651/2014. With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

(f) ☐ Other:

……

With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

2.4. **Financial instruments: the *ex ante* assessment demonstrates a need for the following design parameters not complying with Regulation (EU) No 651/2014 (paragraphs 82 to 88 of RFG):**

(a) ☐ Independent private investors' participation below the ratios required in Article 21, paragraph 12, of Regulation (EU) No 651/2014 (paragraphs 82 and 83 of RFG).

With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

([433]) The RFG (paragraph 50) require that an *ex ante* assessment be carried out and submitted for all notifiable risk finance measures.

(b) ☐ Financial instruments with design parameters above the ceilings provided for in Article 21, paragraph 10, letters b (State first loss) and c (guarantee rate), Regulation (EU) No 651/2014, that is to say where the public investor takes more risk than allowed under Regulation (EU) No 651/2014 (paragraphs 84 and 85 of RFG).

With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

(c) ☐ Financial instruments other than guarantees where investors, financial intermediaries and their managers are selected by giving preference to downside protection (i.e. protection against losses) over upside incentives (i.e. returns from profits (paragraphs 86 to 88 of RFG).

With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

(d) ☐ Other:

……

With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

2.5. **Fiscal instruments: the *ex ante* assessment demonstrates that the following design parameters which do not comply with Regulation (EU) No 651/2014 are required:**

(a) ☐ Fiscal incentives to corporate investors (including financial intermediaries or their managers acting as co-investors) (paragraphs 89 and 90 of RFG).

With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

(b) ☐ Fiscal incentives to corporate investors for investment in SMEs via an alternative trading platform (paragraph 81 of RFG).

With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

(c) ☐ Other:

……

With reference to the *ex ante* assessment, please provide a summary of its economic evidence and appropriate justification:

……

2.6. **Private investors participating in the notified scheme with equity, loans or guarantees:**

*(See the definition of "independent private investor" in Article 2 of Regulation (EU) No 651/2014).*

(a) Please provide the characteristics of the private investors participating in the measure (e.g. corporate investors, natural persons, etc.):

……

(b) Do the private investors provide equity, loans or guarantees at the level of the financial intermediary (e.g. fund of funds) or at the level of the final beneficiaries? Please specify the level and how much:

……

(c) Do the financial intermediaries implementing the scheme (see the following section 2.7.) also co-invest (and are hence to be considered also as private investors)?

☐ Yes. Please specify: .....

☐ No.

2.7. **Financial intermediaries and entrusted entity implementing the notified scheme:**

*(See broad definition of financial intermediary in paragraph 35(11) of RFG; it also includes funds with and without legal personality)*

(a) Please specify the nature of the financial intermediaries implementing the scheme:

.....

(b) Does the implementation of the measure involve an 'entrusted entity' (as defined in paragraph 35(5) of RFG)?

☐ Yes. Please give details:

☐ No.

(c) Does the entrusted entity co-invest with the Member State out of its own resources?

☐ Yes. Please provide the reference to the legal basis authorising the entrusted entity to make such co-investment:

.....

☐ No.

(d) How is the entrusted entity selected?

☐ Through an open, transparent, non-discriminatory and objective selection procedure. Please specify:

.....

☐ Through direct appointment. Please explain the method for the calculation of its compensation for implementing the measure that ensures it is not overcompensated (paragraph 150 of RFG):

.....

(e) Does the entrusted entity manage the fund(s) through which the funding is provided under the notified scheme?

☐ Yes. ☐ No.

(f) Characteristics of the management company in charge of implementing the measure at the level of the financial intermediary:

.....

(g) In the case of several levels of financial intermediaries involved in the scheme (including funds of funds), please provide all relevant information for each level of financial intermediary:

.....

2.8. **Is any further party involved in the notified scheme (other than the public authority granting the aid, the target undertakings, the financial intermediaries, and the private investors)?**

☐ Yes. Please specify: .....

☐ No.

2.9. **Detailed description of the investment strategy and investment instrument(s):**

— What is the investment strategy of the financial intermediary?

— Which public policy objectives are pursued with this investment strategy?

— Please attach a drawing to visualise the structure of the scheme and its instrument(s), indicating all parties involved, the size of their involvement, as well as, if appropriate, an annex summarising the overall design of the notified scheme.

……

— Please outline the design parameters to solicit private investors and financial intermediaries to manifest their interest in participating in the notified scheme, by replying to the questions in this section.

……

2.9.1. *Financial instruments*

*Risk finance aid measures in the form of financial instruments must:*

(1) *be deployed through financial intermediaries (paragraph 22 of RFG) and*

(2) *provide for the participation of private investors (paragraph 25 of RFG). Hence, those measures are composed of three levels: (i) a State intervention for financial intermediaries, (ii) investments by financial intermediaries into final beneficiary undertakings, and (iii) investment by private investors at either of the previous two levels.*

2.9.1.1. Intervention at the level of financial intermediaries

A. **STATE INTERVENTION AT THE LEVEL OF FINANCIAL INTERMEDIARIES**

The State provides the following to financial intermediaries (Please tick and complete as applicable):

☐ **Equity (including quasi-equity) injection by the State at the level of the financial intermediaries**

1. Please provide the following information:

— Terms of the equity injection (please include also a comparison with the market terms for such equity injection):

……

— Type of financial intermediary:

……

— Type of funding structure of the financial intermediary (e.g. investment fund with a percentage of private and public participation; fund of funds multi-stage structure with specialised sub-funds, public fund co-investing with private investors on a deal-by-deal basis) Please explain in detail:

……

2. In case of quasi-equity, please describe in detail the nature of the envisaged instrument:

……

3. If there is private participation at this level (e.g. private investors provide equity to the financial intermediary alongside the State):

— Please indicate the participation ratios of the public and private investors:

……

— Please indicate the type of preferential treatment envisaged for the benefit of participating private investors, as described in the call for expression of interest (please give details):

……

☐ Upside incentives (obtaining better profits): ……

☐ Downside protection (protection from losses): ……

— If non-*pari passu* loss-sharing features go beyond the limits set out in Article 21, paragraph 10, of Regulation (EU) No 651/2014, please provide economic evidence and justification, with reference to the *ex ante* assessment (paragraph 113 of RFG):

……

— If relevant, please indicate whether the first loss piece borne by the public investor is capped (paragraph 113 of RFG):

☐ Yes. Please specify how that cap has been fixed:

……

☐ No. Please explain:

……

4. Please describe how the instrument is designed to ensure alignment of interests between the financial intermediary's investment strategy and the public policy objectives:

……

5. Please provide a detailed explanation of the duration of the instrument or of the exit strategy underpinning the investment in equity, and how the exit is strategically planned by the public investor:

……

6. Other relevant information:

……

☐ **FUNDED DEBT INSTRUMENTS: LOAN INSTRUMENTS (HEREAFTER 'LOANS') AT THE LEVEL OF FINANCIAL INTERMEDIARIES**

1. Please provide the following information:

— Type of loans (e.g. subordinated, portfolio risk-sharing) please provide details:

……

— Terms of the loans under the measure (please include also a comparison with the market terms for such loans):

……

— Maximum size of the loan: ……

— Maximum duration of the loan: ……

— Collateral or other requirements: ……

— Other relevant information: ……

2. Please provide reference to the relevant provisions of the legal basis that prohibit the use of the aid to refinance existing loans (paragraph 46 of RFG):

……

3. If private participation takes place at this level (e.g. private investors provide loans to the financial intermediary alongside the State):

— Please indicate the participation ratios of the public and private investors/lenders:

……

In particular, in case of portfolio risk-sharing loans, what is the co-investment rate by the selected financial intermediary? Please note that it should not be lower than 30% of the value of the underlying loan portfolio (paragraph 117 of RFG): The rate is ……%

— Please describe the risk and reward sharing between the public and private investors or lenders:

……

Where the public investor/lender assumes a first loss position exceeding the cap set out in Regulation (EU) No 651/2014 (i.e. 25%), it needs to be justified by reference to a severe market failure identified in the *ex ante* assessment (paragraph 116 of RFG). Please provide a summary of such justification:

……

— If there are other risk-mitigation mechanisms for the benefit of the private investors/lenders, please explain:

……

4. What is the pass-on mechanism (as required by paragraph 106 of RFG) ensuring that the financial intermediary passes on the advantage it receives from the State to the final beneficiary undertakings? What requirements does the financial intermediary have to apply (e.g. in terms of interest rate, collateral, risk class) to the final beneficiaries (please provide very precise details)? Please also provide details as to what extent the portfolio to be built under the measure goes beyond the financial intermediary's standard credit risk policy.

……

5. Please describe how the instrument is designed to ensure alignment of interests between the financial intermediary's investment strategy and the public policy objectives:

……

6. Please explain in detail the duration of the instrument or of the exit strategy underpinning the investment in debt instruments, and how the exit is strategically planned by the public investor:

……

7. Other relevant information:

……

☐ **UNFUNDED DEBT INSTRUMENTS: GUARANTEES BY THE STATE AT THE LEVEL OF FINANCIAL INTERMEDIARIES ON UNDERLYING TRANSACTIONS WITH FINAL BENEFICIARIES**

1. Please provide reference to the relevant provision of the legal basis that requires that eligible transactions covered by the guarantee must be newly originated eligible risk finance loan transactions, including lease instruments, as well as quasi-equity investment instruments, to the exclusion of equity instruments (paragraph 118 of RFG): ……

2. Do the guarantees to financial intermediaries cover a portfolio of underlying transactions and not a single underlying transaction?

☐ Yes. ☐ No.

3. Type of guarantee:

☐ Capped: guarantee cap is ……%

(Please note that this cap applies to portfolios held by financial intermediaries and it is recommended that the cap rate does not exceed 35% (paragraph 120 of RFG); Please provide reasons for that rate:

……

Moreover, tick to specify whether:

(a) ☐ The cap rate only covers expected losses; or

(b) ☐ The cap rate covers also unexpected losses; In this case, please show how the pricing of the guarantee reflects this additional risk coverage: …….

☐ Uncapped; in that case, please justify the need and how the pricing of the guarantee reflects this additional risk coverage by the guarantee:

……

☐ Counter-guarantee (guarantee to guarantee institutions)

☐ Other: please specify: ……

4. Guarantee rate (percentage of loss coverage by the public investor of every underlying transaction (See definition in paragraph 35(18) of RFG and please note that the guarantee rate must not exceed 90% (paragraph 119 of RFG)): …… %;

Please give the reason for this level of coverage:

……

5. Underlying transactions covered by the guarantee:

— Nature of the underlying transactions: ……

— Total nominal size of the underlying transactions (in EUR): ……

— Maximum nominal amount of the underlying transaction per final beneficiary:

……

— Duration of the underlying transactions: ……

— Other relevant characteristics of the underlying transactions (risk rating, other):

……

6. Please describe the other features of the guarantee (please include also a comparison with the market terms for such guarantee):

— Maximum duration of the guarantee: …… (Please note that this should normally not exceed 10 years (paragraph 121 of RFG))

— Please provide reference to the relevant provision in the legal basis that stipulates that the guarantee must be reduced if the financial intermediary does not include a minimum amount of investment in the portfolio during a specific period, and that commitment fees are required for unused amounts: ……

— Is a guarantee fee envisaged?

☐ Yes. ☐ No.

Please specify which party will have to pay the guarantee fee:

……

Please describe in detail the pricing: ……

— Other: ……

7. What is the pass-on mechanism (as required by paragraph 106 of RFG) ensuring that the financial intermediary passes on the advantage it receives from the State to the final beneficiary undertakings? What requirements does the financial intermediary have to apply (e.g. in terms of interest rate, collateral, risk class) to the final beneficiaries? Please provide very precise details. Please also detail to what extent the portfolio to be built under the measure goes beyond the financial intermediary's standard credit risk policy.

……

8. Please describe how the instrument is designed to ensure alignment of interests between the financial intermediary's investment strategy and the public policy objectives:

……

9. Please provide a detailed explanation of the duration of the instrument or of the exit strategy underpinning the investment in debt instruments, and how the exit is strategically planned by the public investor:

……

10. Other relevant information:

……

☐ **OTHER FINANCIAL INSTRUMENTS (PLEASE DESCRIBE):**

……

B. **INTERVENTION BY FINANCIAL INTERMEDIARIES IN FURTHER LEVELS OF FINANCIAL INTERMEDIARIES**

There may be situations (including fund of funds structures), whereby, for instance, the State provides equity, loans or guarantees to a financial intermediary, which, in turn, provides equity, loans or guarantees to a further financial intermediary, which eventually provides risk finance investments to final beneficiaries. In such cases where there is a second, or further levels of financial intermediaries involved in the scheme, please provide all relevant information required in section 2.9.1.1.A) on Equity / Loans / Guarantees / Other financial instruments, as applicable, for each additional level of financial intermediary:

……

2.9.1.2. Risk finance investment by financial intermediaries in final beneficiaries

The risk finance investment in the final beneficiaries takes the following form (Please tick and complete as applicable):

☐ **EQUITY (INCL. QUASI-EQUITY) INVESTMENT BY THE FINANCIAL INTERMEDIARIES IN FINAL BENEFICIARIES**

(a) In case of quasi-equity, please describe in detail the nature of the envisaged instrument:

……

(b) Please provide the terms of the equity investment in detail (please include also a comparison with the market terms for that equity investment):

……

(c) Please describe all features of the investments to be made by the financial intermediary in detail, including the requirements that the investment strategy of the eligible financial intermediaries should comply with:

……

(d) Please provide a detailed explanation of the duration of the instrument or of the exit strategy underpinning the investment in equity:

……

(e) If private participation takes place at this level (e.g. private investors also provide equity to the final beneficiaries):

— Please indicate the private participation ratio: ……

— Please indicate the type of preferential treatment envisaged for the benefit of participating private investors, as described in the call for expression of interest (please give details):

……

☐ Upside incentives: ……

☐ Downside protection: ……

— If non-*pari passu* loss-sharing features go beyond the limits set out in Article 21, paragraph 10, of Regulation (EU) No 651/2014, please provide economic evidence and justification, with reference to the *ex ante* assessment (paragraph 113 of RFG):

……

— If relevant, please indicate whether the first loss piece borne by the public investor is capped (paragraph 113 of RFG):

☐ Yes. Please specify how the cap has been fixed:

……

☐ No. Please explain:

……

☐ **FUNDED DEBT INSTRUMENTS: LOANS BY FINANCIAL INTERMEDIARIES TO FINAL BENEFICIARIES**

— Type of loans: please provide details:

……

— Terms of the loans under the measure (please include also a comparison with the market terms for such loans):

……

— Maximum size of the loan per beneficiary:

……

— Maximum duration of the loans:

……

— Please provide a detailed explanation of the duration of the instrument or of the exit strategy underpinning the investment in debt instruments:

……

— Risk rating of the final beneficiaries:

……

— Collateral or other requirements:

……

— Other relevant information:

……

— If private participation takes place at this level (e.g. private investors also provide loans to the final beneficiaries):

Please indicate the private participation ratio:

……

Please describe the risk and reward sharing between the public and the private investors:

……

In particular, if the public investor assumes the first loss, at what level is it capped? Capped at ……%. (Please note that it is recommendable that such cap does not exceed 35% (paragraph 116 of RFG))

Where the public investor or lender assumes a first loss position exceeding the cap set out in Regulation (EU) No 651/2014 (i.e. 25 %), please justify this by reference to measures targeting exclusively start-ups and SMEs before their first commercial sale or at the proof-of-concept stage, by reference to a severe market failure identified in the *ex ante* assessment or other relevant obstacle (paragraph 116 of RFG) and please provide a summary for such justification:

……

If there are other risk-mitigation mechanisms for the benefit of the private investors/ lenders, please explain:

……

☐ **Unfunded debt instruments: guarantees by financial intermediaries to final beneficiaries:**

1. Please provide the nature and terms of the guarantees in detail (please include also a comparison with the market terms for such guarantees):

……

2. Please provide reference to the relevant provision of the legal basis that requires that eligible transactions covered by the guarantee must be newly originated eligible risk finance loan transactions, including lease instruments, as well as quasi-equity investment instruments, to the exclusion of equity instruments (paragraph 118 of RFG):

……

3. Please provide the nature and terms of the underlying transactions:

……

☐ **Other financial instruments**

— Describe the financial instrument to be implemented with the measure:

……

— Provide a detailed description of all elements contained in section 2.9.1.2 above in so far as they are applicable to the chosen financial instrument:

……

2.9.2. *Fiscal instruments:*

*Please complete this entire section for each tax incentive. If the measure provides for multiple forms of tax incentive, please fill in the set of questions for each form of aid.*

— Tax incentive granted for:

(a) ☐ Direct investments into undertakings

(b) ☐ Indirect investments into undertakings (that is to say via financial intermediaries)

(c) ☐ Indirect investments into undertakings made through an alternative trading platform

— Tax incentive granted to:

(a) ☐ corporate investors

(b) ☐ investors who are natural persons, for investments falling outside the scope of Regulation (EU) No 651/2014:

……

— Form of tax incentive:

(a) ☐ income tax relief applicable on the taxable base

(b) ☐ income tax break applicable on the tax liability payable

(c) ☐ capital gains tax relief

(d) ☐ dividend tax relief

(e) ☐ other: ……

— Please describe in detail the conditions that the investment must fulfil in order to be able to benefit from the fiscal incentive:

……

— Please describe in detail the calculation of the tax incentive including: (i) maximum percentage of the invested amount that the investor can claim for the purposes of the tax relief, (ii) maximum tax break amount which can be deducted from the investor's tax liabilities, and (iii) maximum amount per each beneficiary:

……

— With reference to the *ex ante* assessment, please provide economic evidence and justification for the category of eligible undertakings (paragraph 123 of RFG):

……

— Please provide evidence that the selection of the eligible undertakings is based on a well-structured set of investment requirements, made public through appropriate publicity, and setting out the characteristics of the eligible undertakings which are subject to a market failure or another relevant obstacle (paragraph 125 of RFG):

……

— Maximum duration of the tax incentive foreseen:

……

*Please note that fiscal schemes should have a maximum duration of 10 years (paragraph 126 of RFG).*

(a) Is this tax incentive the prolongation of an existing measure?

☐ Yes. Please provide the case number of the existing measure: ……

☐ No.

(b) Does the total duration of the fiscal scheme (including its predecessor schemes, if any) exceed 10 years?

☐ Yes ☐ No

If yes, please specify whether:

— a new *ex ante* assessment has been carried out:

☐ Yes ☐ No

— the existing measure has been subject to an *ex post* evaluation:

☐ Yes ☐ No

(c) Please explain the specific characteristics of the national fiscal system that are relevant for a full understanding of the tax incentive:

……

(d) Please describe any related / similar / relevant fiscal incentives that already exist in the Member State as well as the interplay between them and the notified tax incentive:

……

(e) Is the tax incentive open to all investors fulfilling the applicable criteria, without discrimination as to their place of establishment (paragraph 128 of RFG)?

☐ Yes ☐ No

*Please provide proof of the adequate publicity regarding the scope and the technical parameters (incl. ceilings and caps, maximum investment amount) of measure (paragraph 128 of RFG):*

(f) Does the total investment for each beneficiary undertaking exceed the maximum amount of EUR 16.5 million per eligible undertaking fixed in Article 21 of Regulation (EU) No 651/2014 (paragraph 151 of RFG)?

☐ Yes ☐ No

(g) If this amount is higher, please justify this by reference to the market failure identified in the *ex ante* assessment:

……

(h) Are eligible shares full-risk, ordinary shares, which are newly-issued by an eligible undertaking as defined in the *ex ante* assessment, and must they be held for at least three years (paragraph 152 of RFG)?

☐ Yes.

☐ No. Please provide details:

……

(i) Is the relief available to investors who are independent from the company invested in (paragraph 152 of RFG)?

☐ Yes.

☐ No. Please provide details: .....

(j) In the case of income tax relief, what is the maximum percentage of the amount invested in eligible undertakings to which the relief can amount? Please note that capping the tax relief at 30% of the invested amount is considered reasonable (paragraph 153 of RFG): .....%

Can the relief exceed the maximum income tax liability of the investor, as established prior to the fiscal measure?

☐ Yes. Please provide details: .....

☐ No

2.9.3. *Measures supporting alternative trading platforms:*

— Existing platform:

☐ Yes.

☐ No, to be newly established

— Is there a business plan demonstrating that the aided platform can become self-sustainable in less than 10 years (paragraph 129 of RFG)?

.....

— Is or will the platform be a sub-platform or subsidiary of an existing stock exchange?

☐ Yes. Please identify: .....

☐ No

— Are there already existing alternative trading platforms in the Member State (paragraph 131 of RFG)?

☐ Yes. Please identify: .....

☐ No

— Is the platform set up by and operating across several Member States (paragraph 130 of RFG)?

☐ Yes. Please specify: .....

☐ No

Type of undertakings traded on the platform:

.....

— Which percentage of the investment costs incurred for the establishment of the platform is being supported? State aid can be granted in order to cover up to 50 % of the investment costs incurred for the establishment of such a platform (paragraph 156 of RFG).

.....

**PLEASE PROVIDE, TOGETHER WITH THIS NOTIFICATION:**

— Evidence that the majority of the financial instruments admitted to trading on the alternative trading platforms are or will be issued by SMEs.

— A copy of the business plan of the platform operator demonstrating that the platform can become self-sustainable in less than 10 years (paragraph 129 of RFG).

— Plausible counterfactual scenarios comparing the situations with which the tradable undertakings would be confronted in the absence of the platform in terms of access to the necessary finance (paragraph 129 of RFG).

— For existing platforms, a copy of the proposed business strategy of the platform that shows that, due to a persistent shortage of listings, and therefore a shortage of liquidity, the platform needs to be supported in the short-term, despite its long-term viability (paragraph 131 of RFG).

**FORM OF THE MEASURE:**

☐ Fiscal incentives to corporate investors in respect of their risk finance investments made through an alternative trading platform in eligible undertakings: Please complete section 2.9.2 on Fiscal instruments above.

☐ Support to platform operators:

— Platform operator is:

☐ A small enterprise.

☐ A larger than small enterprise.

— Maximum amount of the measure: …… EUR.

— Is the maximum amount more than the start-up aid allowed under Regulation (EU) No 651/2014?

☐ Yes ☐ No

— Investment costs incurred for the establishment of the platform: ……EUR

— Does the aid to the operator exceed 50% of those investment costs (paragraph 156 of RFG)?

☐ Yes ☐ No

— Aid is allowed up to how many years of start-up of the platform?

……

— For platforms that are or will be a sub-platform or subsidiary of an existing stock exchange, please provide evidence for the lack of finance that such a sub-platform would face:

……

— Other relevant information:

……

3. FURTHER INFORMATION FOR THE COMPATIBILITY ASSESSMENT OF THE AID SCHEME

3.1. **Need for State intervention (section 3.2.2 of RFG)**

(a) A risk finance aid scheme can only be justified if it is targeted at addressing the specific market failure or other relevant obstacle in access to finance demonstrated in the *ex ante* assessment ([434]).

(b) Please submit the **in-depth *ex ante* assessment** that proves the specific market failure or other relevant obstacle, together with this Supplementary Information Sheet (paragraphs 50 and 56 of RFG).

3.1.1. *Information on the ex ante assessment (section 3.2.1 of RFG):*

(a) Date of the *ex ante* assessment: .....

(b) The assessment has been carried out by (paragraph 57 of RFG):

☐ an independent entity .....

☐ an entity linked to the following public authority:

.....

(c) Evidence and methodologies on which the assessment is based (paragraph 57 of RFG):

.....

(d) ☐ Please tick to confirm that the *ex ante* assessment dates from less than 3 years preceding the notification (paragraph 57 of RFG):

(e) ☐ The notified scheme is financed partially from the European Structural and Investment Funds and the assessment was prepared in accordance with Article 37(2) of Regulation (EU) No 1303/2013 ([435]) or Article 58(3) of Regulation (EU) 2021/1060 ([436]) (the Common Provisions Regulations) (paragraph 60 of RFG).

3.1.2. *Ad facilitates the development of an economic activity (section 3.1 of RFG)*

(a) Please identify the supported economic activity (paragraph 42 of RFG), including whether you consider it a high-risk or capital-intensive sector and why (paragraphs 75 and 77 of RFG):

.....

(b) Please describe the nature of the market failure or other relevant obstacle and demonstrate its presence (paragraph 61 of RFG)

.....

(c) Incentive effect: How does the notified scheme induce (i) the aid beneficiary and/or (ii) private investors, to change their behaviour by undertaking activities which they would not carry out without the aid or would carry out in a more restrictive manner (paragraphs 43 to 47 of RFG)?

.....

([434]) The RFG require that an in-depth *ex ante* assessment be carried out and submitted for all notifiable risk finance measures (paragraphs 50-56). The RFG clarify the basic elements of such *ex ante* assessment (paragraphs 61-65, 164).

([435]) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

([436]) Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).

3.1.3. *Identification of the specific objectives and performance indicators for the notified scheme based on the results of the ex ante assessment (paragraphs 164 and 165 of RFG):*

(a) Please list the identified specific objectives and make reference to the relevant section in the *ex ante* assessment:

……

(b) Please list the defined performance indicators (see examples in paragraph 164 of RFG) and make reference to the relevant section in the *ex ante* assessment:

……

3.1.4. *Economic evidence and justification in the ex ante assessment for the need for State intervention (section 3.2.2 of RFG): see sections 2.3, 2.4, and 2.5 of this form.*

3.2. **Appropriateness of the notified scheme (section 3.2.3 of RFG)**

3.2.1. *General:*

(a) By reference to the *ex ante* assessment, please explain why the existing and envisaged national and Union policy actions (paragraph 58 of RFG) targeting the same identified market failures cannot adequately address the identified market failures (paragraphs 92 and 93 of RFG):

……

(b) Please explain why the proposed State aid instrument has the most appropriate design to ensure an efficient funding structure (paragraphs 94 and 95 of RFG):

……

3.2.2. *Appropriateness conditions for financial instruments (section 3.2.3.2RFG):*

1. Minimum private investment ratios (paragraphs 97 to 99 of RFG):

— What is the minimum aggregate (that is to say total, including all levels) independent private participation rate in the risk finance investment in the final beneficiary?: …… % of the risk finance (public and private) provided to the final beneficiary.

— In case of independent private investors' participation below the ratios required in Article 21, paragraph 12, of Regulation (EU) No 651/2014, please summarize the economic evidence and provide detailed justification for this ratio (as per paragraph 97 of RFG), with reference to the *ex ante* assessment:

……

— Is private participation in the notified scheme of a non-independent nature acceptable (paragraph 98 of RFG)?

☐ Yes. Please provide economic evidence and justification:

……

☐ No.

— In the case of undertakings receiving the initial risk finance investment while they have been operating in any market for longer than the eligibility period fixed in Article 21, paragraph 3, letter b, of Regulation (EU) No 651/2014 at the time of the first risk finance investment (paragraph 99 of RFG) e, what adequate restrictions does the notified scheme contain? ……

— Does the private participation ratio amount to minimum 60% (paragraph 99 of RFG)?

☐ Yes ☐ No

2. Balance of risks and rewards between public and private investors (paragraphs 100 to 102 of RFG):

— Please explain why the allocation of risks and rewards between public and private investors as described above in the sections on the relevant financial instruments can be considered as balanced (paragraphs 100 to 102 of RFG):

……

3. Nature of incentives to be determined via selection of financial intermediaries, as well as fund managers or investors (paragraphs 103 and 104 of RFG)

Please confirm by ticking as appropriate:

A. **SELECTION OF FINANCIAL INTERMEDIARIES IMPLEMENTING THE SCHEME:**

(a) Each of the financial intermediaries is selected via an open, transparent and non-discriminatory process, through which the exact nature of incentives is determined.

☐ Yes.

☐ No. Please state the reason (explaining the selection of investors):

……

— Please describe the competitive process and describe how the process of selection complies with the requirements, including (i) selection criteria listed in the call for interest, (ii) evaluation grid used for screening and (iii) due diligence process:

……

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

……

— Please describe how compliance with the conditions of commercial management and profit-oriented decision-making set out in Regulation (EU) No 651/2014 (Article 21, paragraphs 15 and 16 of Regulation (EU) No 651/2014) is ensured (paragraph 172 of RFG):

……

— Please provide evidence, and reference to the legal basis:

……

(b) As part of this selection process, financial intermediaries must demonstrate how their proposed investment strategy contributes to the achievement of the policy objectives and targets (based on the performance indicators identified in the *ex ante* assessment). Please submit, together with this notification:

— The documents submitted by each financial intermediary detailing its investment strategy, including pricing policy and how it contributes to each of the policy objectives and targets

— Please provide a detailed description of the mechanism foreseen in the notified scheme, by which the Member State will ensure that the investment strategy of the intermediaries remains at all times aligned with the agreed policy targets (e.g. via monitoring, reporting, participation in the representation bodies), and that material changes to the investment strategy require the prior consent of the Member State:

……

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

……

(c) The manager of the financial intermediary or the management company ('the manager') is chosen through an open, transparent, non-discriminatory and objective selection procedure or the manager's remuneration fully reflects market levels.

☐ Yes

☐ No. Please state the reason (including an explanation on the selection of investors):

……

— Please describe the competitive process and describe how the selection process complies with the requirements of this point:

……

— Please provide the reference to the relevant provision of the legal basis containing those requirements:

……

(d) ☐ The managers of the fund of funds are required to legally commit as part of their investment mandate to determine via a competitive process the preferential conditions which could apply at the level of the sub-funds (paragraph 103 of RFG).

B. **SELECTION OF PRIVATE INVESTORS**

☐ The private investors are selected via an open, transparent and non-discriminatory process through which the exact nature of incentives is determined (paragraph 103 of RFG).

— Please describe the modalities for identification and selection of private investors:

……

4. Co-investing financial intermediary or fund manager taking at least 10% of first loss piece (paragraph 105 of RFG)

— Where the financial intermediary or fund manager co-invest alongside the Member State, any potential conflict of interest should be avoided and they must take at least 10% of the first loss piece (paragraph 105 of RFG). Please confirm that this is the case (if applicable):

……

5. Pass-on mechanism in the case of debt instruments (loans or guarantees) (paragraph 106 of RFG):

(a) ☐ The notified scheme provides for a pass-on mechanism (as described in section 2.9.1.1.A.) ensuring that the financial intermediary passes on the advantage it receives from the State to the final beneficiary undertakings. Please indicate the relevant provisions in the legal basis:

……

(b) ☐ The pass-on mechanism includes monitoring arrangements, as well as a claw-back mechanism or an equivalent contractual mechanism. Please describe and indicate the relevant provisions in the legal basis:

……

3.2.3. *Appropriateness conditions for fiscal instruments (section 3.2.3.3 of RFG):*

*For the purposes of these requirements, the information you have provided under section 2.9.2 will be considered.*

— Please indicate any further information you consider relevant with regard to the appropriateness conditions:

……

3.2.4. *Appropriateness conditions for measures supporting alternative trading platforms (section 3.2.3.4 of RFG):*

*For the purposes of these requirements, the information you have provided under section 2.9.3 will be considered.*

— Please indicate any further information you consider relevant with regard to the appropriateness conditions:

……

3.3. **Proportionality of the aid (section 3.2.4 of RFG)**

3.3.1. *Proportionality in relation to the identified market failure:*

— For risk finance measures that concern financial instruments with independent private investor participation below the ratios provided for in Article 21, paragraph 12, of Regulation (EU) No 651/2014:

☐ Please tick to confirm and provide a summary of the assessment demonstrating that the *ex ante* assessment provides a sufficiently detailed assessment of the level and structure of supply of private funding for the type of eligible undertaking in the relevant geographic area and demonstrate that the identified market failure or other relevant obstacle cannot be addressed with measures which fulfil all the requirements set out in Regulation (EU) No 651/2014 concerning private participation (paragraph 63 of RFG):

Summary:

……

— For risk finance investments of an amount exceeding the maximum amount per eligible undertaking of EUR 16.5 million fixed in Article 21(8) of Regulation (EU) No 651/2014:

Is this cap set out in Article 21(8) of Regulation (EU) No 651/2014 complied with?

☐ Yes. Please specify:

……

☐ No. Please specify:

……

If applicable, does the *ex ante* assessment quantify the funding gap (that is to say, the level of currently unmet demand for finance from eligible undertakings) due to the identified market failure or other relevant obstacle?

☐ Yes. Please summarize the assessment and calculation applied demonstrating that the funding gap at the level of the eligible undertakings exceeds the above-mentioned maximum amount. Such quantification should be based on available best practices and methodologies allowing for the estimation of the extent to which there is an unmet demand for finance, from the targeted undertakings (paragraphs 64 and 65 of RFG):

……

☐ No

If applicable, how is it ensured that the total amount of risk finance does not exceed the funding gap quantified? Please explain:

……

— Please describe how the total amount of risk finance (public and private) provided under the aid measure is proportionate (paragraphs 133 and134 of RFG):

……

— Please explain, by reference to the *ex ante* assessment, how the preferential treatment of private investors is limited to the minimum necessary to achieve the minimum ratios of private capital participation required by the scheme (paragraphs 135 and 136 of RFG):

……

3.3.2. *Proportionality conditions for financial instruments (section 3.2.4.1 of RFG):*

1. In relation to the financial intermediaries / fund managers:

— Is the exact value of incentives determined in the selection process of the financial intermediaries or fund managers (paragraph 137 of RFG)?

☐ Yes ☐ No

— Please provide the following information on the remuneration of the financial intermediaries or fund managers (paragraph 145 of RFG):

— Does it include an annual management fee in accordance with the RFG (paragraph 145 of RFG)?

☐ Yes

☐ No. Please provide details:

……

— Does it include performance-based incentives, including financial performance incentives and policy-related incentives, in accordance with the RFG (paragraph 146 of RFG)?

☐ Yes

☐ No. Please provide details:

……

— Please specify what penalties are provided for in case the policy targets are not met:

……

— Please specify the performance-based remuneration and provide a comparison with market practice (paragraph 147 of RFG):

……

— Please specify the total management fees and provide a comparison with market practice (paragraph 148 of RFG):

……

— Is the overall fee structure evaluated as part of the scoring of the selection process and the maximum remuneration established as a result of that selection (paragraph 149 of RFG)?

☐ Yes

☐ No. Please explain why: ……

If the financial intermediary and its manager are public entities and were not selected through an open, transparent, non-discriminatory and objective selection procedure, please tick to confirm and provide evidence of the following:

(a) ☐ Explain why you consider it was necessary to directly appoint an entrusted entity as financial intermediary or fund manager:

……

(b) ☐ The public financial intermediaries are managed commercially and their managers take investment decisions in a profit-oriented manner at arm's length from the State. Please explain in particular the mechanisms established to exclude any possible interference by the State in the day-to-day management of the public fund:

……

(c) In the case of direct appointment of an entrusted entity, what is its annual management fee, excluding performance-based incentives?: ……% of the capital to be contributed to the entity. Please note that it should not exceed 3% (paragraph 150 of RFG).

2. In relation to the private investors:

— In the case of co-investment by a public fund with private investors participating on a deal by deal basis, are the private investors selected through a separate competitive process in respect of each transaction, so as to establish the fair rate of return (paragraph 139 of RFG)?

☐ Yes. Please provide supporting evidence.

☐ No.

— Where private investors are not selected through such a process, is the fair rate of return established by an independent expert on the basis of an analysis of market benchmarks and market risk using the discounted cash flow valuation methodology, and detailing the calculation of a minimum level of fair rate of return and an appropriate margin to reflect the risks (paragraph 140 of RFG), and are all conditions of paragraph 141 of RFG fulfilled?

☐ Yes. Please provide the report in which the evaluation is contained, identify the expert, describe the existing rules for its appointment, and provide the relevant evidence:

……

☐ No.

☐ Please tick to confirm that the same independent expert cannot be used twice within the same 3-year period

— Please explain how the risk adjusted returns for the private investors are limited to the fair rate of return (paragraph 142 of RFG):

……

— Please explain, on the basis of the *ex ante* assessment, the economic justification for the specific financial parameters underpinning the measure:

……

3.3.3. *Proportionality conditions for fiscal instruments (section 3.2.4.2 of RFG):*

*For the purposes of these requirements, the information provided under section 2.9.2 will be considered.*

— Please indicate any further information you consider relevant with regard to the proportionality conditions: ……

3.3.4. *Proportionality conditions for alternative trading platforms (section 3.2.4.3 of RFG):*

*For the purposes of these requirements, the information provided under section 2.9.3 will be considered.*

— Please indicate any further information you consider relevant with regard to the proportionality conditions: ……

3.4. **Avoidance of undue negative effects on competition and trade (section 3.2.5 of RFG)**

— Please provide, as part of the *ex ante* assessment, information on the potential negative effects of the notified scheme. It should include the potential negative effects at all three levels, that is to say in the market for the provision of risk finance (e.g. the risk of crowding out of private investors), at the level of financial intermediaries and their managers, and at the level of final beneficiaries (including in the markets in which the beneficiaries are active):

……

— Does the notified scheme ensure that the only undertakings targeted with risk finance State aid are those that are potentially viable (paragraph 171 of RFG)?

☐ Yes. Please describe how this is ensured and indicate the relevant provisions in the legal basis: ……

☐ No

— Is the notified scheme geographically or regionally limited (paragraph 173 of RFG)?

☐ Yes. Please specify: ……

☐ No.

— Is the notified scheme limited in the legal basis (*de iure)* to specific sectors (paragraph 174 of RFG)?

☐ Yes. Please specify: ……

☐ No.

— Is the notified scheme in practice targeted at certain sectors?

☐ Yes. Please specify: ……

☐ No

— How are the negative effects minimised as much as possible?

……

3.5. **Transparency (section 3.2.6 of RFG)**

Please confirm that the Member State will comply with the requirements on transparency provided in section 3.2.6 of the RFG and the annex.

☐ Yes

4. CUMULATION OF THE AID

Risk finance aid may be cumulated with other State aid measures without identifiable eligible costs, or with *de minimis* aid, up to the highest relevant total financing ceiling fixed in the specific circumstances of each case by a block exemption regulation or a decision adopted by the Commission (paragraph 159 of RFG).

☐ Please tick to confirm compliance with this rule.

— Please provide reference to the legal basis:

……

— Please explain in what way is conformity with the cumulation rules achieved:

……

5. OTHER INFORMATION

Please indicate here any other information you consider relevant to the assessment of the measure(s) concerned under the RFG:

……’

(f) Part III.8 is replaced by the following:

‘PART III.8

**SUPPLEMENTARY INFORMATION SHEET FOR THE NOTIFICATION OF AN EVALUATION PLAN**

*Member States shall use this sheet for the notification of an evaluation plan pursuant to Article 1(2), point (a) of Commission Regulation (EU) No 651/2014* ([437]), *Article 1(3), point (a), of Commission Regulation (EU) 2022/2472* ([438]) *or Article 1(7), point (a) of Commission Regulation (EU) 2022/2473* ([439]) *and in the case of a notified aid scheme subject to an evaluation as provided in the relevant Commission guidelines.*

*Please refer to the Commission Staff Working Document "Common methodology for State aid evaluation"* ([440]) *for guidance on the drafting of an evaluation plan.*

([437]) Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1, ELI: http://data.europa.eu/eli/reg/2014/651/oj).

([438]) Commission Regulation (EU) 2022/2472 of 14 December 2022 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 327, 21.12.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2472/oj).

([439]) Commission Regulation (EU) 2022/2473 of 14 December 2022 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 327, 21.12.2022, p. 82, ELI: http://data.europa.eu/eli/reg/2022/2473/oj).

([440]) SWD(2014)179 final of 28.5.2014.

1. IDENTIFICATION OF THE AID SCHEME TO BE EVALUATED

1. Title of the aid scheme:

……

2. Does the evaluation plan concern:

(a) ☐ a scheme subject to evaluation pursuant to Article 1(2), point (a), of Regulation (EU) No 651/2014 ?

(b) ☐ a scheme subject to evaluation pursuant to Article 1(3), point (a), of Regulation (EU) 2022/2472?

(c) ☐ a scheme subject to evaluation pursuant to Article 1(7), point (a), of Regulation (EU) 2022/2473?

(d) ☐ a scheme notified to the Commission pursuant to Article 108(3) of the Treaty?

Please indicate the SA number of the scheme: ……

3. Please indicate the SA number of all previous and ongoing State aid schemes with similar objective and geographical area. Please specify if any of these schemes is a predecessor of the current aid scheme.

……

Has any of the above listed State aid schemes been *ex post* evaluated?

☐ Yes ☐ No

3.1. If yes, please provide a brief summary of the main results of the *ex post* evaluation(s) (where relevant, with a reference and a link).

……

3.2. Please describe how the results of these evaluations have been taken into account in the design of the new scheme.

……

4. Please list any existing *ex-ante* evaluations or impact assessments for the aid scheme. For each of those studies, please provide the following information: (a) a brief description of the study's objectives, methodologies used, results and conclusions, and (b) specific challenges that the evaluations and studies might have faced from a methodological point of view, for example data availability that are relevant for the assessment of the current evaluation plan. If appropriate, please identify relevant areas or topics not covered by previous evaluation plans that should be the subject of the current evaluation. Please provide the summaries of such evaluations and studies in annex and, when available, the internet links to the documents concerned:

……

2. OBJECTIVES OF THE AID SCHEME TO BE EVALUATED

1. Please provide a description of the aid scheme specifying the needs and problems the scheme intends to address and the intended categories of beneficiaries, for example size, sectors, location, indicative number:

……

2. Please indicate the objectives of the scheme and the expected impact, both at the level of the intended beneficiaries and as far as the objective of common interest is concerned:

……

3. Please indicate possible negative effects, on the aid beneficiaries or on the wider economy, that might be directly or indirectly associated with the aid scheme ([441]):

……

4. Please indicate (a) the annual budget planned under the scheme, (b) the intended duration of the scheme ([442]), (c) the aid instrument or instruments and (d) the eligible costs:

……

5. Please provide a summary of the eligibility criteria and the methods for selecting the aid beneficiaries. In particular, please describe the following: (a) the methods used for selecting beneficiaries (e.g. such as scoring), (b) the indicative budget available for each group of beneficiaries, (c) the likelihood of the budget being exhausted for certain groups of beneficiaries, (d) the scoring rules, if they are used in the scheme, (e) the aid intensity thresholds and (f) the criteria the authority granting the aid will take into account when assessing applications:

……

6. Please mention specific constraints or risks that might affect the implementation of the scheme, its expected impacts and the achievement of its objectives:

……

3. EVALUATION QUESTIONS

1. Please indicate the specific questions that the evaluation should address by providing quantitative evidence of the impact of aid. Please distinguish between (a) questions related to the direct impact of the aid on the beneficiaries, (b) questions related to the indirect impacts and (c) questions related to the proportionality and appropriateness of the aid. Please explain how the evaluation questions relate to the objectives of the scheme:

……

4. RESULT INDICATORS

1. Please use the following table to describe which indicators will be built to measure outcomes of the scheme, as well as the relevant control variables, including the sources of data, and how each result indicator corresponds to the evaluation questions. In particular, please mention (a) the relevant evaluation question, (b) the indicator, (c) the source of data, (d) the frequency of collection of data (for example, annual, monthly, etc.), (e) the level at which the data is collected (for example, firm level, establishment level, regional level, etc.), (f) the population covered in the data source (for example, aid beneficiaries, non-beneficiaries, all firms, etc.):

| Evaluation question | Indicator | Source | Frequency | Level | Population |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |

([441]) Examples of negative effects are regional and sectorial biases or crowding out of private investments induced by the aid scheme.

([442]) Aid schemes defined in Article 1(2), point (a), of Regulation (EU) No 651/2014 are excluded from the scope of the Regulation six months after their entry into force. After having assessed the evaluation plan, the Commission may decide to extend the application of the Regulation to such schemes for a longer period. Member States are invited to precisely indicate the intended duration of the scheme.

| Evaluation question | Indicator | Source | Frequency | Level | Population |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |

Please explain why the chosen indicators are the most relevant for measuring the expected impact of the scheme:

……

5. ENVISAGED METHODS TO CONDUCT THE EVALUATION

1. In light of the evaluation questions, please describe the envisaged methods to be used in the evaluation to identify the causal impact of the aid on the beneficiaries and to assess other indirect impacts. In particular, please explain the reasons for choosing those methods and for rejecting other methods (for example, reasons related to the design of the scheme) ([443]):

……

2. Please describe precisely the identification strategy for the evaluation of the causal impact of the aid and the assumptions on which the strategy relies. Please describe in detail the composition and the significance of the control group:

……

3. Please explain how the envisaged methods address potential selection bias. Can it be claimed with sufficient certainty that observed differences in the outcomes for the aid beneficiaries are due to the aid?

……

4. If relevant, please explain how the envisaged methods intend to address specific challenges related to complex schemes, for example schemes that are implemented in a differentiated manner at regional level and schemes that use several aid instruments:

……

6. DATA COLLECTION

1. Please provide information on the mechanisms and sources for collecting and processing data about the aid beneficiaries and about the envisaged counterfactual. ([444]) Please provide a description of all the relevant information that relates to the selection phase: data collected on aid applicants, data submitted by applicants and selection outcomes. Please also explain any potential issue as regards data availability:

……

2. Please provide information on the frequency of the data collection relevant for the evaluation. Are observations available on a sufficiently disaggregated level, that is to say at the level of individual undertakings?

……

([443]) Please make reference to SWD(2014)179 final of 28.5.2014.

([444]) Please note that the evaluation might require sourcing of both historical data and data that will become progressively available during the deployment of the aid scheme. Please identify the sources for both types of information. Both types of data should preferably be collected from the same source as to guarantee consistency across time.

3. Please indicate whether the access to the necessary data for conducting the evaluation might be hindered by laws and regulations governing confidentiality of data and how those issues would be addressed. Please mention other possible challenges related to data collection and how they would be overcome:

……

4. Please indicate whether surveys of aid beneficiaries or of other undertakings are foreseen and whether complementary sources of information are intended to be used:

……

7. PROPOSED TIMELINE OF THE EVALUATION

1. Please indicate the proposed timeline of the evaluation, including milestones for data collection, interim reports and involvement of stakeholders. If relevant, please provide an annex detailing the proposed timeline:

……

2. Please indicate the date by which the final evaluation report will be submitted to the Commission:

……

3. Please mention factors that might affect the envisaged timeline:

……

8. THE BODY CONDUCTING THE EVALUATION

1. Please provide specific information on the body conducting the evaluation or, if not yet selected, on the timeline, procedure and criteria for its selection:

……

2. Please provide information on the independence of the body conducting the evaluation and on how possible conflict of interest will be excluded during the selection process:

……

3. Please indicate the relevant experience and skills of the body conducting the evaluation or how those skills will be ensured during the selection process:

……

4. Please indicate which arrangements the granting authority will make to manage and monitor the conduct of the evaluation:

……

5. Please provide information, even if only of an indicative nature, on the necessary human and financial resources that will be made available for carrying out the evaluation:

……

9. PUBLICITY OF THE EVALUATION

1. Please provide information on the way the evaluation will be made public, that is to say, through the publication of the evaluation plan and the final evaluation report on a website:

……

2. Please indicate how the involvement of stakeholders will be ensured. Please indicate whether the organisation of public consultations or events related to the evaluation is envisaged:

……

3. Please specify how the evaluation results are intended to be used by the granting authority and other bodies, for example for the design of successors of the scheme or for similar schemes:

……

4. Please indicate whether and under which conditions data collected for the purpose or used for the evaluation will be made accessible for further studies and analysis:

……

5. Please indicate whether the evaluation plan contains confidential information that should not be disclosed by the Commission:

……

10. OTHER INFORMATION

1. Please indicate here any other information you consider relevant for the assessment of the evaluation plan:

……

2. Please list all documents attached to the notification and provide paper copies or direct internet links to the documents concerned:

……’

(g) Part III.12 is replaced by the following:

‘PART III.12

**GENERAL INFORMATION SHEET FOR THE GUIDELINES FOR STATE AID IN THE AGRICULTURE AND FORESTRY SECTORS AND IN RURAL AREAS**

*Please note that this general information sheet for the notification of State aid applies to all sectors covered by the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas* ([445])*('the Guidelines'). In addition, for all measures covered by the Guidelines please complete the relevant Supplementary Information Sheet.*

**COMPATIBILITY ASSESSMENT PURSUANT TO ARTICLE 107(3), POINT (C) OF THE TREATY**

On the basis of Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty'), the Commission may consider compatible with the internal market State aid to facilitate the development of certain economic activities, where such aid does not adversely affect trading conditions to an extent contrary to the common interest. In order to make the assessment, the Commission will consider the aspects described in this form.

1. Does the State aid measure satisfy the following conditions?

*First condition:*

☐ identification of the economic activity concerned;

☐ the incentive effect: the aid must change the behaviour of the undertaking(s) concerned in such a way that it engages in an additional activity which it would not carry out without the aid or it would carry out in a restricted or different manner;

([445]) OJ C 485, 21.12.2022, p. 1.

☐ the aid does not contravene relevant provisions and general principles of Union law.

*Second condition:*

☐ need for State intervention: the aid measure must bring about a material improvement that the market cannot deliver itself, for example by remedying a market failure or addressing an equity or cohesion concern where applicable;

☐ appropriateness of the aid: the proposed aid measure must be an appropriate policy instrument to facilitate the development of the economic activity;

☐ proportionality of the aid (aid limited to the minimum necessary): the amount of aid and intensity of the aid must be limited to the minimum needed to induce the additional investment or activity by the undertaking(s) concerned;

☐ transparency of aid: Member States, the Commission, economic operators, and the public must have easy access to all relevant acts and to pertinent information about the aid granted thereunder;

☐ avoidance of adverse negative effects of the aid on competition and trade;

☐ weighing up the positive and negative effects that aid can have on competition and trade between Member States (balancing test).

1. FIRST CONDITION: THE AID MUST FACILITATE AN ECONOMIC ACTIVITY

1.1. Contribution to the development of aided economic activity

*To provide the information in this section, please refer to section 3.1.1 (points 42 – 45) of the Guidelines.*

1.1.1. Article 107(3), point (c), of the Treaty provides that the Commission may declare compatible 'aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest'. Therefore, compatible aid under that provision of the Treaty must contribute to the development of certain economic activity.

In order to assess the compliance with point (42) of the Guidelines, please provide information, which would allow the Commission to identify the economic activity(ies) that will be facilitated as a result of the aid and demonstrate how the aid facilitates the development of that activity(ies):

……

1.1.2. Please describe whether and, if so, how the aid contributes to the achievement of the objectives of the CAP and within that policy to the objectives of Regulation (EU) 2021/2115 of the European Parliament and of the Council ([446]) and describe more specifically the expected benefits of the aid:

……

Please note that this information is necessary for the Commission in order to assess the compliance of the aid with point (44) of the Guidelines.

1.1.3. Is the aid granted in favour of risk and crisis management measures granted in compliance with Part II, Section 1.2. of the Guidelines?

☐ yes ☐ no

([446]) Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/2115/oj ).

If the answer is yes, please specify the risk and crisis management measure(s) concerned:

……

Please note that pursuant to point (45) of the Guidelines, the Commission considers that aid in favour of risk and crisis management measures granted in compliance with Part II, Section 1.2. of the Guidelines can facilitate the development of the identified economic activity or area, as without aid such development may not take place to the same extent.

1.1.4. Is the aid awarded for individually notifiable investment projects on the basis of a scheme?

☐ yes ☐ no

If the answer is yes, please demonstrate that the selected project will contribute towards the objectives of the scheme and thus towards the objectives of aid in the agricultural and forestry sectors and in rural areas. For that purpose, please refer to question 2.6. of this Information Sheet, in which requires the information on the positive effects of the aid for investment.

……

1.2. Incentive effect

*To provide the information in this section, please refer to section 3.1.2 (points 47 - 60) of the Guidelines.*

State aid can only be found compatible with the internal market if it has an incentive effect. An incentive effect is present when the aid changes the behaviour of an undertaking in such a way that it engages in additional activity contributing to the development of the sector which it would not have engaged in without the aid or in which it would only have engaged in a restricted or different manner.

1.2.1. In order to assess the compliance with point 47 of the Guidelines, please explain how the measure(s) induces the beneficiary's undertaking to change its behaviour in such a way that it engages in additional economic activity contributing to the development of the sector, which the beneficiary would not carry out without the aid or would carry out in a restricted or different manner.

……

1.2.2. Please confirm that the aid will not simply subsidise the costs of an activity that an undertaking would have incurred in any event and will not compensate for the normal business risk of an economic activity:

☐ yes ☐ no

Please note that pursuant to point (47) of the Guidelines, the aid must not subsidise the costs of an activity that an undertaking would have incurred in any event and must not compensate for the normal business risk of an economic activity.

1.2.3. Please confirm that the notified State aid measure is not intended to simply improve the financial situation of undertakings, without any contribution to the development of the sector:

☐ yes ☐ no

Please note that pursuant to point (48) of the Guidelines, unless exceptions are expressly provided for in Union legislation or in the Guidelines, State aid measures which are simply intended to improve the financial situation of undertakings but which in no way contribute to the development of the sector, and in particular aid which is granted solely on the basis of price, quantity, unit of production or unit of the means of production are considered to constitute operating aid, which is incompatible with the internal market. Furthermore, by its very nature, such aid is also likely to interfere with the mechanisms regulating the organisation of the internal market.

1.2.4. Is the aid granted under Part II, Sections 1.2 and 2.8.5 of the Guidelines limited to helping undertakings active in the agricultural and forestry sectors facing various difficulties despite having undertaken reasonable efforts to minimise such risks?

☐ yes ☐ no

Please note that pursuant to point (49) of the Guidelines, aid granted under Part II, Sections 1.2 and 2.8.5 should be limited to helping undertakings active in the agricultural and forestry sectors facing various difficulties despite having undertaken reasonable efforts to minimise such risks. State aid should not have as an effect to entice undertakings into taking unnecessary risk. Undertakings active in the agricultural and forestry sectors should themselves bear the consequences of imprudent choices of production methods or products.

1.2.5. Will the beneficiary submit an application for the aid to the national authorities before any work on the project or activity has started?

☐ yes ☐ no

Please note that pursuant to point (50) of the Guidelines, the aid does not present an incentive for the beneficiary wherever work on the relevant project or activity has already started prior to the aid application by the beneficiary to the national authorities.

1.2.6. Will the aid application include at least the applicant's name and the size of the undertaking, a description of the project or activity, including its location and start and end dates, the amount of aid needed to carry it out and the eligible costs?

☐ yes ☐ no

1.2.7. Will the aid be granted to large enterprises?

☐ yes ☐ no

1.2.8. If the answer to the previous question is yes, will the beneficiaries, which are large enterprises, explain in the aid application the situation without the aid (referred to as the counterfactual scenario or alternative project or activity) and submit documentary evidence in support of the counterfactual scenario described in the application?

☐ yes ☐ no

Please note that pursuant to point (52) of the Guidelines, this requirement does not apply to municipalities that are autonomous local authorities with an annual budget of less than EUR 10 million and fewer than 5 000 inhabitants.

1.2.9. Will the granting authority carry out a credibility check of the counterfactual scenario and confirm that the aid has the required incentive effect?

☐ yes ☐ no

Please note that pursuant to point (53) of the Guidelines, a counterfactual scenario 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 project or activity concerned.

1.2.10. If the aid is granted in the form of tax advantages, are the following conditions complied with?

(a) the aid scheme establishes a right to aid in accordance with objective criteria and without further exercise of discretion by the Member State; and

(b) the aid scheme has been adopted and in force before work on the aided project or activity has started ([447])?

☐ yes ☐ no

Please note that pursuant to point (54) of the Guidelines, aid in the form of tax advantages is deemed to have an incentive effect if the above two conditions are fulfilled. Pursuant to point (54) of the Guidelines, the requirement referred to in point (b) of this question does not apply in the case of fiscal successor schemes provided the activity was already covered by the previous schemes in the form of tax advantages.

1.2.11. Does the aid fall under one of the following aid categories of the Guidelines?

(a) ☐ aid schemes for land consolidation in accordance with Part II, Section 1.3.6 and Section 2.9.2 of the Guidelines and aid schemes with ecological, protective and recreational objectives in accordance with Part II, Section 2.8 of the Guidelines and with the following conditions fulfilled:

(i) ☐ the aid scheme establishes a right to aid in accordance with objective criteria and without further exercise of discretion by the Member State;

(ii) ☐ the aid scheme has been adopted and is in force before eligible costs in accordance with Part II, Sections 1.3.6 and 2.9.2 and Section 2.8. of the Guidelines are incurred by the beneficiary; and

(iii) ☐ the aid scheme only covers SMEs.

(b) ☐ aid for area-specific disadvantages resulting from certain mandatory requirements in accordance with Part II, Section 1.1.6 of the Guidelines;

(c) ☐ aid to areas facing natural or other area-specific constraints in accordance with Part II., Section 1.1.7 of the Guidelines;

(d) ☐ aid for information actions in the agricultural sector in accordance with Part II, Section 1.1.10.1 of the Guidelines, which consists of making available the information to an undefined number of beneficiaries;

(e) ☐ aid to make good the damage caused by natural disasters or exceptional occurrences in accordance with Part II, Section 1.2.1.1 of the Guidelines;

(f) ☐ aid to compensate for the damage caused by adverse climatic events which can be assimilated to natural disaster in accordance with Part II, Section 1.2.1.2 of the Guidelines;

(g) ☐ aid to compensate for the costs of the prevention, control and eradication of animal diseases, plant pests and infestation by invasive alien species and aid to make good the damage caused by animal diseases, plant pests and invasive alien species in accordance with Part II, Section 1.2.1.3 of the Guidelines;

(h) ☐ aid to cover the costs of the removal and destruction of fallen stock in accordance with Part II, Section 1.2.1.4 of the Guidelines;

(i) ☐ aid to compensate for the damage caused by protected animals in accordance with Part II, Section 1.2.1.5 of the Guidelines;

(j) ☐ aid to make good the damage in forests caused by protected animals in accordance with Part II, Section 2.8.5 of the Guidelines;

(k) ☐ aid for information actions in the forestry sector in accordance with Part II, Section 2.4 of the Guidelines, which consists of making available the information to an undefined number of beneficiaries;

([447]) Please note that this requirement does not apply in the case of fiscal successor schemes provided the activity was already covered by the previous schemes in the form of tax advantages.

(l) ☐ aid for investments in favour of conservation of cultural and natural heritage on the agricultural holding in accordance with Part II, Section 1.1.1.2 of the Guidelines, with the exception of individual aid which exceeds EUR 500 000 per undertaking per investment project;

(m) ☐ aid for promotion measures in accordance with point (468)(b), (c) and (d) of the Guidelines;

(n) ☐ aid to compensate for additional transport costs in accordance with points (480) and (481) of the Guidelines;

(o) ☐ aid for research and development in the agricultural and forestry sectors in accordance with Part II, Sections 1.3.7 and 2.9.1. of the Guidelines;

(p) ☐ aid for the restoration of damage to forests from fires, natural disasters, adverse climatic events, plant pests, animal diseases, catastrophic events and climate change related events in accordance with Part II, Section 2.1.3 of the Guidelines;

(q) ☐ aid for the costs of treatment and preventing the spreading of pests, tree diseases and invasive alien species and aid to make good the damage caused by the pests, tree diseases and invasive alien species in accordance with Part II, Section 2.8.1 of the Guidelines;

Please note that pursuant to point (55) of the Guidelines, the above categories of aid are not required to have or are deemed to have an incentive effect. Thus, if the aid is granted for one of the above categories, points (50) to (53) of the Guidelines do not apply.

**Additional conditions for individually notifiable investment aid**

*If the aid is granted for individual investment, please continue with questions 1.2.12. to 1.2.16. below.*

1.2.12. Please provide in the notification clear evidence that the aid effectively has an impact on the investment choice.

Please specify such impact:

……

Please note that pursuant to point (56) of the Guidelines, to allow a comprehensive assessment, the Member State must provide not only information concerning the aided project but also a comprehensive description of the counterfactual scenario, in which no aid is granted to the beneficiary by any public authority.

1.2.13. Please provide a comprehensive description of the counterfactual scenario, in which no aid is granted to the beneficiary by any public authority:

……

Please note that pursuant to point (59) of the Guidelines, where no specific counterfactual scenario is known, the incentive effect can be assumed when there is a funding gap, that is to say when the investment costs exceed the net present value (NPV) of the expected operating profits of the investment on the basis of an ex ante business plan.

1.2.14. Please specify which document(s) related to the investment project under assessment are submitted as part of the notification:

……

Please note that pursuant to point (57) of the Guidelines, the Member States are invited to draw on genuine and official board documents, risk assessments, including the assessment of location-specific risks, financial reports, internal business plans, expert opinions and other studies related to the investment project under assessment. Those documents need to be contemporary to the decision-making process concerning the investment or its location. Documents containing information on demand forecasts, cost forecasts, financial forecasts, documents that are submitted to an investment committee and that elaborate on various investment scenarios, or documents provided to the financial institutions could help the Member States to demonstrate the incentive effect.

1.2.15. Please specify how will be the level of profitability evaluated:

.....

Please note that pursuant to point (58) of the Guidelines, the level of profitability may be evaluated by using methods that are standard practice in the sector concerned and which may include methods to evaluate the net present value (NPV) ([448]) of the project, the internal rate of return (IRR) ([449]) or the average return on capital employed (ROCE). The profitability of the project is to be compared with normal rates of return applied by the beneficiary in other investment projects of a similar kind. Where these rates are not available, the profitability of the project is to be compared with the cost of capital of the undertaking as a whole or with the rates of return commonly observed in the sector concerned.

1.2.16. Does the investment project present a funding gap, i.e. do the investment costs exceed the NPV of the expected operating profits of the investment on the basis of an ex ante business plan?

☐ yes ☐ no

If the answer is yes, please provide the details:

.....

Please note that pursuant to point (59) of the Guidelines, when the investment project presents a funding gap, that is when the investment costs exceed the NPV of the expected operating profits of the investment on the basis of an ex ante business plan, the incentive effect can be assumed.

1.3. No breach of relevant provisions and general principles of Union law

*To provide the information in this section, please refer to section 3.1.3 (points 61 – 64) of the Guidelines.*

1.3.1. Please confirm that the State aid measure, the conditions attached to it, including its financing method when the financing method forms an integral part of the State aid measure, or the activity it finances does not entail a violation of relevant Union law:

☐ yes ☐ no

Please note that pursuant to point (61) of the Guidelines, if a State aid measure, the conditions attached to it, including its financing method when the financing method forms an integral part of the State aid measure, or the activity it finances entails a violation of relevant Union law, the aid cannot be declared compatible with the internal market.

In order to assess the compliance with point (61) of the Guidelines, please provide information demonstrating that the aid measure does not entail a violation of relevant Union law:

.....

([448]) The NPV of a project is the difference between the positive and negative cash flows over the lifetime of the investment, discounted to their current value (typically using the cost of capital).

([449]) The IRR is not based on accounting earnings in a given year, but takes into account the stream of future cash flows that the investor expects to receive over the entire lifetime of the investment. It is defined as the discount rate for which the NPV of a stream of cash flows equals zero.

1.3.2. Does the system of financing form an integral part of the aid measure?

☐ yes ☐ no

If the answer is yes, please specify the system of financing:

.....

Please note that pursuant to point (26) of the Guidelines, when the system of financing, for example by parafiscal levies forms an integral part of the aid measure, it must be notified.

1.3.3. Where the aid measure concerns agricultural products ([450]), is the aid compatible with the provisions governing the common organisation of the markets in agricultural products?

☐ yes ☐ no

Please note that in compliance with point (62) of the Guidelines, the Commission will not authorise State aid which is incompatible with the provisions governing the common organisation of the market or which would interfere with the proper functioning of the common organisation.

1.3.4. Is the aid subject to the obligation for the beneficiary undertaking to use national products or services?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (63) of the Guidelines, the aid cannot be declared compatible with the internal market.

1.3.5. Does the aid restrict the possibility for the beneficiary undertaking to exploit the research, development and innovation results in other Member States?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (63) of the Guidelines, the aid cannot be declared compatible with the internal market.

1.3.6. Is the aid granted for export-related activities to third countries or to Member States, directly linked to the quantities exported, or is the aid contingent upon the use of domestic over imported goods, or is the aid granted for establishing and operating a distribution network or to cover any other expenditure linked to export activities?

☐ yes ☐ no

Please note that pursuant to point (64) of the Guidelines, the Commission will not authorise aid for export-related activities to third countries or to Member States which would be directly linked to the quantities exported, aid contingent upon the use of domestic over imported goods, or aid to establish and operate a distribution network or to cover any other expenditure linked to export activities. However, aid towards the cost of participating in trade fairs, or of studies or consultancy services needed for the launch of a new or existing product on a new market in principle does not constitute export aid.

2. SECOND CONDITION: THE AID CANNOT UNDULY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

Pursuant to Article 107(3), point (c), of the Treaty, aid to facilitate the development of certain economic activities or of certain economic areas can be declared compatible only "where such aid does not adversely affect trading conditions to an extent contrary to the common interest".

([450]) Pursuant to Article 1 of Regulation (EU) No 1308/2013, agricultural products are the products listed in Annex I to the Treaties with the exception of the fishery and aquaculture products as defined in Union legislative acts on the common organisation of the markets in fishery and aquaculture products.

By its very nature, any aid measure generates distortions of competition and has an effect on trade between Member States. However, in order to establish if the distortive effects of the aid are limited to the minimum, the Commission will verify whether the aid is necessary, appropriate, proportionate and transparent.

The Commission will then assess the distortive effect of aid in question on competition and trading conditions. The Commission will then balance the positive effects of the aid with its negative effects on competition and trade. Where the positive effects outweigh the negative effects, the Commission will declare the aid compatible.

2.1. Need for State intervention

*To provide the information in this section, please refer to section 3.2.1. (points 70 - 71) of the Guidelines.*

2.1.1. Pursuant to point 70 of the Guidelines, State aid must be targeted to situations where aid can bring about a material development that the market cannot deliver, for example by remedying a market failure to the aided activity or investment in question. State aid measures can indeed, under certain conditions, correct market failures thereby contributing to the efficient functioning of markets and enhancing competitiveness.

In order to assess the compliance with point (70) of the Guidelines, please provide all information demonstrating that the aid can bring about a material development that the market cannot deliver or that it can correct market failures thereby contributing to the efficient functioning of markets and enhancing competitiveness:

.....

Please note that for the purposes of the Guidelines, the Commission considers that the market is not delivering the expected objectives without State intervention concerning the aid measures fulfilling the specific conditions laid down in Part I of the Guidelines. Therefore, such aid should be considered necessary.

2.2. Appropriateness of the aid

*To provide the information in this section, please refer to section 3.2.2. (points 72 - 82) of the Guidelines.*

The proposed aid measure must be an appropriate policy instrument to address the concerned policy objective. The Member State must demonstrate that the aid and its design are appropriate to achieve the objective of the measure at which the aid is targeted.

**Appropriateness among alternative policy instruments**

2.2.1. Does the aid fulfil the specific conditions laid down in the relevant Sections of Part II of the Guidelines?

☐ yes ☐ no

If the answer is yes, please specify the relevant Section:

.....

Please note that pursuant to point (73) of the Guidelines, the Commission considers that aid granted in the agricultural and forestry sectors, which fulfils the specific conditions laid down in the relevant Sections of Part II of the Guidelines, is an appropriate policy instrument.

2.2.2. Does the aid constitute a rural development-like aid measure financed exclusively from national funds, while at the same time the same intervention is provided for in the relevant the CAP Strategic Plan?

☐ yes ☐ no

If the answer is yes, please demonstrate the advantages of such a national aid instrument compared to the CAP Strategic Plan intervention at stake:

.....

**Appropriateness among different aid instruments**

Pursuant to point (75) of the Guidelines, aid can be granted in various forms. The Member State should however ensure that the aid is granted in the form that is likely to generate the least distortions of trade and competition.

2.2.3. Pursuant to point (82) of the Guidelines, the compatibility assessment of an aid measure with the internal market is without prejudice to the applicable public procurement rules and to the principles of transparency and openness and non-discrimination in the selection process of a service provider. In order to assess the compliance with point (75) of the Guidelines, please specify the form of the aid and demonstrate that this form is likely to generate the least distortions of trade and competition:

.....

2.2.4. If a specific form of aid is set out for a notified aid in an applicable Section of Part II of the Guidelines, does the form of aid correspond to that aid form?

☐ yes ☐ no

If the answer is yes, please specify the aid form concerned:

.....

Please note that pursuant to point (76) of the Guidelines, where a specific form is set out for an aid measure as described in Part II of the Guidelines, such form is considered to be an appropriate aid instrument.

2.2.5. Is the aid granted in the form provided for in a respective rural development intervention, co-financed by EAFRD or as an additional financing for such co-financed rural development interventions?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (78) of the Guidelines, aid granted in the form provided for in the respective rural development interventions, co-financed by EAFRD or granted as an additional financing for such co-financed rural development interventions, is an appropriate aid instrument.

2.2.6. As regards investment aid, not included in the CAP strategic plan or as additional financing for such a rural development intervention, is the aid granted in forms that provide a direct pecuniary advantage (for example direct grants, exemptions or reductions in taxes, social security or other compulsory charges, etc.)?

☐ yes ☐ no

If the answer is yes, 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 instruments (for example, low-interest loans or interest rebates, State guarantees or an alternative provision of capital on favourable terms) are less appropriate:

.....

2.2.7. Is the aid granted for forestry measures referred to in Part II, Section 2.8 of the Guidelines?

☐ yes ☐ no

If the answer is yes, please demonstrate that the ecological, protective and recreational objectives aimed for cannot be achieved with the rural development like forestry measures referred to in Part II, Sections 2.1 to 2.7 of the Guidelines.

.....

2.2.8. Is the aid granted for any of the following categories of aid?

☐ aid towards the costs of market research activities, product conception and design and for the preparation of applications for the recognition of quality schemes;

☐ aid for knowledge exchange and information actions;

☐ aid for advisory services;

☐ aid for farm replacement services;

☐ aid for promotion measures;

☐ aid to compensate for the costs of the prevention and eradication of animal diseases, plant pest and invasive alien species;

☐ aid to the livestock sector.

2.2.9. If the aid is granted for any of the categories specified in the previous question, please confirm that such aid is granted to the final aid beneficiaries by means of subsidised services:

☐ yes ☐ no

Please note that pursuant to point (81) of the Guidelines, the aid granted for any of the above categories must be granted to the final aid beneficiaries by means of subsidised services. In these cases the aid must be paid to the provider of the service or activity in question.

2.3. Proportionality of the aid and cumulation

*To provide the information in this section, please refer to section 3.2.3. (points 83 - 111) of the Guidelines.*

In general, the aid is considered to be proportionate if the aid amount per beneficiary is limited to the minimum needed for carrying out the aided activity.

2.3.1. Does the aid amount exceed the eligible costs?

☐ yes ☐ no

Please note that that pursuant to point (84) of the Guidelines, the aid is considered to be proportionate if it does not exceed the eligible costs.

2.3.2. Does the aid fall under Part II., Sections 1.3.1.1. and 2.3 of the Guidelines, which expressly provide for environmental or other public incentives?

☐ yes ☐ no

If the answer is yes, please note that point (84) of the Guidelines does not apply.

2.3.3. Will the maximum aid intensity and aid amount be calculated by the granting authority when granting the aid?

☐ yes ☐ no

2.3.4. Will the eligible costs be supported by the clear, specific and contemporary documentary evidence?

☐ yes ☐ no

2.3.5. When calculating the aid intensity and the eligible costs, will all figures be taken before any deduction of tax or other charge?

☐ yes ☐ no

2.3.6. Is the value added tax (VAT) eligible for aid?

☐ yes ☐ no

2.3.7. If the answer to the previous question is yes, is the VAT recoverable under national VAT legislation?

☐ yes ☐ no

Please note that pursuant to point (88) of the Guidelines, value added tax (VAT) is not eligible for aid, except where it is not recoverable under national VAT legislation.

2.3.8. If the aid is granted in a form other than a grant, is the aid amount the gross grant equivalent of the aid?

☐ yes ☐ no

2.3.9. Is the aid payable in several instalments?

☐ yes ☐ no

If the answer is yes, will the aid be discounted to its value at the moment of granting the aid?

☐ yes ☐ no

Please note that pursuant to point (90) of the Guidelines, the eligible costs must be discounted to their value at the moment of granting the aid. Furthermore, the interest rate to be used for discounting purposes is the discount rate applicable on the date of granting the aid.

2.3.10. If the aid payable in the future, will it be discounted to its value at the moment it is granted?

☐ yes ☐ no

Please note that pursuant to point (91) of the Guidelines, aid payable in the future, including aid payable in several instalments, is discounted to its value at the moment it is granted.

2.3.11. Is the aid granted by means of tax advantages?

☐ yes ☐ no

If the answer is yes, is the discounting of aid tranches executed on the basis of the discount rates applicable at the various times the tax advantage takes effect?

☐ yes ☐ no

2.3.12. Is the aid amount for the measures or types of operations referred to in Part II, Sections 1.1.4, 1.1.5, 1.1.6, 1.1.7, 1.1.8, 2.1.1, 2.1.2, 2.1.4, 2.2 and 2.3 of the Guidelines fixed on the basis of standard assumptions of additional costs and income foregone?

☐ yes ☐ no

If the answer is yes, please confirm that the calculation and the corresponding aid:

(a) ☐ contain only elements that are verifiable;

(b) ☐ are based on figures established by appropriate expertise;

(c) ☐ indicate clearly the source of the figures used;

(d) ☐ are differentiated to take account of regional or local site conditions and actual land use, where applicable;

(e) ☐ do not contain elements linked to investment costs.

Please note that the above conditions are cumulative and must be all fulfilled.

2.3.13. Is the aid granted in one of the following simplified cost options?

(a) ☐ unit costs;

(b) ☐ lump sums;

(c) ☐ flat-rate financing.

Please note that aid falling under Part II, Sections 1.2 and 2.8.5 of the Guidelines cannot be granted in the above simplified cost options.

2.3.14. If the answer to the previous question is yes, please indicate the method of establishing the aid amount:

(a) ☐ a fair, equitable and verifiable calculation method based on one or more of the following:

(i) ☐ statistical data, other objective information or an expert judgement;

(ii) ☐ verified historical data of individual beneficiaries;

(iii) ☐ the application of usual cost accounting practices of individual beneficiaries;

(b) ☐ in accordance with the rules for application of corresponding unit costs, lump sums and flat rates applicable in Union policies for a similar type of operation.

As part of the notification, please submit the relevant supporting documents.

2.3.15. If the measure is co-financed, is the amounts of eligible costs calculated in accordance with the simplified cost options set out in Regulation (EU) 2021/1060 ([451]) and Regulation (EU) 2021/2115?

☐ yes ☐ no

Please provide further details and submit the relevant supporting documentation:

……

2.3.16. Is there an insurance linked to the measure for which the aid is granted?

☐ yes ☐ no

If the answer is yes, please provide further details:

……

Please note that pursuant to point (97) of the Guidelines, when assessing the compatibility of aid, the Commission will consider any insurance taken out, or which could have been taken out by the aid beneficiary. Regarding aid to compensate for losses caused by adverse climatic events, which can be assimilated to a natural disaster, in order to avoid the risk of distorting competition, aid at the maximum aid intensity should be granted only to an undertaking that cannot be covered for such losses by insurance.

**Additional conditions for individually notifiable investment aid and investment aid to large enterprises under notified schemes**

2.3.17. In the case of individually notifiable investment aid, does the aid amount correspond to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual scenario in the absence of aid?

☐ yes ☐ no

Please describe the counterfactual scenario:

……

Please note that pursuant to point (98) of the Guidelines, as a general rule, individually notifiable investment aid will be considered to be limited to the minimum if the aid amount corresponds to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual scenario in the absence of aid ([452]), with maximum aid intensities as a cap.

([451]) EUR-Lex - 32021R1060 - EN - EUR-Lex (europa.eu)

([452]) When comparing counterfactual scenarios, the aid is to be discounted by the same factor as the corresponding investment and counterfactual scenarios.

2.3.18. Please provide the following information:

(a) the calculation of the investment's IRR with and without the aid:

.....

(b) information on the relevant market benchmarks for the undertaking (e.g. normal rates of return required by a beneficiary to undertake similar projects, cost of capital of the company as a whole):

.....

(c) explanation of why, on the basis of the above, the aid is the minimum necessary to render the project sufficiently profitable:

.....

2.3.19. Is the aid amount limited to the minimum necessary to render the project sufficiently profitable?

☐ yes ☐ no

Please note that pursuant to point (99) of the Guidelines, the aid amount should not exceed the minimum necessary to render the project sufficiently profitable. For example, the aid amount should not lead to an increase of its Internal Rate of Return (IRR) beyond the normal rates of return applied by the undertaking concerned in other investment projects of a similar kind or, if these rates are not available, to an increase of its IRR beyond the cost of capital of the undertaking as a whole or beyond the rates of return commonly observed in the sector concerned.

2.3.20. Where the aid granted is granted for investments to large enterprises under notified schemes, is it ensured that the aid amount corresponds to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual scenario in the absence of aid?

☐ yes ☐ no

Please note that pursuant to point (100) of the Guidelines, in order to ensure that the aid amount corresponds to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual scenario in the absence of aid, the method set out in point (99) of the Guidelines must be used together with maximum aid intensities as a cap.

2.3.21. Is the beneficiary a municipality that is autonomous local authority with an annual budget of less than EUR 10 million and fewer than 5 000 inhabitants?

☐ yes ☐ no

If the answer is yes, please note that points (98) to (101) of the Guidelines do not apply.

**Cumulation of aid**

2.3.22. Is the notified aid granted concurrently under several schemes or cumulated with ad hoc aid?

☐ yes ☐ no

2.3.23. If the answer to the previous question is yes, is the total amount of State aid for an activity or project limited to the aid ceilings laid down in the Guidelines?

☐ yes ☐ no

2.3.24. Does the notified aid have identifiable eligible costs?

☐ yes ☐ no

If the answer is yes, will this aid be cumulated with other State aid?

☐ yes ☐ no

If the answer is yes, will that aid be granted for different identifiable eligible costs?

☐ yes ☐ no

If the answer is no, please note that in accordance with point (104) of the Guidelines, the aid with identifiable eligible costs may be cumulated with any other State aid, in relation to the same eligible costs, partly or fully overlapping, only if such cumulation does not result in exceeding the highest aid intensity or aid amount applicable to this type of aid under the Guidelines.

2.3.25. Is the aid granted under Part II, Section 1.1.2., which has no identifiable eligible costs, cumulated with another State aid measure with identifiable eligible costs?

☐ yes ☐ no

2.3.26. Where aid granted for Part II, Section 1.1.2. has no identifiable eligible costs, is cumulated with another State aid measure without identifiable eligible costs, is such aid limited to the highest relevant total financing threshold fixed in the specific circumstances of each case by the Guidelines or other State aid guidelines, a block exemption regulation or a decision adopted by the Commission?

☐ yes ☐ no

Please specify the maximum threshold of the applicable aid instrument:

.....

Please note that pursuant to point (105) of the Guidelines, aid without identifiable eligible costs under Part II, Section 1.1.2 may be cumulated with any other State aid measure with identifiable eligible costs. Aid without identifiable eligible costs may be cumulated with other State aid without identifiable eligible costs, up to the highest relevant total financing threshold fixed in the specific circumstances of each case by the Guidelines or other State aid guidelines, a block exemption regulation or a decision adopted by the Commission.

2.3.27. Is aid in favour of the agricultural sector cumulated with payments referred to in Articles 145 and 146 of Regulation (EU) 2021/2115 in respect of the same eligible costs?

☐ yes ☐ no

If the answer is yes, will such cumulation respect an aid intensity or aid amount laid down in the Guidelines?

☐ yes ☐ no

2.3.28. Is the aid granted under Part II, Sections 1.1.4, 1.1.5 and 1.1.8. of the Guidelines cumulated with payments referred to in Article 31 of Regulation (EU) 2021/2115 in respect of the same eligible costs?

☐ yes ☐ no

If the answer is yes, will such cumulation respect an aid intensity or aid amount laid down in the Guidelines?

2.3.29. Is the aid combined with Union funds centrally managed by the institutions, agencies, joint undertakings or other bodies of the Union that are not directly or indirectly under the control of the Member State?

☐ yes ☐ no

Please note that pursuant to point (108) of the Guidelines, if the Union funds are not directly or indirectly under the control of the Member State, only the State aid will be considered for determining whether notification thresholds and maximum aid intensities and ceilings are respected, provided that the total amount of public funding granted in relation to the same eligible costs does not exceed the most favourable funding rate(s) laid down in the applicable rules of Union law. Please confirm that this is the case:

☐ yes ☐ no

Please provide information on the applicable Union law, referred to in point (108) of the Guidelines:

……

2.3.30. Where the aid authorised under the Guidelines is cumulated with de minimis aid in respect of the same eligible costs, does such cumulation respect an aid intensity or aid amount fixed in the Guidelines?

☐ yes ☐ no

2.3.31. Where the aid is granted for investments aimed at the restoration of agricultural production potential as referred to in point (152)(d) of the Guidelines, is such aid cumulated with aid for the compensation of material damage referred to in Part II, Sections 1.2.1.1, 1.2.1.2 and 1.2.1.3. of the Guidelines?

☐ yes ☐ no

Please note that pursuant to point (110) of the Guidelines, aid for investments aimed at the restoration of agricultural production potential as referred to in point 152 (d) of the Guidelines should not be cumulated with aid for the compensation of material damage referred to in Part II, Sections 1.2.1.1, 1.2.1.2 and 1.2.1.3.

2.3.32. Where the aid is granted as a start-up aid for producer groups and organisations in the agricultural sector as referred to in Part II, Section 1.1.3 of the Guidelines, is such aid cumulated with the corresponding support for producers groups and organisations in the agricultural sector as referred to in Article 77 of Regulation (EU) 2021/2115?

☐ yes ☐ no

Please note that pursuant to point (111) of the Guidelines, start-up aid for producer groups and organisations in the agricultural sector as referred to in Part II, Section 1.1.3 should not be cumulated with the corresponding support for producers groups and organisations in the agricultural sector as referred to in Article 77 of Regulation (EU) 2021/2115.

2.3.33. Where the aid granted as a start-up aid for young farmers, start-up aid for the development of small farms and start-up aid for agricultural activities as referred to in Part II, Section 1.1.2 of the Guidelines is cumulated with the corresponding support as referred to in Article 75 of Regulation (EU) 2021/2115 does such cumulation respect an aid amount laid down in the Guidelines?

☐ yes ☐ no

Please note that pursuant to point (111) of the Guidelines, start-up aid for young farmers, start-up aid for the development of small farms and start-up aid for agricultural activities as referred to in Part II, Section 1.1.2 should not be cumulated with the corresponding support as referred to in Article 75 of Regulation (EU) 2021/2115 if such cumulation would result in an aid amount exceeding those laid down in the Guidelines.

2.4. Transparency

*To provide the information in this section, please refer to section 3.2.4. (points 112 - 115) of the Guidelines.*

2.4.1. Will the Member State ensure the publication of the following information in the European Commission's transparency award module or on a comprehensive State aid website at national or regional level?

☐ the full text of the aid scheme and its implementing provisions or legal basis for individual aid, or a link to it;

☐ the identity of the granting authority/(ies);

☐ the identity of the individual beneficiaries, the form and amount of aid granted to each beneficiary, the date of granting, the type of undertaking (SME/ large enterprise), the region in which the beneficiary is located (at NUTS level II) and the principal economic sector in which the beneficiary has its activities (at NACE group level). Such a requirement can be waived with respect of individual aid awards not exceeding the following thresholds:

i. EUR 10 000 for beneficiaries in the primary agricultural production;

ii. EUR 100 000 for beneficiaries in the sectors of the processing of agricultural products, the marketing of agricultural products, the forestry sector or activities falling outside the scope of Article 42 of the Treaty.

2.4.2. Please confirm as regards the aid schemes in the form of tax advantages, the information on individual aid amount is provided in the following ranges (in EUR million):

☐ 0,01 to 0,1 only for primary agricultural production;

☐ 0,1 to 0,5;

☐ 0,5 to 1;

☐ 1 to 2;

☐ 2 to 5;

☐ 5 to 10;

☐ 10 to 30;

☐ 30 and more.

2.4.3. Please specify whether the information laid down in point (112) of the Guidelines will be published:

(a) ☐ in the European Commission's transparency award module ([453]);

(b) ☐ on a comprehensive national or regional State aid website.

2.4.4. Please confirm that such information:

☐ will be published after the decision to grant the aid has been taken;

☐ will be kept for at least 10 years;

☐ will be available for the general public without restrictions ([454]).

2.4.5. Please provide the link of the comprehensive State aid website where the information mentioned in this section will be published:

……

([453]) 'State Aid Transparency Public Search', available at the following website: https://webgate.ec.europa.eu/competition/transparency/public?lang=en.

([454]) This information must be published within six months from the date of granting the aid (or, for aid in the form of tax advantage, within one year from the date of the tax declaration). In the case of unlawful aid, Member States will be required to ensure the publication of this information ex post, at least within a period of six months from the date of the Commission decision. The information must be available in a format which allows data to be searched, extracted, and easily published on the internet, for instance in CSV or XML format.

2.4.6. Please confirm that reporting and revision as required in Part III, Section 3 will be carried out:

☐ yes ☐ no

Please note that pursuant to point (115) of the Guidelines, for reasons of transparency Member States must carry out reporting and revision as required in Part III, Section 3.

2.5. Avoidance of adverse negative effects on competition and trade

*To provide the information in this section, please refer to section 3.2.5 (points 116- 133) of the Guidelines.*

Aid for the agricultural and forestry sectors and for rural areas may potentially cause product market distortions. For the aid to be compatible, the negative effects of the aid measure in terms of distortions of competition and impact on trade between Member States must be minimised.

Pursuant to point (117) of the Guidelines, the Commission will identify the market(s) affected by the aid, taking into account the information provided by the Member State on the product market(s) concerned, that, is to say the market(s) affected by the change in behaviour of the aid beneficiary.

2.5.1. In compliance with point (117) of the Guidelines, please provide information on the product market affected by the aid:

……

2.5.2. Is the aid well targeted, proportionate and limited to the net extra costs?

☐ yes ☐ no

Pursuant to point (118) of the Guidelines, if the aid is well targeted, proportionate and limited to the net extra costs, the negative impact of the aid is softened and the risk that the aid will adversely distort competition will be more limited. In order to provide this information, please refer to Section 2.1.1 of this Information sheet.

2.5.3. Is the maximum aid intensity or aid amount, as set out in a specific Section of the Guidelines, respected?

☐ yes ☐ no

Please specify the maximum aid intensity or aid amount:

……

The Commission considers that if the maximum aid intensity or aid amount is respected, the negative impact of the aid is softened and the risk that the aid will adversely distort competition is more limited.

**Investment aid schemes for the processing of agricultural products and the marketing of agricultural products and in the forestry sector**

2.5.4. Please describe the product market(s) concerned, i.e. the market(s) affected by the change in behaviour of the aid beneficiary.

……

Please note that in assessing the negative effects of the aid measure, the Commission will focus its analysis of the distortions of competition on the predictable impact the aid in the agricultural and forestry sectors and in rural areas on competition between undertakings in the product market(s) affected ([455]).

([455]) A number of markets may be affected by the aid, because the impact of the aid may not be restricted to the market corresponding to the activity that is supported but may extend to other markets, which are connected to that market either because they are upstream, downstream or complementary, or because the beneficiary is already present on them or may be so present in the near future.

2.5.5. For investment aid schemes for the processing and/or the marketing of agricultural product and in the forestry sector, please demonstrate that any negative effects will be limited to the minimum taking into account, for example, the size of the projects concerned, the individual and cumulative aid amounts, the expected beneficiaries as well as the characteristics of the targeted sectors.

……

2.5.6. Regarding investment aid schemes for the processing and/or marketing of agricultural products and in the forestry sector, the Member States are encouraged to submit an impact assessment at their disposal as well as ex-post evaluations carried out for similar schemes in order to enable the Commission to assess the likely negative effects of the aid scheme.

— Is an impact assessment submitted together with the notification?

☐ yes ☐ no

— Is an ex-post evaluation submitted together with the notification?

☐ yes ☐ no

**Individually notifiable investment aid for the processing of agricultural products and the marketing of agricultural products and in the forestry sector**

Pursuant to point (123) of the Guidelines, in appraising the negative effects of individual investment aid, the Commission places particular emphasis on the negative effects linked with the build-up of overcapacity in declining markets, the prevention of exit, and the notion of substantial market power. These negative effects must be counterbalanced with the positive effects of the aid.

2.5.7. In order to allow the Commission to identify and assess the potential distortions of competition and trade, please provide evidence permitting the Commission to identify the product markets concerned (that is to say, products affected by the change in the behaviour of the aid beneficiary) and to identify the competitors and customers/consumers affected:

……

Pursuant to point (124) of the Guidelines, the product concerned is typically the product covered by the investment project ([456]). When the project concerns an intermediate product and a significant part of the output is not sold on the market, the product concerned may be the downstream product. The relevant product market includes the product concerned and its substitutes considered to be such, either by the consumer (because of the product's characteristics, prices, or intended use) or by the producer (because of flexibility of production installations).

A relevant product market includes the product concerned and its demand side substitutes, i.e. products considered to be such by the consumer (by reason of the product's characteristics, prices and intended use) and its supply side substitutes, i.e. products considered as such by producers (through flexibility of the production installations of the beneficiary and its competitors). Please indicate what you regard as the relevant demand and supply side substitutes in this case. Please provide evidence, from an independent third party, if possible, to support your conclusions on this point.

……

2.5.8. As a result of the aid, will an additional production capacity be created by the project?

☐ yes ☐ no

If the answer is yes, please provide an estimate of the additional production capacity created (in volume and value terms):

……

([456]) For investment projects that involve the production of several different products, each product must be assessed.

2.5.9. Please provide information on the performance of the products market affected by the aid, i.e. whether it is growing or underperforming:

……

2.5.10. If the product market affected by the aid is underperforming, please specify whether, in a long-term outlook, the market is structurally in decline (i.e. it is contracting) or in relative decline (i.e. it is still growing, but does not exceed a benchmark growth rate):

……

2.5.11. In case the geographic market is global, in order to assess the performance of the product market affected by the aid, please provide information on the effect of the aid on the market structures concerned, in particular, its potential to crowd out producers in the EEA:

……

2.5.12. Please provide information, and supporting evidence, on the relevant geographical market of the beneficiary.

……

2.5.13. Please specify all the product(s) that will be produced upon the completion of the investment and indicate, where appropriate, the NACE code or CPA nomenclature:

……

2.5.14. Please indicate whether the product(s) envisaged by the project will replace any other products produced by the beneficiary (at group level):

☐ yes ☐ no

If the answer is yes, please specify the product(s) which will be replaced. If these replaced products are not produced at the location of the project, indicate where they are currently produced. Please provide a description of the link between the replaced production and the current investment and give a time schedule for the replacement:

……

2.5.15. Please indicate what other product(s) can be produced with the same new facilities (through flexibility of the production installation of the beneficiary) at little or no additional cost:

……

2.5.16. Please explain whether the project concerns an intermediate product and whether a significant part of the output is sold otherwise than on the market (under market conditions). Based on the above explanation, for the purpose of calculating the market share and capacity increase in the remainder of the section, please indicate whether the product concerned is the product envisaged by the project or whether it is a downstream product.

……

2.5.17. In order to assess the market power of the beneficiary, please provide the following information on his/her market position (over a period of time before receiving the aid and the expected market position after finalising the investment):

(a) an estimate of all sales (in value and volume terms) of the aid recipient in the relevant market (at group level):

……

(b) an estimate of the overall sales of all producers in the relevant market (in volume and value terms). If available, include statistics prepared by public and/or independent sources:

……

2.5.18. Please provide information on the market shares of the beneficiary, as well as of the market shares of its competitors:

……

2.5.19. Please provide an assessment of the structure of the relevant market including, for example, the level of concentration in the market, possible barriers to entry, buyer power and barriers to expansion or exit. Please provide evidence, from an independent third party if possible, to support your conclusions on this point.

……

2.6. Weighting up the positive and negative effects of the aid (balancing test)

*To provide the information in this section, please refer to section 3.2.6 (points 134 – 141) of the Guidelines.*

The Commission assesses whether the positive effects of the aid measure outweigh the identified negative effects on competition and trading conditions. The Commission may conclude on the compatibility of the aid measure with the internal market only where the positive effects outweigh the negative ones. In cases where the proposed aid measure does not address a well-identified market failure in an appropriate and proportionate way, the negative distortive effects on competition will tend to outweigh the positive effects of the measure; hence the Commission is likely to conclude that the proposed aid measure is incompatible.

2.6.1. Please specify the impact of the aid on the achievement of the general and specific objectives of the CAP set out in Articles 5 and 6 of Regulation (EU) 2021/2115:

……

Please specify to which of the objectives of Articles 5 and 6 of Regulation (EU) 2021/2115 the aid will contribute:

……

Please note that pursuant to point (136) of the Guidelines as part of the assessment of the positive and negative effects of the aid, the Commission will take into account the impact of the aid on the achievement of the general and specific objectives of the CAP set out in Articles 5 and 6 of Regulation (EU) 2021/2115, that aim to foster a smart, competitive, resilient and diversified agricultural sector, support and strengthen environmental protection, including biodiversity, and climate action and to contribute to achieving the environmental and climate-related objectives of the Union and to strengthen the socio-economic fabric of rural areas.

2.6.2. Does the aid fulfil the conditions laid down in the applicable Sections of Part II of the Guidelines and does it respect the relevant maximum aid intensities or the aid amounts set out therein?

☐ yes ☐ no

Please refer to the applicable Section of Part II of the Guidelines:

……

Please note that pursuant to point (137) of the Guidelines, the Commission considers that where an aid fulfils the conditions, and does not exceed the relevant maximum aid intensities or maximum aid amounts, laid down in the applicable Sections of Part II, the negative effect on competition and trade is limited to the minimum.

2.6.3. Is the aid co-financed under Regulation (EU) 2021/2115 or financed by the Union?

☐ yes ☐ no

Please note that pursuant to point (138) of the Guidelines, with respect to State aid which is co-financed under Regulation (EU) 2021/2115, or financed by the Union, the Commission will consider that the related positive effects have been established.

2.6.4. Is the aided activity expected to have any environmental and/or climate impact?

☐ yes ☐ no

If the answer is yes, please describe the expected impact, taking into account environmental protection legislation listed in Point (139) of the Guidelines and the standards of good agricultural and environmental condition (GAEC) under Regulation (EU) 2021/2115:

……

Please note that pursuant to point (139) of the Guidelines, where it is demonstrated that aid has positive environmental and climate impact, the Commission will consider that the positive effects of such aid have been established.

2.6.5. Does the aid takes into account the polluter pays principle?

☐ yes ☐ no

Please provide sufficient information to demonstrate that this principle is taken into account:

……

Please note that Article 11 of the Treaty provides that 'environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development.

2.6.6. Does the aid bring about other positive effect?

☐ yes ☐ no

If the answer is yes, please indicate which Union policy it reflects:

☐ European Green Deal (COM/2019/640 final)

☐ Farm to Fork Strategy (COM/2020/381final)

☐ EU Strategy on adaptation to climate change (COM/2013/0216 final and COM/2021/82 final)

☐ Communication on Restoring Sustainable Carbon Cycles (COM/(2021)800 final)

☐ Forest Strategy (COM/2021/572 final)

☐ Biodiversity Strategy (COM/2020/380 final)

☐ Other (please specify):

……

Please provide further details on the positive effect of aid and explain how is the aid aligned with a Union policy(ies) indicated:

……

Please note that pursuant to point (140) of the Guidelines, where the positive effects of the aid reflect those embodied in Union policies, then aid aligned with such Union policies can be presumed to have wider positive effect.

2.6.7. Is the aid granted in favour of investments?

☐ yes ☐ no

If the answer is yes, please provide information under Article 3 of Regulation (EU) 2020/852 ([457]), including as regards the "Do no significant harm" principle, or other comparable methodologies.

……

([457]) EUR-Lex - 32020R0852 - EN - EUR-Lex (europa.eu).

2.7. Other information

**Aid for Northern Ireland**

2.7.1. Is the aid to be granted in Northern Ireland?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (28) of the Guidelines, for aid to be granted in Northern Ireland, where a measure requires compliance with conditions laid down in Regulation (EU) 2021/2115, equivalent information must be provided in the notification to the Commission pursuant to Article 108(3) of the Treaty.

In addition to this General Information Sheet, for all measures covered by the Guidelines please complete the relevant Supplementary Information Sheet.

**Aid in favour of undertakings in difficulty**

Pursuant to point (23) of the Guidelines, the Commission considers that when an undertaking is in financial difficulty, given that its very existence is in danger, it cannot be considered an appropriate vehicle for promoting other public policy objectives until such time as its viability is assured. Therefore, where the beneficiary of the aid is undertaking in difficulty as defined in point (33) (63) of the Guidelines, the aid will be assessed in accordance with the Guidelines on State aid for rescuing and restructuring firms in difficulty.

However, point (23) of the Guidelines provides certain exceptions from the principle of not providing State aid to undertakings in financial difficulties.

2.7.2. Is the aid granted to compensate for damage caused by natural disasters and exceptional occurrences referred to in Part II, Sections 1.2.1.1 and 2.1.3. of the Guidelines?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (23) of the Guidelines, the principle of not providing State aid to undertakings in financial difficulties does not apply, provided that the aid is compatible with the internal market under Article 107(2), point (b), of the Treaty.

2.7.3. Is the aid granted to compensate for the damage caused by a risk event referred to in Part II, Sections 1.2.1.2., 1.2.1.3., 1.2.1.5., 2.1.3., 2.8.1. or 2.8.5. of the Guidelines?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (23) of the Guidelines, the principle of not providing State aid to undertakings in financial difficulties does not apply to aid to compensate for the losses or damage, provided that such losses or damage were caused by the risk events referred to in Part II, Sections 1.2.1.2, 1.2.1.3, 1.2.1.5, 2.1.3, 2.8.1 or 2.8.5. of the Guidelines.

2.7.4. Is the aid granted for any of the following aid categories?

☐ aid for the destruction and removal of fallen stock, as set out in Part II, Section 1.2.1.4. of the Guidelines;

☐ aid for prevention, control and eradication measures in the case of animal diseases and plant pest referred to in points (370) and (371) of Part II, Section 1.2.1.3. of the Guidelines.

If the answer is yes, please note that pursuant to point (23) of the Guidelines, for reasons of protection of public health and due to the emergency related to these types of aid, the economic situation of an undertaking should not be taken into consideration. Therefore, the principle of not providing State aid to undertakings in financial difficulties does not apply to such aid.

2.7.5. Is the aid granted for any of the following aid categories?

☐ information actions referred to in Part II, Sections 1.1.10.1. and 2.4. of the Guidelines;

☐ promotion measures which are generic in character, as set out in Part II, Section 1.3.4. of the Guidelines.

If the answer is yes, please note that pursuant to point (23) of the Guidelines, the principle of not providing State aid to undertakings in financial difficulties does not apply.

**Aid granted to an undertaking which is subject to an outstanding recovery order**

2.7.6. Is the aid granted to an undertaking, which is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market?

☐ yes ☐ no

If the answer is yes, please note that such aid cannot be declared compatible with the internal market, unless one of the two exceptions set out below apply.

2.7.7. Is the aid granted to make good the damage caused by natural disasters and exceptional occurrences under Article 107(2), point (b), of the Treaty?

☐ yes ☐ no

If the answer is yes, please note that point (25) of the Guidelines does not apply.

2.7.8. Is the aid granted for the costs of prevention, control and eradication of animal diseases referred to in points (370) and (371) in Part II, Section 1.2.1.3. of the Guidelines?

☐ yes ☐ no

If the answer is yes, please note that point (25) of the Guidelines does not apply.

**Evaluation of aid schemes**

2.7.9. Please indicate whether the aid scheme fulfils any of the following:

(a) ☐ the budget of the scheme or accounted expenditure exceeds EUR 150 million in any given year or EUR 750 million over the total duration, that is to say, the combined duration of the scheme and any predecessor scheme covering a similar objective and geographical area;

(b) ☐ the scheme contains novel characteristics;

(c) ☐ the scheme concerns significant market, or technology or regulatory changes are foreseen.

If any of the above elements is concerned, please provide the details:

.....

Please note that pursuant to point (640) of the Guidelines, ex post evaluation may be required for schemes with large aid budgets, or containing novel characteristics, or when significant market, technology or regulatory changes are foreseen. In any case, evaluation will be required for schemes with a State aid budget or accounted expenditure over EUR 150 million in any given year or EUR 750 million over their total duration, that is to say, the combined duration of the scheme and any predecessor scheme covering a similar objective and geographical area, starting from 1 January 2023. Given the objectives of the evaluation, and to avoid putting a disproportionate burden on Member States, ex post evaluations are only required for aid schemes the total duration of which exceeds three years, starting from 1 January 2023.

Please confirm that if required, the Member State will conduct the ex post evaluation in compliance with points (642) to (646) of the Guidelines:

☐ yes ☐ no

**Any other information**

Please provide any other information which you deem important/necessary for the due assessment of the notified aid measure:

……

1.1.1.1. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR INVESTMENTS IN AGRICULTURAL HOLDINGS LINKED TO PRIMARY AGRICULTURAL PRODUCTION**

*This information sheet relates to State aid for investments in tangible and intangible assets on agricultural holdings linked to primary agricultural production as described in Part II., Section 1.1.1.1 of the Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Do the investments at which the aid is aimed, respect prohibitions and restrictions laid down in Regulation (EU) No 1308/2013 ([458]), including where such prohibitions and restrictions only refer to the Union support provided for in that Regulation?

☐ yes ☐ no

2. Is the aid granted for investments in tangible assets and intangible assets carried out by one or more beneficiaries or concerning a tangible asset or intangible asset used by one or more beneficiaries on agricultural holdings linked to the primary agricultural production?

☐ yes ☐ no

3. Is the aid granted in favour of investment in tangible assets and intangible assets linked to the production of biofuels or to the production of energy from renewable sources on holdings?

☐ yes ☐ no

If the answer is yes, please reply to questions 3.1. to 3.15:

3.1. Is the investment made for the production of biofuels as defined in Article 2, point (33), of Directive (EU) 2018/2001 ([459])?

☐ yes ☐ no

3.2. If the answer to question 3.1. is yes, are renewable energy production facilities eligible for aid only if their production capacity is no more than equivalent to the annual average fuel consumption of the agricultural holding?

☐ yes ☐ no

3.3. Is the produced biofuel sold on the market ?

☐ yes ☐ no

3.4. Is the investment made for the production of thermal energy and/or electricity from renewable sources on agricultural holdings?

☐ yes ☐ no

([458]) EUR-Lex - 32013R1308 - EN - EUR-Lex (europa.eu)
([459]) EUR-Lex - 32018L2001 - EN - EUR-Lex (europa.eu)

3.5. If the answer to question 3.4. is yes:

(a) is the aim of the renewable energy production facilities on the agricultural holding eligible for aid only to serve their own energy needs?

☐ yes ☐ no

(b) is the production capacity of the renewable energy production facilities eligible for aid no more than equivalent to the combined average annual energy consumption of thermal energy and electricity on the agricultural holding, including the farm household?

☐ yes ☐ no

3.6. Is the electricity produced sold into the grid?

☐ yes ☐ no

3.7. If the answer to question 3.6 of this Information Sheet is yes, will the annual average self-consumption limit be respected?

☐ yes ☐ no

Please note that pursuant to point (146)(b) of the Guidelines, where the investment is made for the production of thermal energy and/or electricity from renewable sources on agricultural holdings, the renewable energy production facilities are eligible for aid only if the aim is to serve their own energy needs and their annual production capacity is no more than equivalent to the combined average annual energy consumption of thermal energy and electricity on the agricultural holding, including the farm household; regarding electricity, the selling of electricity is allowed into the grid as far as the annual average self-consumption limit is respected.

3.8. Where more than one agricultural holding carry out the investment for the production of energy from renewable sources with the aim to serve their own energy needs or for the production of biofuels on holdings, is the annual average consumption equivalent to the sum of the annual average consumption of all beneficiaries?

☐ yes ☐ no

3.9. Are there any minimum standards at national level for energy efficiency for investments in renewable energy infrastructure that consume or produce energy?

☐ yes ☐ no

If the answer is yes, please describe the relevant national minimum standards:

……

3.10. If the answer to question 3.9. is yes, is there a requirement at national level that the minimum standards referred to in that question must be complied with?

☐ yes ☐ no

3.11. Is the aid granted in favour of investments in installations, the primary purpose of which is electricity production from biomass?

☐ yes ☐ no

3.12. If the answer to question 3.11. is yes, do the installations utilise a minimum percentage of the heat energy produced, as determined by the Member State?

☐ yes ☐ no

3.13. Are there thresholds established at the level of the Member State for the maximum proportion of cereals and other starch rich crops, sugar and oil crops used for bioenergy production, including biofuels, for different types of installations in accordance with Article 26 of Directive (EU) 2018/2001?

☐ yes ☐ no

Please specify these thresholds:

……

Please note that pursuant to point (150) of the Guidelines, Member States must establish thresholds for the maximum proportions of cereals and other starch rich crops, sugar and oil crops used for bioenergy production, including biofuels, for different types of installations in accordance with Article 26 of Directive (EU) 2018/2001.

3.14. Is the aid to bioenergy projects limited to bioenergy meeting the applicable sustainability and greenhouse gas emissions saving criteria laid down in Union legislation including Article 29 of Directive (EU) 2018/2001?

☐ yes ☐ no

Please note that pursuant to point (150) of the Guidelines, aid to bioenergy projects must be limited to bioenergy meeting the applicable sustainability and greenhouse gas emissions saving criteria laid down in Union legislation including Article 29 of Directive (EU) 2018/2001.

3.15. Does the production capacity of the installation exceed the average annual consumption of the beneficiary(ies)?

☐ yes ☐ no

If the answer is yes, please note that Member States must comply with the conditions laid down in the Guidelines on State aid for climate, environmental protection and energy 2022 ([460]) unless such aid is exempt from notification obligation (e.g. through Commission Regulation (EU) No 651/2014 ([461])).

4. Please indicate the objective(s) pursued by the investment:

(a) ☐ improvement of the overall performance and sustainability of the agricultural holding, in particular through a reduction in production costs or the improvement and re-deployment of production;

(b) ☐ improvement of the natural environment, hygiene or animal welfare standards;

(c) ☐ creation and improvement of infrastructure related to the development, adaptation and modernisation of agriculture, including access to farm land, land consolidation and land improvement, the supply of sustainable energy, energy efficiency, supply and saving of water;

(d) ☐ restoration of agricultural production potential damaged by natural disasters, exceptional occurrences or adverse climatic events which can be assimilated to a natural disaster, animal diseases and plant pests, protected animals and the prevention and risk mitigation of damage caused by those before-mentioned events and factors.

(e) ☐ contribution to climate change mitigation and adaptation, including by reducing greenhouse gas emissions and enhancing carbon sequestration, as well as promoting sustainable energy and energy efficiency;

(f) ☐ contribution to sustainable circular bioeconomy and fostering sustainable development and efficient management of natural resources such as water, soil and air, including by reducing chemical dependency;

(g) ☐ contribution to halting and reversing biodiversity loss, enhancing ecosystem services and preserving habitats and landscape;

Please note that pursuant to point (152) of the Guidelines, the investment must pursue at least one of the above objectives.

([460]) EUR-Lex - 52022XC0218(03) - EN - EUR-Lex (europa.eu)
([461]) EUR-Lex - 02014R0651-20170710 - EN - EUR-Lex (europa.eu)

5. Please indicate the eligible costs:

(a) ☐ the construction, acquisition, including leasing, or improvement of immoveable property, including investments in passive in-house wiring or structured cabling for data networks and, if necessary the ancillary part of the passive network on the private property outside the building;

If the aid is granted in favour of the costs of land purchase, is land purchased only eligible for aid to an extent not exceeding 10% of the total eligible costs of the operation concerned?

☐ yes ☐ no

If the answer is no, does the operation concern:

☐ environmental conservation and carbon-rich soil preservation?

☐ land purchased by young farmers through the use of financial instruments?

Please note that only in those two cases a higher percentage than the above-mentioned 10% of the total eligible costs of the operation concerned may be permitted exceptionally and in duly justified circumstances.

If that is the case, please provide information concerning the exceptional and duly justified circumstances so that the Commission may assess the case in question.

.....

(b) ☐ the purchase or lease purchase of machinery and equipment up to the market value of the assets;

(c) ☐ the general costs linked to the expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies; feasibility studies remain eligible costs even where based on their results, no expenditure referred to in points (a) and (b) is incurred;

(d) ☐ the acquisition or development or usage fees of computer software, cloud and similar solutions and the acquisition of patents, licenses, copyrights and trademarks;

(e) ☐ the expenses for non-productive investments linked to the objectives referred to in point (152)(e), (f) and (g) of the Guidelines;

(f) ☐ in the case of investment aimed at the restoration of agricultural production potential damaged by natural disasters, exceptional occurrences or adverse climatic events which can be assimilated to a natural disaster, animal diseases or plant pests and protected animals: the costs incurred for restoring the production potential, including capitalised work, up to the level as it was at before the occurrence of those events;

Please note that pursuant to point (153)(f) of the Guidelines, where appropriate, the beneficiaries should endeavor to include in the restoration, adaptation measures to climate change.

(g) ☐ in the case of investments aimed at the prevention of damage caused by natural disasters, exceptional occurrences, adverse climatic events which can be assimilated to a natural disaster, animal diseases and plant pests and by protected animals: the costs of specific prevention actions aiming at reducing the consequences of such probable events;

Please note that pursuant to point (153)(g) of the Guidelines, in case of damage by adverse climatic events which can be assimilated to a natural disaster or by plant pests, beneficiaries should, where appropriate, endeavour to include in the restoration, adaptation measures to climate change, in order to minimise damage and losses produced by similar events in the future.

(h) ☐ purchase and planting of annual plants:

☐ carried out for the objective set out in point (152)(d) of the Guidelines;

☐ carried out for preserving plant varieties under threat of genetic erosion, as referred to in point (210) of the Guidelines;

(i) ☐ purchase of animals:

☐ the purchase carried out for the objective of point (152)(d) of the Guidelines;

☐ the purchase of animals of endangered breeds as defined in Article 2, point (24) of Regulation (EU) 2016/1012 ([462]) under the commitments referred to in point (207) of the Guidelines;

☐ the purchase of guard dogs protecting livestock against large predators.

6. Is the aid granted for any of the following costs?

(a) purchase of agricultural production rights and payment entitlements;

(b) purchase and planting of annual plants for other purposes than those referred to in question 5 (h) of this Supplementary Information Sheet;

(c) purchase of animals for other purposes than those referred to in question 5(i) of this Supplementary Information Sheet;

(d) investments to comply with national or Union standards in force;

(e) costs, other than those referred to point (153) of the Guidelines connected with leasing contracts, such as lessor's margin, interest refinancing costs, overheads and insurance charges;

(f) working capital;

(g) wiring or cabling for data networks outside the private property.

☐ yes ☐ no

If any of the costs referred to in points (a) to (g) is included, please note that the aid cannot be declared compatible with the internal market.

7. Is the aid granted in favour of investments in irrigation?

☐ yes ☐ no

If the answer is yes, please reply to questions 7.1 to 7.7:

7.1. Has a river basin management plan been notified to the Commission, in accordance with the terms of Directive 2000/60/EC ([463]), for the entire area in which the investment is to take place, as well as in any other areas whose environment may be affected by the investment?

☐ yes ☐ no

7.2. Have the measures taking effect under the river basin management plan in accordance with Article 11 of Directive 2000/60/EC and of relevance to the agricultural sector been specified in the relevant programme of measures?

☐ yes ☐ no

7.3. Is water metering enabling measurement of water use at the level of the supported investment in place or will it be put in place as part of the investment?

☐ yes ☐ no

([462]) EUR-Lex - 32016R1012 - EN - EUR-Lex (europa.eu)
([463]) EUR-Lex - 32000L0060 - EN - EUR-Lex (europa.eu)

7.4. Where the aid is granted for an investment in an improvement to an existing irrigation installation or element of irrigation infrastructure, are the following conditions fulfilled?

(a) is it assessed ex-ante that the investment offers potential water savings reflecting the technical parameters of the existing installation or infrastructure?

☐ yes ☐ no

(b) if the investment affects bodies of ground-or-surface water whose status has been identified as less than good in the relevant river basin management plan for reasons related to water quantity or if state-of-the-art climate vulnerability and risk assessments determined that the affected water bodies in good status could lose their status for reasons related to water quantity caused by climate change impacts, will an effective reduction in water use be achieved contributing to the achievement and maintenance of good status of these water bodies, as laid down in Article 4(1) of Directive 2000/60/EC?

☐ yes ☐ no

(c) The State must set percentages for potential water savings and effective reduction in water use as an eligibility condition. Do these percentages ensure that:

(i) the percentage of potential water savings amounts to at least 5% when the technical parameters of the existing installation or infrastructure already ensure a high degree of efficiency, and to at least 25% when the current degree of efficiency (prior to investment) is low and/or for investments that take place in areas where water savings are most needed to ensure the achievement of good water status (where not yet achieved) and avoid deterioration of status of water bodies;

☐ yes ☐ no

(ii) the percentage of effective reduction in water use, at the level of the investment as a whole, amounts to at least 50 % of the potential water saving made possible by the investment in the existing irrigation installation or element of infrastructure.

☐ yes ☐ no

Please note that the conditions set out in question 7.4. do not apply to an investment in an existing installation, which affects only energy efficiency or to an investment in the creation of a reservoir or to an investment in the use of recycled water which does not affect a body of ground or surface water.

7.5. Where the aid is granted for investments in the use of reclaimed water as an alternative water supply, does the provision and use of such water comply with Regulation (EU) 2020/741 ([464]);

☐ yes ☐ no

7.6. Where the aid is granted for investments resulting in a net increase of the irrigated area affecting a given body of ground or surface water, are the following conditions complied with?

(i) the status of the water body has not been identified as less than good in the relevant river basin management plan for reasons related to water quantity; and

☐ yes ☐ no

([464]) EUR-Lex - 32020R0741 - EN - EUR-Lex (europa.eu)

(ii) an environmental analysis shows that there will be no significant negative environmental impact from the investment. Such an environmental impact analysis must be either carried out or approved by the competent authority of the Member State and may also refer to groups of holdings.

☐ yes ☐ no

7.7. Is the aid granted for investments in the creation or expansion of a reservoir for the purpose of irrigation?

☐ yes ☐ no

If the answer to question 7.7 of this Information Sheet is yes, will the aid be granted only if it does not lead to significant negative environmental impact?

☐ yes ☐ no

Please note that pursuant to point (158) of the Guidelines, an investment in the creation or expansion of a reservoir for the purpose of irrigation is only eligible provided it does not lead to significant negative environmental impact.

8. Please indicate the aid intensity:

— ..... % of the eligible costs;

Please note that pursuant to point (159) of the Guidelines, the aid intensity must not exceed 65 %, expect where the aid is granted in relation to any of the situations below.

— ..... % of the costs of investments linked to one or more of the specific environmental and climate-related objectives referred to in point (152)(e), (f) and (g) of the Guidelines or to animal welfare;

Please note that pursuant to point (160) (a) of the Guidelines, the aid intensity must not exceed 80 % of these eligible costs.

— ..... % of the costs of investments by young farmers;

Please note that pursuant to point (160)(b) of the Guidelines, the aid intensity must not exceed 80 % of these eligible costs.

— ..... % of the costs of investments in the outermost regions or smaller Aegean Islands;

Please note that pursuant to point (160)(c) of the Guidelines, the aid intensity must not exceed 80 % of these eligible costs.

— ..... % of the eligible costs in case of investments of small farmers within the meaning of Article 28 of Regulation (EU) 2021/2115 ([465]);

Please note that pursuant to point (161) of the Guidelines, the aid for investments of small farmers within the meaning of Article 28 of Regulation (EU) 2021/2115 must not exceed 85 % of the eligible costs.

— ..... % of the costs of non-productive investments linked to one or more of the specific environmental and climate-related objectives referred to in point (152)(e), (f) and (g) of the Guidelines;

Please note that pursuant to point (162)(a) of the Guidelines, the aid must not exceed 100 % of these eligible costs.

([465]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)

— ..... % of the costs of investments for the restoration of production potential referred to in point (152)(d) of the Guidelines and investments related to prevention and risk mitigation of damage caused by natural disasters, exceptional occurrences, adverse climatic events which can be assimilated to a natural disaster, or protected animals.

Please note that pursuant to point (162)(b) of the Guidelines, the aid intensity must not exceed 100 % of the eligible costs.

☐ Aid for investments in irrigation:

— ..... % of the eligible costs for irrigation on-farm investments made under point (157)(c) of the Guidelines;

Please note that pursuant to point (163)(a) of the Guidelines, the aid must not exceed 80 % of the eligible costs for irrigation on-farm investments made under point (157)(c).

— ..... % of the eligible costs for investments in off-farm infrastructure in agriculture to be used for irrigation;

Please note that pursuant to point (163)(b) of the Guidelines, the aid must not exceed 100 % of the eligible costs for investments in off-farm infrastructure in agriculture to be used for irrigation.

— ..... % of the eligible costs for other irrigation on-farm investments.

Please note that pursuant to point (163)(c) of the Guidelines, the aid must not exceed 65 % of the eligible costs for other irrigation on-farm investments.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

1.1.1.2. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR INVESTMENTS IN FAVOUR OF THE CONSERVATION OF CULTURAL AND NATURAL HERITAGE LOCATED ON AGRICULTURAL HOLDINGS**

*This information sheet relates to State aid for investments in favour of the conservation of cultural and natural heritage located on agricultural holdings as described in Part II., Section 1.1.1.2 of the Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Will the investments at which the aid is aimed, respect prohibitions and restrictions laid down in Regulation (EU) No 1308/2013 ([466]), including where such prohibitions and restrictions only refer to the Union support provided for in that Regulation?

☐ yes ☐ no

2. Is the aid granted for the conservation of cultural and natural heritage in the form of natural landscapes and buildings, which is formally recognised as cultural or natural heritage by the competent authority of the Member State?

☐ yes ☐ no

([466]) EUR-Lex - 32013R1308 - EN - EUR-Lex (europa.eu)

3. Please indicate the eligible costs in favour of the conservation of cultural and natural heritage located on agricultural holdings:

(a) ☐ investment costs in tangible assets;

(b) ☐ capitalised works.

4. Please indicate the aid intensity: .....

Please note that pursuant to point (167) of the Guidelines, the aid must not exceed 100 % of the eligible costs.

5. Where the aid is granted for capitalised works, please indicate the aid amount:

.....

Please note that pursuant to point (168) of the Guidelines, the aid for capitalised works must be limited to EUR 10 000 per year.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

1.1.1.3. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR INVESTMENT IN CONNECTION WITH THE PROCESSING OF AGRICULTURAL PRODUCTS OR THE MARKETING OF AGRICULTURAL PRODUCTS**

*This information sheet relates to State aid for investments in connection with the processing of agricultural products or the marketing of agricultural products, as described in Part II., Section 1.1.1.3 of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Will the investments at which the aid is aimed, respect prohibitions and restrictions laid down in Regulation (EU) No 1308/2013 ([467]), including where such prohibitions and restrictions only refer to the Union support provided for in that Regulation?

☐ yes ☐ no

2. Is the aid granted for food and feed crops based biofuels?

☐ yes ☐ no

If the answer is yes, please note that the aid cannot be declared compatible with the internal market in light of the goal to incentivise the shift towards the production of more advanced forms of biofuels, as foreseen by the Guidelines on State aid for climate, environmental protection and energy 2022.

3. Is the aid granted for investments in tangible assets and intangible assets in connection with the processing of agricultural products or the marketing of agricultural products as referred to in points (33)47 and (33)38 of the Guidelines?

☐ yes ☐ no

([467]) EUR-Lex - 32013R1308 - EN - EUR-Lex (europa.eu)

4. Member States may grant aid for investments in connection with the processing of agricultural products and the marketing of agricultural products if the aid fulfils all the conditions of one of the following aid instruments:

(a) Commission Regulation (EU) No 651/2014 (GBER) ([468]);

(b) Guidelines on regional State aid ([469]);

(c) the conditions of Part II., Section 1.1.1.3. of the Guidelines.

Where aid is granted under the provisions of the Guidelines on regional State aid, the assessment of such aid is to be carried out on the basis of those Guidelines. Therefore, please fill in the relevant part of the general notification form of Part I and the specific form of Part III of Annex I of Regulation (EC) No 794/2004, as amended by Commission Regulation (EC) No 1627/2006 ([470]), or any provision replacing it.

5. If the aid is granted on the basis of Part II., Section 1.1.1.3. of the Guidelines, please indicate the eligible costs:

(a) ☐ the construction, acquisition, including leasing, or improvement of immoveable property, including investments in passive in-house wiring or structured cabling for data networks and, if necessary, the ancillary part of the passive network on the private property outside the building;

If the aid is granted in favour of the costs of land purchase, is land purchased only eligible for aid to an extent not exceeding 10 % of the total eligible costs of the operation concerned?

☐ yes ☐ no

(b) ☐ the purchase or lease purchase of machinery and equipment up to the market value of the asset;

(c) ☐ the general costs linked to the expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies;

Please note that feasibility studies remain eligible expenditure even where, based on their results, no expenditure referred to in points (a) and (b) is incurred.

(d) ☐ the acquisition, development or usage fees of computer software, cloud and similar solution and the acquisition of patents, licences, copyrights and trademarks.

6. Is the aid granted for any of the following costs?

(a) the costs other than those referred to in question 7 of this Supplementary Information Sheet connected with leasing contracts, such as lessor's margin, interest refinancing costs, overheads and insurance charges;

(b) working capital;

(c) wiring or cabling for data networks outside the private property;

(d) costs related to investments to comply with Union and national standards in force.

☐ yes ☐ no

Please note that if any of the expenses referred to in points (a) to (d) is included, the aid cannot be declared compatible with the internal market.

([468]) EUR-Lex - 32014R0651 - EN - EUR-Lex (europa.eu)
([469]) EUR-Lex - 52021XC0429(01) - EN - EUR-Lex (europa.eu)
([470]) EUR-Lex - 32006R1627 - EN - EUR-Lex (europa.eu)

7. Please indicate the aid intensity:

— ..... % of the eligible costs;

Please note that pursuant to point (175) of the Guidelines, the aid intensity must not exceed 65 % of the eligible costs.

— ..... % of investments linked to one or more of the specific environmental and climate-related objectives referred to in point 152 (e), (f) and (g) of the Guidelines or, as regards the processing of agricultural products, to animal welfare;

Please note that pursuant to point (176)(a) of the Guidelines, the aid intensity for these costs must not exceed 80 % of the eligible costs.

— ..... % of investments by young farmers;

Please note that pursuant to point (176)(b) of the Guidelines, the aid intensity for the investments carried out by young farmers must not exceed 80 % of the eligible costs.

— ..... % of investments in the outermost regions or smaller Aegean Islands;

Please note that pursuant to point (176)(c) of the Guidelines, the aid intensity for the investments in the outermost regions or smaller Aegean Islands must not exceed 80 % of the eligible costs.

8. Is the aid granted as the individual investment aid?

☐ yes ☐ no

9. If the answer to question 10 of this Supplementary information sheet is yes, please indicate the amount of eligible costs and/or the gross grant equivalent:

.....

Please note that pursuant to point (177) of the Guidelines, individual investment aid for the processing of agricultural products and the marketing of agricultural products, exceeding the notification threshold set out in point (35)(a) of the Guidelines, i.e. eligible costs exceeding EUR 25 million, or the gross grant equivalent exceeding EUR 12 million, must be notified to the Commission separately.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

1.1.2. **SUPPLEMENTARY INFORMATION SHEET ON START-UP AID FOR YOUNG FARMERS AND START-UP AID FOR AGRICULTURAL ACTIVITIES**

*This form must be used by Member States for the notification of State aid measures which are designed to grant start-up aid for young farmers and start-up aid for agricultural activities as described in Part II., Section 1.1.2 of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted solely to undertakings active in the primary agricultural production?

☐ yes ☐ no

2. Is the aid granted in favour of:

☐ young farmers as defined in point (33)65 of the Guidelines?

☐ start-up of agricultural activities?

3. Is the aid limited to beneficiaries which are SMEs?

☐ yes ☐ no

Please note that pursuant to point (181) of the Guidelines, aid provided under Part II., Section 1.1.2. of the Guidelines this section must be limited to SMEs.

4. Is the aid conditional on the submission of a business plan to the competent authority of the Member State concerned?

☐ yes ☐ no

5. Please indicate the aid amount: ……

Please note that pursuant to point (183) of the Guidelines, the aid must not exceed EUR 100 000.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.1.3. **SUPPLEMENTARY INFORMATION SHEET ON START-UP AID FOR PRODUCER GROUPS AND ORGANISATIONS IN THE AGRICULTURAL SECTOR**

*This form must be used by Member States for the notification of State aid measures which are designed to grant start-up aid for producer groups and organisations in the agricultural sector described in Part II., Section 1.1.3 of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted only to producer groups or organisations that have been officially recognised by the competent authority of the Member State concerned?

☐ yes ☐ no

2. Do the agreements, decisions and other behaviour in the framework of the producer group or organisation comply with the competition rules as they apply by virtue of Articles 206 to 210a of Regulation (EU) No 1308/2013 ([471])?

☐ yes ☐ no

3. If the aid is granted directly to producers to offset their contributions to the costs of running the groups or organisations, is the aid granted up to the same overall amount as would be the aid to producer groups or organisations?

☐ yes ☐ no

4. If the answer to question 3 is yes, is the granting of aid limited to the first five years following the formation of the group or organisation?

☐ yes ☐ no

([471]) EUR-Lex - 32013R1308 - EN - EUR-Lex (europa.eu)

5. Is the aid granted to producer groups, which have been recognised as producer organisations under the conditions of Regulation (EU) No 1308/2013?

☐ yes ☐ no

6. Is aid limited to producer groups and producer organisations falling within the definition of SMEs?

☐ yes ☐ no

Please note that pursuant to point (190) of the Guidelines, the Commission will not authorise the aid towards the costs covered in this Section of the Guidelines in favour of large enterprises.

7. Are the beneficiaries of the aid under this Section of the Guidelines required to adjust to take account of any changes in the regulations governing the common organisation of the markets in agricultural products?

☐ yes ☐ no

8. Please indicate the eligible costs:

☐ the costs of the rental of suitable premises;

Where premises are purchased, are the eligible costs for premises limited to rental costs at market rates?

☐ yes ☐ no

Please note that pursuant to point (192) of the Guidelines, where premises are purchased, the eligible costs for premises must be limited to rental costs at market rates.

☐ the costs of acquisition of office equipment;

☐ the costs of administrative staff;

☐ overheads;

If the costs of overheads are eligible, please specify such costs:

.....

☐ legal and administrative fees;

☐ the costs of acquisition of computer hardware, the costs of acquisition or usage fees of computer software, clouds and similar solutions.

Please note that pursuant to point (195) of the Guidelines, the aid, which is granted to producer group or organisations to cover expenses not linked to start-up costs, such as investments or promotion activities, will be assessed in accordance with the rules governing such type of aid.

9. Please confirm that no aid is granted to any of the following:

(a) production organisations, entities or bodies, such as companies or cooperatives, the objective of which is the management of one or more agricultural holdings and which are therefore single producers;

(b) agricultural associations that undertake tasks such as mutual support and farm replacement and farm management services, in the members' holdings without being involved in the joint adaptation of supply to the market;

(c) producer groups that do not comply with the requirements laid down in Article 67(3) of Regulation (EU) 2021/2115 or producer groups, organisations or associations, the objectives of which are incompatible with Article 152(1)(c), Article 156 and Article 161 of Regulation (EU) No 1308/2013;

☐ yes ☐ no

Please note that pursuant to point (193) of the Guidelines, the aid must not be granted to beneficiaries as specified in points (a) to (c) of this question.

10. Is the aid paid as a flat rate in degressive annual instalments for the first five years following the date on which the producer group or organisation was officially recognised by the competent authority on the basis of its business plan?

☐ yes ☐ no

11. Is the last instalment paid only after the Member State concerned has verified the correct implementation of the business plan?

☐ yes ☐ no

12. Please indicate the aid intensity and the aid amount per year:

……

Please note that pursuant to point (196) of the Guidelines, the aid must not exceed 10 % of the annual marketed production of the group or organisation with a maximum of EUR 100 000 per year.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.1.4. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR AGRI-ENVIRONMENT-CLIMATE COMMITMENTS**

*This form must be used for the notification of any State aid measure to support agricultural production methods designed to protect the environment and to maintain the countryside (agri-environment-climate commitments) covered by Part II., Section 1.1.4. of the Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted solely to undertakings and groups of such undertakings active in the primary agricultural production, which undertake, on a voluntary basis, to carry out operations consisting of one or more agri-environment-climate commitments?

☐ yes ☐ no

2. Do the aided measures aim at the preservation and the promotion of the necessary changes to agricultural practices that make a positive contribution to the environment and climate?

☐ yes ☐ no

3. Please indicate whether the voluntary commitments for which the aid is granted go beyond:

(a) ☐ the relevant statutory management requirements and GAEC standards established under Title III, Chapter I, Section 2, of Regulation (EU) 2021/2115 ([472]);

(b) ☐ the relevant minimum requirements for the use of fertiliser and plant protection products as well as other relevant mandatory requirements established by national and Union law;

(c) ☐ the conditions established for the maintenance of the agricultural area in accordance with Article 4(2), point (b), of Regulation (EU) 2021/2115.

Please note that pursuant to point (201) of the Guidelines, all such mandatory standards and requirements must be identified and described in the notification to the Commission.

([472]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)

4. Where national law imposes standards and requirements for the use of fertiliser and plant protection products, which go beyond the corresponding minimum requirements laid down in Union law, is the aid granted for commitments contributing to compliance with such national standards and requirements?

☐ yes ☐ no

5. If the answer to question 4 of this Supplementary Information Sheet is yes, will such aid be granted for a maximum of 24 months from the date on which the standards and requirements imposed by national law become mandatory for the holding?

☐ yes ☐ no

6. Do the undertakings carrying out operations under this Section of the Guidelines have access to the relevant knowledge and information required to implement such operations, and is appropriate training made available for those who require it, as well as access to expertise in order to assist farmers who commit to change their production systems?

☐ yes ☐ no

7. Are commitments undertaken for a period of five to seven years?

☐ yes ☐ no

Please specify the duration: ……

8. If the aid is granted for commitments undertaken for a period longer than seven years: is the longer duration necessary in order to achieve or maintain the environmental benefits sought?

☐ yes ☐ no

If the answer is yes, please provide the justification as to why a longer period is necessary for the aided type of the commitment(s):

……

Please note that pursuant to point (204) of the Guidelines, where necessary in order to achieve or maintain the environmental benefits sought, Member States may determine a longer period for particular types of commitments, including by means of providing for their annual extension after the termination of the initial period.

9. Is the aid is granted for commitments undertaken for a period shorter than five years?

☐ yes ☐ no

If the answer is yes, please indicate towards what type of the commitments is the aid granted:

☐ for the conservation, sustainable use and development of genetic resources;

☐ for new commitments directly following the commitment performed in the initial period;

☐ other duly justified cases.

If the aid concerns “other duly justified case”, please demonstrate that a shorter period is necessary:

……

Please specify the length of such a shorter period:

……

Please note that in compliance with point (204) of the Guidelines, such a shorter period must be set at at least one year.

10. Please confirm that commitments to extensify livestock farming comply with at least the following conditions:

(a) ☐ the whole grazed area of the holding must be managed and maintained to avoid over- and under-grazing;

(b) ☐ livestock density must be defined taking account of all grazing livestock kept on the farm or, in the case of a commitment to limit nutrient leaching, all animals kept on the farm which are relevant to the commitment in question.

11. Please confirm that commitments to rear local breeds in danger of being lost to farming or to preserve plant genetic resources under threat of genetic erosion require one of the following:

(a) ☐ to rear farm animals of local breeds, genetically adapted to one or more traditional production systems or environments in the country, in danger of being lost to farming;

(b) ☐ to preserve plant genetic resources naturally adapted to the local and regional conditions and under threat of genetic erosion.

12. Please confirm that only the following species of farm animals are eligible for aid: cattle, sheep, goats, equidae, pigs, birds, rabbits and bees:

☐ yes ☐ no

Please specify which farm animals species are eligible for aid:

……

13. Where the aid is granted for local breeds considered as being in danger of being lost to farming, are the following conditions fulfilled?

(a) the number, at national level, of breeding females concerned is stated;

(b) that number and the endangered status of the listed breeds is certified by a duly recognised relevant scientific body;

(c) a duly recognised relevant technical body registers and keeps up-to-date the breeding book for the breed;

(d) the bodies concerned possess the necessary skills and knowledge to identify animals of the breeds in danger.

☐ yes ☐ no

Please note that all the above conditions must be respected.

Please note that in compliance with point (209) of the Guidelines, for the Commission to be able to assess and approve such aid, the conditions for considering local breeds for which the aid is granted as being in danger of being lost to farming must be described and included in the notification to the Commission.

14. Where the aid is granted for genetic resources under threat of genetic erosion, does the notification include sufficient evidence of genetic erosion, based upon scientific results or indicators for the reduction of landraces or primitive local varieties, their population diversity and, where relevant, for modifications in the prevailing agricultural practices at local level?

☐ yes ☐ no

Please note that pursuant to point (210) of the Guidelines, plant genetic resources can be considered as being under threat of genetic erosion on condition that sufficient evidence of genetic erosion, based upon scientific results or indicators for the reduction of landraces or primitive local varieties, their population diversity and, where relevant, for modifications in the prevailing agricultural practices at local level, is described and included in the notification to the Commission.

15. Is the aid provided for the conservation and for the sustainable use and development of genetic resources in agriculture for operations not covered by points (198) to (210) of the Guidelines?

☐ yes ☐ no

If the answer is yes, please provide more details on the aided operations:

……

16. Is aid granted in favour of collective schemes and result-based payments schemes, such as carbon farming schemes?

☐ yes ☐ no

If the answer is yes, please provide more details on the aided operations:

……

Please note that pursuant to point (212) of the Guidelines, aid under Section 1.1.4. of the Guidelines may cover collective schemes and result-based payments schemes, such as carbon farming schemes, to encourage farmers to deliver a significant enhancement of the quality of the environment at a larger scale or in a measurable way.

17. Please indicate the eligible costs for operations other than the conservation of genetic resources:

(a) ☐ compensation for all or part of additional costs resulting from the commitments;

(b) ☐ income foregone resulting from the commitments;

(c) ☐ transaction costs.

If the aid is granted also in favour of investment costs related to agri-environmental-climate commitments under this Section, please fill in the Supplementary Information Sheet 1.1.1.1. on aid for investment in in agricultural holdings linked to primary agricultural production.

If the aid pursues other objectives such as training and advisory services to help agricultural producers, please fill in the Supplementary Information Sheet 1.1.10. on aid for provision of technical support in the agricultural sector.

18. Please indicate the aid intensity: ……

Please note that pursuant to point (220) of the Guidelines, the aid must not exceed 100 % of the eligible costs.

19. Please confirm that the aid is granted annually:

☐ yes ☐ no

20. If the aid is granted for transaction costs, please provide justification and the specific description of such costs:

……

21. Please indicate the intensity of aid for transaction costs: ……

Please note that pursuant to point (215) of the Guidelines, the aid may cover necessary transaction costs, to a value of up to 20 % of the premium paid for the agri-environment-climate commitments, or up to 30 %, where the commitments are undertaken by groups of undertakings.

22. Is the aid granted in favour of transaction costs caused by entering into agri-environment-climate commitments?

☐ yes ☐ no

If the answer is yes, please provide a convincing proof of such costs, for example by presenting cost comparisons with undertakings not entering into such commitments:

……

23. Is the aid granted in favour of transaction costs for the continuation of commitments already entered into in the past?

☐ yes ☐ no

If the answer is yes, please demonstrate that such costs continue to occur or that new transaction costs are being incurred:

.....

Please note that pursuant to point (216) of the Guidelines, the Commission will not authorise State aid for transaction costs for the continuation of commitments already entered into in the past, unless a Member State demonstrates that such costs continue to occur or that new transaction costs are being incurred.

24. Are transaction costs calculated on the basis of average costs?

☐ yes ☐ no

If the answer is yes, please demonstrate that, in particular, large enterprises are not overcompensated.

.....

25. Are transaction costs calculated on the basis of average farms?

☐ yes ☐ no

If the answer is yes, please demonstrate that, in particular, large enterprises are not overcompensated.

.....

26. Please confirm that where transaction costs are calculated on the basis of average costs and/or average farms, for the purpose of calculating compensation, a Member States takes into account whether the transaction costs in question are incurred per undertaking or per hectare:

☐ yes ☐ no

27. Please indicate the eligible costs of the aid in favour of operations for the conservation of genetic resources in agriculture:

(a) ☐ targeted actions: actions promoting the in situ and ex situ conservation, characterisation, collection and utilisation of genetic resources in agriculture, including web-based inventories of genetic resources currently conserved in situ, including in situ/ on-farm conservation, and of ex situ collections and databases;

(b) ☐ concerted actions: actions promoting the exchange of information for the conservation, characterisation, collection and utilisation of genetic resources in Union agriculture, among competent organisations in the Member States;

(c) ☐ accompanying actions: information, dissemination and advisory actions involving non-governmental organisations and other relevant stakeholders, training courses and preparation of technical reports.

28. Is the aid granted per hectare?

☐ yes ☐ no

29. Is the aid granted as a lump sum?

☐ yes ☐ no

If the answer is yes, please justify:

.....

Please note that pursuant to point (221) of the Guidelines, aid may be granted as a lump sum only in duly justified cases.

30. Is the aid granted as a one-off payment per unit?

☐ yes ☐ no

If the answer is yes, please justify:

……

Please note that pursuant to points (214) and (221) of the Guidelines, aid may be granted as a one-off payment per unit only in duly justified cases, such as operations concerning environmental conservation or commitments to renounce the commercial use of areas.

31. If the answer to question 30 of this Supplementary Information Sheet is yes, is such aid calculated on the basis of additional costs incurred and income foregone?

☐ yes ☐ no

REVISION CLAUSE

32. Is a revision clause provided for the operations supported under this Section of the Guidelines?

☐ yes ☐ no

Please note that under point (647) of the Guidelines, a Member State is obliged to introduce it in order to ensure the adjustment of the operations in the case of amendments of the relevant mandatory standards, requirements or obligations referred to in Part II., Section 1.1.4. of the Guidelines beyond which the commitments referred to in that Section have to go.

33. Does the aid extend beyond the rural development programming period 2023-2027?

☐ yes ☐ no

If the answer is yes, please note that under point (648) of the Guidelines, a revision clause must to be included for the aid under Part II., Section 1.1.4. of the Guidelines, in order to allow for the adjustment of the operations to the legal framework of the following rural development programming period.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.1.5. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR ANIMAL WELFARE COMMITMENTS**

*This form must be used for the notification of any State aid measure to support agricultural production methods designed to improve animal welfare covered by Part II., Section 1.1.5. of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted solely to undertakings active in the primary agricultural production, which undertake, on a voluntary basis, to carry out operations consisting of one or more animal welfare commitments?

☐ yes ☐ no

2. Is the aid granted only for commitments going beyond the relevant mandatory standards established pursuant to Title III, Chapter I, Section 2, of Regulation (EU) 2021/2115 ([473]) and other relevant mandatory requirements established by national and Union law?

☐ yes ☐ no

Please note that pursuant to point (226) of the Guidelines, all mandatory standards and requirements and established farming practices must be identified and described in the notification to the Commission.

3. Where no relevant mandatory standards or requirements exist, is the aid granted for commitments, which go beyond established farming practice at national level?

☐ yes ☐ no

If the answer to this question is yes, please provide a description of the farming practice concerned:

……

Please note that pursuant to point (226) of the Guidelines, such established farming practices must be identified and described in the notification to the Commission.

4. Is the aid granted for commitments contributing to compliance with the new requirements imposed by national law going beyond the corresponding minimum requirements laid down in Union law?

☐ yes ☐ no

5. If the answer to question 4 of this Supplementary Information Sheet is yes, will such aid be granted for commitments contributing to compliance with those requirements for a maximum of 24 months from the date on which they become mandatory for the holding?

☐ yes ☐ no

6. For which of the following areas do the animal welfare commitments provide upgraded standards of production methods?

(a) ☐ water, feed and animal care in accordance with the natural needs of animals;

(b) ☐ housing conditions that improve the comfort of animals and their freedom of movement, such as increased space allowances, flooring surfaces, natural light, microclimate control, as well as housing conditions such as free farrowing or group housing, depending on the natural needs of animals;

(c) ☐ conditions allowing for expression of natural behaviour, such as enrichment of living environment or late weaning;

(d) ☐ outdoor access and grazing;

(e) ☐ practices that increase animal robustness and longevity, including slower growing breeds;

(f) ☐ practices which avoid mutilation or castration of animals;

(g) ☐ sanitary measures, preventing non-transmissible diseases, that do not require the use of medical substances such as vaccines, insecticides or anti-parasitic drugs.

Please submit a detailed description:

……

([473]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)

7. When mutilation or castration of animals is deemed necessary, will anaesthetics, analgesia and anti-inflammatory medication or immunocastration be used?

☐ yes ☐ no

Please note that pursuant to point (228)(f) of the Guidelines, in specific cases when mutilation or castration of animals is deemed necessary, anaesthetics, analgesia and anti-inflammatory medication or immunocastration must be used.

8. Is the aid granted for animal welfare commitments for a period of one to seven year?

☐ yes ☐ no

Please specify the duration: .....

9. Does the Member State determine a longer period than seven years for particular types of commitments?

☐ yes ☐ no

If the answer is yes, please justify:

.....

Please note that pursuant to point (229) of the Guidelines, a Member State may determine a longer period only where it is necessary in order to achieve or maintain certain animal welfare benefits, including by means of providing for their annual extension after the termination of the initial period.

10. Is the renewal of the contract automatic?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (230) of the Guidelines, the details of the renewal must be described in the contract and the mechanism of renewal must be communicated to the Commission as part of the notification.

11. Is the renewal of the contract subject to respect of conditions approved by the Commission for aid pursuant to this Section of the Guidelines?

☐ yes ☐ no

Please note that pursuant to point (230) of the Guidelines, the renewal must always be subject to the respect of conditions approved by the Commission for aid pursuant to Section 1.1.5. of the Guidelines.

12. Do undertakings that carry out operations under this Section of the Guidelines have access to the relevant knowledge and information required to implement such operations, and is appropriate training made available for those who require it, as well as access to expertise in order to assist farmers who commit to change their production systems?

☐ yes ☐ no

13. Is the aid granted annually?

☐ yes ☐ no

14. Please indicate the eligible costs:

(a) ☐ compensation for all or part of additional costs resulting from the commitments;

(b) ☐ income foregone resulting from the commitments;

(c) ☐ transaction costs.

If the aid is granted also in favour of investment costs related to animal welfare commitments under this Section, please refer to the Supplementary Information Sheet 1.1.1.1. on aid for investment in in agricultural holdings linked to primary agricultural production.

If the aid pursues other objectives such as training and advisory services to help agricultural producers, please refer to the Supplementary Information Sheet 1.1.10. on aid for provision of technical support in the agricultural sector.

15. Please indicate the aid intensity: .....

Please note that pursuant to point (235) of the Guidelines, the aid must not exceed 100 % of the eligible costs.

16. If the aid is granted for transaction costs, please justify and provide the specific description of such costs:

.....

17. Please indicate the intensity of aid for transaction costs: .....

Please note that pursuant to point (233) of the Guidelines, the aid may cover necessary transaction costs to the value up to 20 % of the premium paid for the animal welfare commitments.

18. Is the aid granted for transaction costs caused by entering into animal welfare commitments?

☐ yes ☐ no

If the answer is yes, please provide a convincing proof of such costs, for example by presenting cost comparisons with undertakings not entering into such commitments:

.....

19. Is the aid granted for transaction costs for the continuation of animal welfare commitments already entered into in the past?

☐ yes ☐ no

If the answer is yes, please demonstrate that such costs continue to occur or that new transaction costs are being incurred:

.....

Please note that pursuant to point (233) of the Guidelines, the Commission will not authorise State aid for transaction costs for the continuation of animal welfare commitments already entered into in the past, unless a Member State demonstrates that such costs continue to occur or that new transaction costs are being incurred.

20. Are transaction costs calculated on the basis of average costs?

☐ yes ☐ no

If the answer is yes, please demonstrate that, in particular, large enterprises are not overcompensated.

.....

21. Are transaction costs calculated on the basis of average farms?

☐ yes ☐ no

If the answer is yes, please demonstrate that, in particular, large enterprises are not overcompensated.

.....

22. Is the aid granted per unit?

☐ yes ☐ no

Please provide details:

.....

23. Is the aid granted as a lump sum?

☐ yes ☐ no

If the answer is yes, please justify:

……

Please note that pursuant to point (236) of the Guidelines, Member States may grant support as a lump sum only in duly justified cases.

24. Is the aid granted as a one-off payment per unit?

☐ yes ☐ no

If the answer is yes, please justify:

……

Please note that pursuant to point (236) of the Guidelines, Member States may grant support as one-off payment per unit only in duly justified cases.

25. If the answer to question 24 of this Supplementary Information Sheet is yes, is the compensation calculated on the basis of additional costs incurred and income foregone?

☐ yes ☐ no

REVISION CLAUSE

26. Is a revision clause provided for the operations supported under this Section?

☐ yes ☐ no

Please note that under point (647) of the Guidelines, a Member State is required to introduce a revision clause in order to ensure the adjustment of the operations in the case of amendments of the relevant mandatory standards, requirements or obligations referred to in Part II., Section 1.1.5. of the Guidelines beyond which the commitments referred to in that Section have to go.

27. Does the aid extend beyond the rural development programming period 2023-2027?

☐ yes ☐ no

If the answer is yes, please note that under point (648) of the Guidelines, a revision clause must be included for the aid under Part II., Section 1.1.5. of the Guidelines in order to allow for the adjustment of the operations to the legal framework of the following rural development programming period.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.1.6. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR AREA-SPECIFIC DISADVANTAGES RESULTING FROM CERTAIN MANDATORY REQUIREMENTS**

*This form must be used by Member States to notify State aids for area-specific disadvantages resulting from certain mandatory requirements, as dealt with in Part II., Section 1.1.6. of the Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted solely to undertakings active in the primary agricultural production?

☐ yes ☐ no

2. Is the measure aimed to compensate farmers for costs incurred and income foregone resulting from disadvantages in the areas concerned related to the implementation of Council Directive 92/43/EEC ([474]) ('the Habitats Directive'), Directive 2009/147/EC of the European Parliament and of the Council ([475]) ('the Birds Directive') and Directive 2000/60/EC ([476]) ('the Water Framework Directive')?

☐ yes ☐ no

3. Please indicate the eligible costs:

(a) ☐ additional costs;

(b) ☐ income foregone;

(c) ☐ transaction costs.

4. Please indicate the aid intensity: ……

Please note that pursuant to point (247) of the Guidelines, the aid must not exceed 100 % of the eligible costs.

5. If the aid is granted for the transaction costs, please provide the justification and the specific description of such costs:

……

6. Please indicate the intensity of aid for the transaction costs:

……

7. Are transaction costs calculated on the basis of average costs?

☐ yes ☐ no

If the answer is yes, please demonstrate that, in particular, large enterprises are not overcompensated:

……

8. Are transaction costs calculated on the basis of average farms?

☐ yes ☐ no

If the answer is yes, please demonstrate that, in particular, large enterprises are not overcompensated:

……

9. Please confirm that for the purpose of calculating compensation, a Member States takes into account whether the transaction costs in question are incurred per undertaking or per hectare:

☐ yes ☐ no

10. Is aid linked to Directive 92/43/EEC and Directive 2009/147/EC granted only in relation to disadvantages resulting from requirements that go beyond the relevant GAEC standards established under Title III, Chapter I, Section 2, of Regulation (EU) 2021/2115 ([477]) as well as the conditions established for the maintenance of the agricultural area in accordance with Article 4(2), point (b) of Regulation (EU) 2021/2115?

☐ yes ☐ no

([474]) EUR-Lex - 31992L0043 - EN - EUR-Lex (europa.eu)
([475]) EUR-Lex - 32009L0147 - EN - EUR-Lex (europa.eu)
([476]) EUR-Lex - 32000L0060 - EN - EUR-Lex (europa.eu)
([477]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)

11. Is aid linked to Directive 2000/60/EC granted only in relation to the disadvantages resulting from the requirements that go beyond one or more of the following? Please indicate:

(a) ☐ the relevant statutory management requirements, with the exception of SMR 1 listed in Annex III to Regulation (EU) 2021/2115, and GAEC standards established under Title III, Chapter I, Section 2, of Regulation (EU) 2021/2115;

(b) ☐ the conditions established for the maintenance of the agricultural area determined by a Member State in its CAP Strategic Plan in accordance with Article 4(2), point (b), of Regulation (EU) 2021/2115.

Please note that pursuant to point (245) of the Guidelines, the requirements referred to in questions 10 and 11 of this Supplementary Information Sheet must be identified and described in the notification to the Commission.

12. Please specify areas eligible for aid:

(a) ☐ Natura 2000 agricultural areas designated pursuant to the Directive 92/43/EEC and Directive 2009/147/EC;

(b) ☐ other delimited nature protection areas with environmental restrictions applicable to farming which contribute to the implementation of Article 10 of Directive 92/43/EEC; those areas must not exceed 5 % of the designated Natura 2000 areas covered by the territorial scope of the relevant CAP Strategic Plan;

(c) ☐ agricultural areas included in river basin management plans according to Directive 2000/60/EC.

13. Is the aid granted annually per hectare?

☐ yes ☐ no

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.1.7. **SUPPLEMENTARY INFORMATION SHEET ON AID TO AREAS FACING NATURAL OR OTHER AREA-SPECIFIC CONSTRAINTS**

*This form must be used for the notification of State aid aimed at compensating for natural or other area-specific constraints in certain areas, which is covered by Part II., Section 1.1.7. of the Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines'). This Section applies to aid in mountain areas and other areas facing natural or other specific constraints.*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted to undertakings active in the primary agricultural production which are active farmers and undertake to pursue their farming activity in the area(s) designated pursuant to Article 32 of Regulation (EU) No 1305/2013 ([478])?

☐ yes ☐ no

2. Please specify areas designated pursuant to Article 32 of Regulation (EU) No 1305/2013 for which the aid is granted:

……

([478]) EUR-Lex - 32013R1305 - EN - EUR-Lex (europa.eu)

3. Is the aid granted for a fine-tuning exercise according to the conditions provided for in Article 32(3), third subparagraph, of Regulation (EU) No 1305/2013?

☐ yes ☐ no

If the answer is yes, please provide more details, including the description of the criteria used for such fine-tuning:

……

Furthermore, please describe the constraint in question:

……

4. Please indicate the eligible costs:

(a) ☐ additional costs related to the natural or other area-specific constraints for agricultural production in the area concerned;

(b) ☐ income foregone related to the natural or other area-specific constraints for agricultural production in the area concerned.

Please demonstrate the constraints in question and provide proof that the amount of compensation to be paid does not go beyond income loss and additional costs resulting from those constraints:

……

5. Are the additional costs and income foregone calculated in respect of natural or other area-specific constraints, in comparison to areas which are not affected by natural or other area-specific constraints?

☐ yes ☐ no

6. Please indicate the aid intensity: ……

Please note that pursuant to point (254) of the Guidelines, the aid must not exceed 100 % of the eligible costs.

7. Is the aid granted annually per hectare of agricultural area?

☐ yes ☐ no

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.1.8. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR ORGANIC FARMING**

*This form must be used for the notification of any State aid measures in favour of organic farming as described in Part II., Section 1.1.8 of the Guidelines for State aid in the agriculture and forestry sector and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted only to undertakings active in primary agricultural production?

☐ yes ☐ no

2. Are the beneficiaries agricultural undertakings or groups of agricultural undertakings who undertake on a voluntarily basis to convert to or maintain organic farming practices and methods as defined in Regulation (EU) 2018/848 ([479])?

☐ yes ☐ no

([479]) EUR-Lex - 32018R0848 - EN - EUR-Lex (europa.eu)

3. Is the aid granted only for commitments which go beyond the following standards and requirements? Please indicate:

(a) ☐ the relevant statutory management requirements and GAEC standards established under Title III, Chapter I, Section 2, of Regulation (EU) 2021/2115 ([480]) ;

(b) ☐ the relevant minimum requirements for the use of fertiliser and plant protection products, animal welfare, and other relevant mandatory requirements established by national and Union law;

(c) ☐ the conditions established for the maintenance of the agricultural area in accordance with Article 4(2), point (b), of Regulation (EU) 2021/2115.

Please note that pursuant to point (258) of the Guidelines, relevant standards and requirements must be identified and described in the State aid notification to the Commission.

4. Where national law imposes standards and requirements for the use of fertiliser and plant protection products, which go beyond the corresponding minimum requirements laid down in Union law, is the aid granted for commitments contributing to compliance with such national standards and requirements?

☐ yes ☐ no

5. If the answer to question 4 of this Supplementary Information Sheet is yes, will such aid be granted for a maximum of 24 months from the date on which they become mandatory for the holding?

☐ yes ☐ no

6. Is the aid granted for commitments which will be carried out over an initial period of five to seven years?

☐ yes ☐ no

Please specify the duration: ……

7. If the aid is granted for commitments undertaken for a period longer than seven years, is the longer duration necessary in order to achieve or maintain the environmental benefits sought?

☐ yes ☐ no

If the answer is yes, please provide the justification as to why a longer period is necessary for the aided type of the commitment(s):

……

Please note that pursuant to point (260) of the Guidelines, where necessary in order to achieve or maintain the environmental benefits sought, Member States may determine a longer period, including by means of providing for their annual extension after the termination of the initial period.

8. If the aid is granted for a conversion to organic farming, will you determine a shorter initial period than that referred to in question 6 of this Supplementary Information Sheet?

☐ yes ☐ no

If the answer is yes, please specify the duration: ……

Please note that pursuant to point (260) of the Guidelines, where aid is granted for conversion to organic farming Member States may determine a shorter period of at least one year.

([480]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)

9. If the aid is granted for new commitments concerning maintenance directly following the commitment performed in the initial period referred to in question 6 of this Supplementary Information Sheet, will you determine a shorter period than set out in question 6?

☐ yes ☐ no

If the answer is yes, please specify the duration of that period:

……

Please note that pursuant to point (260) of the Guidelines, with regard to new commitments concerning maintenance directly following the commitment performed in the initial period, Member States may determine a shorter period of at least one year.

10. Do the undertakings carrying out operations under this Section of the Guidelines have access to the relevant knowledge and information required to implement such operations, and is appropriate training made available for those who require it, as well as access to expertise in order to assist farmers who commit to change their production systems?

☐ yes ☐ no

11. Please indicate the eligible costs:

(a) ☐ compensation for all or part of additional costs resulting from the commitments;

(b) ☐ income foregone resulting from the commitments;

(c) ☐ transaction costs.

If the aid is granted also in favour of investment costs, please refer to the Supplementary Information Sheet 1.1.1.1. on aid for investment in agricultural holdings linked to primary agricultural production or 1.1.1.3. on aid for investments in processing and marketing of agricultural products.

12. Please indicate the aid intensity: ……

Please note that pursuant to point (268) of the Guidelines, the aid must not exceed 100 % of the eligible costs.

13. If the aid is granted for transaction costs, please provide justification and the specific description of such costs:

……

14. Please indicate the intensity of aid for transaction costs:

……

Please note that pursuant to point (263) of the Guidelines, the aid may cover necessary transaction costs, to a value of up to 20 % of the premium paid for the commitments, or up to 30 %, where the commitments are undertaken by groups of undertakings.

15. Is the aid granted for transaction costs caused by entering into organic farming commitments?

☐ yes ☐ no

If the answer is yes, please provide convincing proof of such costs, for example by submitting cost comparisons with agricultural undertakings not entering into such commitments.

……

16. Is the aid granted in favour of transaction costs for the continuation of commitments already entered into in the past?

☐ yes ☐ no

If the answer is yes, please demonstrate that such costs continue to occur or that new transaction costs are being incurred:

.....

Please note that pursuant to point (264) of the Guidelines, the Commission will not authorise State aid for transaction costs for the continuation of organic farming commitments already entered into in the past, unless a Member State demonstrates that such costs continue to occur or that new transaction costs are being incurred.

17. Are the transaction costs calculated on the basis of average costs?

☐ yes ☐ no

If the answer is yes, please demonstrate that, in particular, large enterprises are not overcompensated:

.....

18. Are the transaction costs calculated on the basis of average farms?

☐ yes ☐ no

If the answer is yes, please demonstrate that, in particular, large enterprises are not overcompensated:

.....

19. Please confirm that where transaction costs are calculated on the basis of average costs and/or average farms, for the purpose of calculating compensation, a Member States takes into account whether the transaction costs in question are incurred per undertaking or per hectare:

☐ yes ☐ no

20. Please confirm that no aid is granted under this Section for commitments covered by an agri-environment-climate measure, or for costs covered by an aid intended to encourage the participation in quality systems:

☐ yes ☐ no

21. Is the aid paid per hectare?

☐ yes ☐ no

22. Is the aid granted as a lump sum?

☐ yes ☐ no

If the answer is yes, please justify:

.....

Please note that pursuant to point (269) of the Guidelines, aid may be granted as a lump sum only in duly justified cases.

23. Is the aid granted as a one-off payment per unit?

☐ yes ☐ no

If the answer is yes, please justify:

.....

Please note that pursuant to point (269) of the Guidelines, aid may be granted as a one-off payment per unit only in duly justified cases.

**REVISION CLAUSE**

24. Is a revision clause provided for the operations supported under this Section of the Guidelines?

☐ yes ☐ no

Please note that in accordance with point (647) of the Guidelines, a Member State is obliged to introduce a revision clause in order to ensure the adjustment of the operations in the case of amendments of the relevant mandatory standards, requirements or obligations referred to in Part II., Section 1.1.8. of the Guidelines beyond which the commitments referred to in that Section have to go.

25. Does the aid extend beyond the rural development programming period 2023-2027?

☐ yes ☐ no

If the answer is yes, please note that in accordance with point (648) of the Guidelines, a revision clause must be included for the aid under Part II., Section 1.1.8. of the Guidelines, in order to allow for their adjustment to the legal framework of the following rural development programming period.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.1.9. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE PARTICIPATION OF PRODUCERS OF AGRICULTURAL PRODUCTS IN QUALITY SCHEMES**

*This form must be used for the notification of any State aid measures which are designed to encourage the participation of producers of agricultural products in quality schemes as described in Part II., Section 1.1.9. of the Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted only to producers of agricultural products?

☐ yes ☐ no

2. Please indicate the eligible costs:

(a) ☐ the costs for new participation in quality schemes, notably the costs incurred for entering a supported quality scheme and the annual contribution for participating in that quality scheme, including, where necessary, expenditure on checks required to verify compliance with the specifications of the quality scheme;

(b) ☐ the costs for compulsory control measures in relation to the quality schemes undertaken pursuant to Union or national legislation by or on behalf of the competent authority of the Member State;

(c) ☐ the costs of market research activities, product conception and design and for preparation of applications for recognition of quality schemes.

3. Will the aid for the costs of new participation in quality schemes, referred to in question 2(a) of this Supplementary information sheet and aid for the costs of compulsory control measures referred to in question 2(b) of this Supplementary information Sheet be granted towards the costs of control undertaken by the beneficiaries themselves, or where Union legislation provides that the costs of control is to be met by producers of agricultural products and groups thereof, without specifying the actual level of charges?

☐ yes ☐ no

4. Please indicate the type of the quality scheme for which the aid for a new participation is granted:

(a) ☐ Union quality scheme;

Please specify the Union quality scheme concerned:

……

(b) ☐ Quality schemes, including farm certification schemes, for agricultural products recognised by the Member States as complying with the following criteria:

(i) the specificity of the final product under such quality schemes must be derived from clear obligations to guarantee any of the following:

— specific product characteristics, or

— specific farming or production methods, or

— a quality of the final product that goes significantly beyond the commercial commodity standards as regards public, animal or plant health, animal welfare or environmental protection;

(ii) the quality scheme must be open to all producers;

(iii) the quality scheme must involve binding final product specifications and compliance with those specifications must be verified by public authorities or by an independent inspection body;

(iv) the quality scheme must be transparent and ensure complete traceability of agricultural products.

Please specify the quality scheme concerned, as well as the farm certification scheme, if relevant:

……

(c) ☐ Voluntary agricultural product certification schemes recognised by the Member State as meeting the Union best practice guidelines referred to in Commission Communication of 16 December 2010 entitled 'EU best practice guidelines for voluntary certification schemes for agricultural products and foodstuffs' relating to agricultural products and foodstuffs ([481]).

Please specify the certification scheme concerned:

……

5. Is the aid accessible to all eligible undertakings in the area concerned, based on objectively defined conditions?

☐ yes ☐ no

6. Is the aid for the costs of compulsory control measures, referred to in point (272)(b) of the Guidelines and the aid for the costs of market research activities, product conception and design and for preparation of applications for recognition of quality schemes, referred to point (272)(c) of the Guidelines granted in the form of subsidised services and paid to the body responsible for control measures, the research provider or the consultancy provider?

☐ yes ☐ no

([481]) Commission Communication — EU best practice guidelines for voluntary certification schemes for agricultural products and foodstuffs (europa.eu)

7. Please indicate the intensity of the aid for the costs of compulsory control measures, referred to in point (272)(b) of the Guidelines:

……

Please note that pursuant to point (278) of the Guidelines, the aid for the costs of compulsory control measures, referred to in point (272)(b) of the Guidelines may reach 100 % of the real costs incurred.

8. Please indicate the intensity of the aid for the costs of market research activities, product conception and design and for preparation of applications for recognition of quality schemes, referred to point (272)(c) of the Guidelines:

……

Please note that pursuant to point (278) of the Guidelines, the aid for the costs of market research activities, product conception and design and for preparation of applications for recognition of quality schemes, referred to point (272)(c) of the Guidelines may reach 100 % of the real costs incurred.

9. Please indicate the intensity of aid for the costs for new participation in quality schemes:

……

Please note that pursuant to point (277) of the Guidelines, the aid for the costs for new participation in quality schemes, referred to in point (272)(a) of the Guidelines, must not exceed 100 % of the eligible cost.

10. Please indicate the duration of the period during which the aid for the costs for new participation in quality schemes, referred to in point (272)(a) of the Guidelines will be granted:

……

Please note that pursuant to point (277) of the Guidelines, the aid for the costs for new participation in quality schemes referred to in point (272)(a) must be granted for a maximum period of seven years.

11. Will the aid for the costs for new participation in quality schemes, referred to in point (272)(a) of the Guidelines be paid annually?

☐ yes ☐ no

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.1.10. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE PROVISION OF TECHNICAL SUPPORT IN THE AGRICULTURE SECTOR**

*This form must be used for the notification of any State aid measure aimed at the provision of technical support in the agricultural sector as described by Part II., Section 1.1.10. of the Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. COMMON PROVISIONS

1.1. Is the aid under this Section of the Guidelines, with the exception of the aid for farm replacement services, granted for the provision of technical support in the agricultural sector?

☐ yes ☐ no

Please note that pursuant to point (279) of the Guidelines, aid for farm replacement services can be granted only to undertakings active in the primary agricultural production (see question 4.1 of this Supplementary Information Sheet).

1.2. Please indicate the beneficiaries of the aid:

(a) ☐ farmers;

(b) ☐ producer groups;

(c) ☐ other organisations;

If the aid is granted to beneficiaries referred to in point (c) of this question, please specify:

……

1.3. Is the aid accessible to all those eligible in the area concerned based on objectively defined conditions?

☐ yes ☐ no

1.4. Where the provision of technical support is undertaken by producer groups or other organisations, is membership of such groups or organisations a condition for access to the service?

☐ yes ☐ no

1.5. Where the provision of technical support is undertaken by producer groups or organisations, is the contribution of non-members towards the administrative costs of the producer group or organisation concerned limited to the costs of providing the service?

☐ yes ☐ no

*In addition to questions 1.1 to 1.5 of this Supplementary Information Sheet, which relate to the common conditions of Section 1.1.10. of the Guidelines, please fill in the relevant section(s) below, applicable to the notified aid.*

2. AID FOR KNOWLEDGE EXCHANGE AND INFORMATION ACTIONS (Section 1.1.10.1.)

2.1. Is the aid consistent with the description of the Agricultural Knowledge and Innovation System (AKIS) provided in the CAP Strategic Plans?

☐ yes ☐ no

Please provide details:

……

2.2. Which of the following actions can be financed by the aid?

(a) ☐ vocational training and skills acquisitions, including training courses, workshops, conferences and coaching;

(b) ☐ demonstration activities;

(c) ☐ information actions;

(d) ☐ promotion of innovation;

(e) ☐ short-term farm management exchanges and farm visits.

2.3. Does the aid contribute to achieving one or more of the specific objectives set out in Article 6(1) of Regulation (EU) 2021/2115 ([482])?

☐ yes ☐ no

Please specify the objective of Article 6(1) of Regulation (EU) 2021/2115 to which the aid contributes:

……

([482]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)

2.4. Please indicate the eligible costs:

(a) ☐ the costs of organising the vocational training, skills acquisition actions, including training courses, workshops, conferences and coaching, demonstration activities or information actions;

(b) ☐ the costs of travel, accommodation and per diem expenses of the participants;

(c) ☐ the costs of the provision of replacement services during the absence of the participants;

(d) ☐ the costs related to demonstration projects.

2.5. Where the aid is granted for the costs of demonstration projects, please indicate the eligible costs:

(a) ☐ the construction, acquisition, including leasing, or improvement of immovable property, with land only being eligible to an extent not exceeding 10 % of total eligible costs of the operation concerned (see also question 2.11 of this Supplementary Information Sheet below);

(b) ☐ the purchase or lease purchase of machinery and equipment up to the market value of the asset;

(c) ☐ the general costs linked to expenditure referred to in point 286 (d) (i) and (ii) of the Guidelines, such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies;

(d) ☐ the acquisition, development or usage fees of computer software, cloud and similar solutions, and the acquisition of patents, licenses, copyrights and trademarks;

(e) ☐ the additional expenses and income foregone relating to the small-scale demonstration projects.

Please note that pursuant to point (286)(d)(v) of the Guidelines, the aid for small-scale demonstration projects may be granted for additional expenses and income foregone relating to the demonstration project only in duly justified cases.

In compliance with that point of the Guidelines, if the aid is granted for the additional expenses and income foregone relating to the small-scale demonstration projects, please justify:

……

2.6. Where the aid is granted for the costs of demonstration projects, referred to in point 2.5. (a) to (d) of this Supplementary Information Sheet, are such costs eligible only to the extent used for a demonstration project and for the duration period of the demonstration project?

☐ yes ☐ no

2.7. Where the aid is granted for the costs of demonstration projects, referred to in in point 2.5. (a) to (d) of this Supplementary Information Sheet, is such aid limited to depreciation costs corresponding to the life of the demonstration project, as calculated on the basis of generally accepted accounting principles

☐ yes ☐ no

Please note that pursuant to point (287) of the Guidelines, only the depreciation costs corresponding to the life of the demonstration project, as calculated on the basis of generally accepted accounting principles are considered as eligible.

2.8. Is it required that the bodies providing knowledge exchange and information services have the appropriate capacities in the form of staff qualifications and regular training to carry out those tasks?

☐ yes ☐ no

2.9. Please indicate the form in which the aid is granted:

(a) ☐ subsidized service;

(b) ☐ direct payments to a beneficiary of the aid.

Please note that pursuant to point (289) of the Guidelines, aid referred to in points (286)(a),(c) and (d)(i) to (iv) must be provided in the form of subsidised services. Aid for the costs of the provision of replacement services referred to in point (286)(c) may, alternatively, be paid directly to the provider of the replacement services. Aid referred to in point (286)(d)(v) must be paid directly to the beneficiaries. Aid for small-scale demonstration projects under point (286)(d)(i) to (iv), may be paid directly to the beneficiaries.

2.10. Please indicate the aid intensity: .....

Please note that pursuant to point (290) of the Guidelines, the aid intensity must not exceed 100 % of the eligible costs.

2.11. If the aid is granted for land acquisition referred to in point 2.5 (a) of this Supplementary Information Sheet, please indicate the aid intensity:

.....

Please note that pursuant to point (286)(d)(i) of the Guidelines, the cost of land acquisition are eligible for aid only to an extent not exceeding 10 % of total eligible costs of the operation concerned. If such aid exceeds 10 % of total eligible costs of the operation concerned, please continue with question 2.12 of this Supplementary Information Sheet.

2.12. If the aid granted for land acquisition exceeds 10 % of total eligible costs of the operation concerned, please indicate which of the following exceptions apply:

(a) ☐ operation concerns environmental conservation;

(b) ☐ operation concerns carbon-rich soil preservation;

Please note that pursuant to point (286)(d)(i) of the Guidelines, only in exceptional and duly justified cases, a higher percentage than 10 % of total eligible costs of the operation concerned may be permitted for operations concerning environmental conservation and carbon-rich soil preservation.

In light of point (286)(d)(i) of the Guidelines, if the aid for the cost of land acquisition exceeds 10 % of total eligible costs of the operation concerned, please justify:

.....

2.13. Please indicate the maximum amount of the aid for the costs of investments linked to the demonstration project as referred to in point (286)(d) of the Guidelines:

.....

Please note that pursuant to point (291) of the Guidelines, the maximum aid amount of the aid for the eligible costs referred to in point (286)(d) of the Guidelines must be limited to EUR 100 000 over 3 fiscal years.

3. AID FOR ADVISORY SERVICES (Section 1.1.10.2.)

3.1. Is advice supported under this Section consistent with the description of AKIS provided in the CAP Strategic Plans?

☐ yes ☐ no

Please note that pursuant to point (293) of the Guidelines, Member States must ensure that actions supported under this Section be consistent with the description of AKIS provided in the CAP Strategic Plans.

3.2. Is the advice linked to at least one of the specific objectives set out in Article 6(1) of Regulation (EU) 2021/2115?

☐ yes ☐ no

Please specify the objective of Article 6(1) of Regulation (EU) 2021/2115 to which the advice is linked:

……

3.3. Please indicate which of the following elements the advice covers:

(a) ☐ obligations deriving from the statutory management requirements and GAEC standards established under Title III, Chapter I, Section 2, of Regulation (EU) 2021/2115;

(b) ☐ the agricultural practices beneficial for the climate and the environment as referred to in Article 31 of Regulation (EU) 2021/2115 and the maintenance of the agricultural area referred to in Article 4(2), point (b), of Regulation (EU) 2021/2115;

(c) ☐ the requirements laid down by Member States for implementing Directive 2000/60/EC ([483]), Directive 92/43/EEC ([484]), Directive 2009/147/EC ([485]), Directive 2008/50/EC ([486]), Directive (EU) 2016/2284 ([487]), Regulation (EU) 2016/2031, Regulation (EU) 2016/429 ([488]), Article 55 of Regulation (EC) No 1107/2009 ([489]) and Directive 2009/128/EC ([490]);

(d) ☐ farm practices preventing the development of antimicrobial resistance as set out in the Commission Communication 'A European One Health Action Plan against Antimicrobial Resistance';

(e) ☐ risk prevention and management;

(f) ☐ measures aiming at farm modernization, competitiveness building, sectoral integration, innovation and market orientation as well as the promotion of entrepreneurship;

(g) ☐ digital technologies in agriculture as referred to in Article 114, point (b), of Regulation (EU) 2021/2115;

(h) ☐ sustainable management of nutrients, including at the latest as from 2024 use of the Farm Sustainability Tool for Nutrients referred to in Article 15(4), point (g), of Regulation (EU) 2021/2115;

(i) ☐ conditions of employment and employer obligations as well as occupational health and safety and social support in agricultural communities;

(j) ☐ sustainable production of feed, evaluation of feed in terms of nutrient content and feed values, documentation, planning and control of the feeding of farm animals based on needs.

Please note that pursuant to point (294) of the Guidelines, the advice must cover as a minimum one of the above elements.

([483]) EUR-Lex - 32000L0060 - EN - EUR-Lex (europa.eu)
([484]) EUR-Lex - 01992L0043-20130701 - EN - EUR-Lex (europa.eu)
([485]) EUR-Lex - 32009L0147 - EN - EUR-Lex (europa.eu)
([486]) EUR-Lex - 32008L0050 - EN - EUR-Lex (europa.eu)
([487]) EUR-Lex - 32016L2284 - EN - EUR-Lex (europa.eu)
([488]) EUR-Lex - 32016R2031 - EN - EUR-Lex (europa.eu)
([489]) EUR-Lex - 32009R1107 - EN - EUR-Lex (europa.eu)
([490]) EUR-Lex - 32009L0128 - EN - EUR-Lex (europa.eu)

3.4. Is the aid granted in the form of subsidised services?

☐ yes ☐ no

3.5. Is it required that the bodies selected to provide advice have the appropriate resources in the form of regularly trained and qualified staff and advisory experience and reliability with respect to the fields they advise on?

☐ yes ☐ no

3.6. Is it ensured that the advice is impartial and that advisory service providers have no conflict of interest?

☐ yes ☐ no

3.7. Is advice partly provided in a group?

☐ yes ☐ no

If the answer is yes, please justify:

……

Please note that pursuant to point (298) of the Guidelines, the advice may be partly provided in group only in duly justified and appropriate cases.

3.8. If the advice is partly provided in a group, is the situation of the individual user of advisory services taken into account?

☐ yes ☐ no

3.9. Please indicate the aid intensity: ……

Please note that pursuant to point (299) of the Guidelines, the aid intensity must not exceed 100 % of the eligible costs.

3.10. Please indicate the aid amount per undertaking active in the primary agricultural production: ……

Please note that pursuant to point (300)(a) of the Guidelines, the aid per undertaking active in the primary agricultural production must not exceed EUR 25 000 within any three-year period.

3.11. Please indicate the aid amount per undertaking active in the processing of agricultural products and their marketing: ……

Please note that pursuant to point (300)(b) of the Guidelines, the aid per undertaking active in the processing of agricultural products and their marketing must not exceed EUR 200 000 within any three-year period.

4. AID FOR FARM REPLACEMENT SERVICES (Section 1.1.10.3.)

4.1. Are undertakings active in the primary agricultural production the sole beneficiaries of the aid granted under this Section?

☐ yes ☐ no

4.2. Is the aid granted in the form of subsidised services?

☐ yes ☐ no

4.3. Is the aid granted only for the real costs incurred for the replacement of a farmer, a natural person who is a member of farm household, or a farm worker, during their absence from work due to illness, including illness of their child, or serious illness of a cohabitating person, which requires constant care, holidays, maternity and parental leave, mandatory military service, in case of death or for the costs described in point (286)(c) of the Guidelines?

☐ yes ☐ no

Please specify the reason for the replacement:

……

4.4. Please indicate the total duration of the replacement: .....

Please note that pursuant to point (304) of the Guidelines, the total duration of the replacement should be limited to three months per year per beneficiary, with the exception of replacement for maternity and parental leave and during mandatory military service.

4.5. If the aid is granted for the costs of replacement for the reason of maternity and parental leave, please indicate the duration: .....

Please note that pursuant to point (304) of the Guidelines, the duration of the replacement for the reason of maternity and parental leave should be limited to six months.

4.6. If the aid is granted for the costs of replacement during mandatory military service, please indicate the duration:

.....

4.7. Is the total duration of the replacement for the reason of mandatory military service limited to the duration of the service?

☐ yes ☐ no

Please specify the length of the mandatory military service:

.....

Please note that pursuant to point (304) of the Guidelines, the duration of the replacement during mandatory military service should be limited to the duration of the service.

4.8. If the total duration of the replacement exceeds the three- and six-month periods respectively, as referred to above in questions 4.4. and 4.5. of this Supplementary Information Sheet, please justify:

.....

Please note that pursuant to point (304) of the Guidelines, the Commission may authorize a prolongation of the three months and six months period only in duly justified cases.

4.9. Please indicate the aid intensity: .....

Please note that pursuant to point (305) of the Guidelines, the aid must not exceed 100 % of the eligible costs.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

1.1.11. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR COOPERATION IN THE AGRICULTURAL SECTOR**

*This form must be used for the notification of any State aid measure whose aim is the cooperation in the agricultural sector as described in Part II., Section 1.1.11 of the Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. TYPE OF AID

1.1. Please confirm that the aid is granted to promote cooperation that contributes to achieving one or more of the objectives set out in Article 6(1) of Regulation (EU) 2021/2115 ([491]):

☐ yes ☐ no

Please specify to which objective of Article 6(1) of Regulation (EU) 2021/2115 the aided measure contributes:

……

1.2. Is the aid granted for cooperation, which involves at least two actors?

☐ yes ☐ no

1.3. Please confirm that no aid will be granted for cooperation involving solely research bodies:

☐ yes ☐ no

1.4. Please confirm that where the aid is granted for cooperation involving actors active in agricultural sector and in other sectors, mainly actors active in the agricultural sector will benefit from the aid:

☐ yes ☐ no

1.5. Please specify the form of cooperation:

(a) ☐ cooperation among different undertakings in the agricultural sector, food chain and other actors active in the agricultural sector that contribute to achieving the objectives and priorities of rural development policy, including producer groups, cooperatives and inter-branch organisation;

(b) ☐ the creation of clusters and networks;

(c) ☐ farm succession, in particular for generational renewal at farm level (aid may be granted only to farmers who have, or will have by the end of the operation reached the retirement age, determined by the Member State concerned in accordance with its national legislation);

(d) ☐ other.

Please specify:

……

1.6. Please indicate the cooperation activities for which the aid is granted:

(a) ☐ pilot projects;

(b) ☐ the development of new products, practices, processes and technologies in the agriculture and food sectors, only as far as agricultural products are concerned;

(c) ☐ cooperation among small operators in the agricultural sector in organising joint work processes and sharing facilities and resources;

(d) ☐ horizontal and vertical cooperation among supply chain actors for the establishment and development of short supply chains and local markets;

(e) ☐ promotion activities in a local context relating to the development of short supply chain and local markets;

(f) ☐ collective action undertaken with a view to mitigating or adapting to climate change;

([491]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)

(g) ☐ joint approaches to environmental projects and ongoing environmental practices including efficient water management, the use of renewable energy ([492]) and the preservation of agricultural landscapes;

(h) ☐ horizontal and vertical cooperation among supply chain actors in the sustainable production of biomass for use in food production if the result is an agricultural product and energy production for own consumption;

(i) ☐ implementation, in particular by groups of public and private partners other than those defined in Article 31(2), point (b), of Regulation (EU) 2021/1060 ([493]), of local development strategies other than those defined in Article 32 of Regulation (EU) 2021/1060;

(j) ☐ other forms of cooperation.

Please specify:

……

1.7. Is the aid granted only to new forms of cooperation, including the existing ones if starting a new activity?

☐ yes ☐ no

1.8. Where the aid is granted for the establishment and development of short supply chains, as referred to in point 1.6. (d) and (e) of this Supplementary Information Sheet, does it cover only supply chains involving no more than one intermediary between farmers and consumers?

☐ yes ☐ no

2. ELIGIBLE COSTS AND AID INTENSITY

2.1. Please indicate the eligible costs (in so far as they concern the agricultural activity):

(a) ☐ the costs of studies of the area concerned, feasibility studies, and the drawing up of a business plan or local development strategy other than the one referred to in Article 32 of Regulation (EU) 2021/1060;

(b) ☐ the running costs of cooperation, such as the salary of a "co-ordinator";

(c) ☐ the costs of operations to be implemented;

(d) ☐ the costs of promotion activities.

2.2. Please indicate the duration of the period for which the aid will be granted: ……

Please note that pursuant to point (316) of the Guidelines, the aid must be limited to a maximum period of seven years, except in duly justified cases. If the aid will be granted for a period longer than seven years, please continue with question 2.3 of this Supplementary Information Sheet.

2.3. If the aid will be granted for a period longer than seven years, please indicate the reason:

(a) ☐ the aid is granted for collective environmental and climate actions in order to achieve the specific environmental- and climate-related objectives set out in Article 6(1), points (d), (e) and (f), of Regulation (EU) 2021/2115;

Please justify the need for a longer period:

……

([492]) This applies to co-operation relating to the production of energy from renewable sources or the production of biofuels on holdings, provided that the conditions laid down in Section 1.1.1.1 of Part II of the Guidelines are complied with.

([493]) EUR-Lex - 32021R1060 - EN - EUR-Lex (europa.eu)

(b) ☐ the aid is granted for implementation, in particular by groups of public and private partners other than those defined in Article 31(2), point (b), of Regulation (EU) 2021/1060, of local development strategies other than those defined in Article 32 of Regulation (EU) 2021/1060;

Please justify the need for a longer period:

……

2.4. Please indicate the aid intensity: ……

Please note that pursuant to point (317) of the Guidelines, the aid intensity must not exceed 100 % of the eligible costs.

2.5. Please indicate the aid intensity of the investment costs of operations to be implemented:

……

Please note that pursuant to point (318) of the Guidelines, where the aid is granted for the costs of operations to be implemented which consist of investments, aid must be limited to the maximum aid intensity of investment aid, as specified in the relevant Section on investment aid.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.2.1.1. **SUPPLEMENTARY INFORMATION SHEET ON AID TO MAKE GOOD THE DAMAGE CAUSED BY NATURAL DISASTERS OR EXCEPTIONAL OCCURRENCES**

*This form must be used by Member States for the notification of any State aid measures which are designed to compensate for damage to agricultural production or the means of agricultural production caused by a natural disaster or exceptional occurrences as described in Part II. Section 1.2.1.1. of the Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Please specify natural disaster or exceptional occurrence that caused the damage for which the compensation is sought:

……

Pursuant to point (324) of the Guidelines, to date, the Commission has accepted that earthquakes, avalanches, landslides and floods may constitute natural disasters. In addition, the Commission takes account of the State aid modernization initiative which allows to block exempt also the following categories of natural disaster events: tornadoes, hurricanes, volcanic eruptions and wild fires of natural origin.

Exceptional occurrences which have been accepted in the past by the Commission include war, internal disturbances or strikes, and, with certain reservations and depending on their extent, major nuclear or industrial accidents and fires which result in widespread loss.

Please note that pursuant to point (324) of the Guidelines, the Commission will continue to evaluate plans to grant State aid in accordance with Article 107(2), point (b), of the Treaty on a case-by-case basis, having regard to its previous practice in this field.

Please also note that pursuant to point (330) of the Guidelines, the aid granted to compensate for the damage caused by the type(s) of natural disasters not mentioned in point (324) of the Guidelines and for damage caused by exceptional occurrences, must be individually notified to the Commission.

2. Is the aid scheme designed as an *ex-ante* framework aid scheme?

☐ yes ☐ no

If the answer is yes, please specify the type of natural disaster covered by the *ex-ante* scheme:

……

Please note that pursuant to point (329) of the Guidelines, in order to facilitate rapid crisis management the Commission will authorize *ex-ante* framework aid schemes to compensate for the damage caused by earthquakes, avalanches, landslides and floods as well as by tornadoes, hurricanes, volcanic eruptions and wild fires of natural origin provided that the conditions under which aid can be granted in such cases are clearly defined.

3. In case of an *ex-ante* scheme, please confirm that the conditions under which the aid can be granted are clearly defined:

☐ yes ☐ no

Please provide the details on those conditions:

……

4. In case of an *ex-ante* scheme, please confirm that the reporting obligation set out in point (651) of the Guidelines will be complied with:

☐ yes ☐ no

5. Has the competent authority of the Member State formally recognised the occurrence of a natural disaster or an exceptional occurrence?

☐ yes ☐ no

6. Please demonstrate a direct causal link between the natural disaster or exceptional occurrence and the damages incurred by the beneficiary undertaking:

……

Please note that pursuant to point (325) of the Guidelines, the condition referred to in this question and the condition referred to in question 5 of this Supplementary Information Sheet are cumulative.

7. Are the criteria on the basis of which the formal recognition by the competent authority of the Member State is deemed granted, established in advance?

☐ yes ☐ no

If the answer is yes, please demonstrate that it is appropriate to establish those criteria in advance:

……

8. Is the aid paid directly to the agricultural undertaking concerned?

☐ yes ☐ no

9. Is the aid paid to a producer group or organisation of which the agricultural undertaking is a member?

☐ yes ☐ no

10. Where the aid is paid to a producer group or organisation, is it ensured that the amount of aid does not exceed the amount of aid to which that agricultural undertaking is eligible?

☐ yes ☐ no

Please note that pursuant to point (327) of the Guidelines, where the aid is paid to a producer group and organisation, the amount of aid must not exceed the amount of aid to which that undertaking is eligible.

11. Is the aid scheme being established within three years from the date of the occurrence of the event?

☐ yes ☐ no

Please indicate the date of the damaging event(s) which gave rise to the damage:

……

Please note that pursuant to point (328) of the Guidelines, the aid scheme must be established within a period of three years from the date of the occurrence of the damaging event.

12. Please indicate the last date on which aid may be paid out:

……

Please note that pursuant to point (328) of the Guidelines, the aid must be paid out within a period of four years following the date of occurrence of the damaging event.

With regard to a specific natural disaster or exceptional occurrence, the Commission will authorise separately notified aid that derogates from this rule only in duly justified cases, for example due to the nature and/or extent of the event or delayed or continuing nature of the damage.

If that is the case, please explain why the longer time is needed for paying the aid:

……

13. Are eligible for aid only the costs of the damage which are a direct consequence of the natural disaster or exceptional occurrence?

☐ yes ☐ no

14. Please indicate the eligible costs:

(a) ☐ compensation for material damage to buildings, equipment, machinery, stocks and means of production;

(b) ☐ compensation for loss of income resulting from the full or partial destruction of the agricultural production and the means of the primary agricultural production.

15. Is the damage assessed by a public authority, by an independent expert recognised by the granting authority or by an insurance undertaking?

☐ yes ☐ no

Please specify the entity assessing the damage:

……

16. Please submit the precise assessment of the damage incurred by the potential beneficiaries:

……

17. Is the damage calculated at the level of the individual beneficiary?

☐ yes ☐ no

18. Where the aid is granted for material damage, is the calculation of such damage based on the repair cost or economic value of the affected asset before the natural disaster or the exceptional occurrence?

☐ yes ☐ no

19. Please confirm that where the aid is granted for material damage, the damage will not exceed the repair cost or the decrease in fair market value caused by the natural disaster or by the exceptional occurrence:

☐ yes ☐ no

Please note that pursuant to point (334) of the Guidelines, the calculation of the material damage must not exceed the repair cost or the decrease in fair market value caused by the natural disaster or by the exceptional occurrence, that is to say the difference between the asset's value immediately before and immediately after the natural disaster or the exceptional occurrence.

20. Is the loss of income calculated by subtracting:

(a) the result of multiplying the quantity of the agricultural products produced in the year of the natural disaster or the exceptional occurrence, or in each following year affected by the full or partial destruction of the means of production, by the average selling price obtained during that year

from

(b) the result of multiplying the average annual quantity of agricultural products produced in the three-year period preceding the natural disaster or the exceptional occurrence or a three-year average based on the five-year period preceding the natural disaster or the exceptional occurrence, excluding the highest and lowest entry by the average selling price obtained.

☐ yes ☐ no

21. Will the loss of income be increased by other costs incurred by the beneficiary due to the natural disaster or the exceptional occurrence?

☐ yes ☐ no

If the answer is yes, please specify other costs concerned:

……

22. Please confirm that the loss of income will be reduced by any costs not incurred because of the natural disaster or the exceptional occurrence which would otherwise have been incurred by the beneficiary.

☐ yes ☐ no

23. If another method of calculation of the damage is used, will such a method be representative, not based on abnormally high yields and do not result in the overcompensation of any beneficiary?

☐ yes ☐ no

Will the measurement of the extent of the loss caused be tailored to the specific characteristics of each type of product, using:

(a) ☐ biological indexes (quantity of biomass loss) or equivalent yield loss indexes established at farm, local, regional or national level, or

(b) ☐ weather indexes (including quantity of rainfall and temperature) established at local, regional or national level?

24. Will indexes be used to calculate the annual agricultural production of the beneficiary?

☐ yes ☐ no

25. If the answer to question 24 is yes, will the calculation method used allow to determine the real loss of an individual beneficiary in a given year?

☐ yes ☐ no

26. Please indicate the aid intensity:

..... % of the damage caused by natural disaster or exceptional occurrence.

Please note that pursuant to point (339) of the Guidelines, the aid and any other payments received to compensate for the damage, including payments under insurance policies, must not exceed 100 % of the eligible costs.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.2.1.2. **SUPPLEMENTARY INFORMATION SHEET ON AID TO COMPENSATE FOR DAMAGE CAUSED BY ADVERSE CLIMATIC EVENT WHICH CAN BE ASSIMILATED TO A NATURAL DISASTER**

*This form must be used by Member States for the notification of any State aid measures which are designed to compensate for damage to agricultural production or the means of agricultural production caused by an adverse climatic event which can be assimilated to a natural disaster as described in Part II., Section 1.2.1.2. of the Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Please specify the adverse climatic event which can be assimilated to a natural disaster that caused the damage for which the compensation is sought:

……

2. Is the aid limited to undertakings active in primary agricultural production?

☐ yes ☐ no

Please note that pursuant to point (341) of the Guidelines, Section 1.2.1.2. of the Guidelines applies only to undertakings active in the primary agricultural production.

3. Is the aid scheme designed as an *ex-ante* framework aid scheme?

☐ yes ☐ no

If the answer is yes, please specify the type of adverse climatic event(s) which can be assimilated to a natural disaster covered by the *ex-ante* scheme:

……

4. If the aid scheme is designed as an *ex-ante* scheme, please confirm that the reporting obligation set out in point (651) of the Guidelines will be complied with:

☐ yes ☐ no

5. Has the competent authority of the Member State formally recognised the occurrence of the event as an adverse climatic event which can be assimilated to a natural disaster?

☐ yes ☐ no

6. Please demonstrate a direct causal link between the adverse climatic event which can be assimilated to a natural disaster and the damages incurred by the beneficiary undertaking:

……

Please note that pursuant to point (342) of the Guidelines, the condition referred to in this question and the condition referred to in question 5 of this Supplementary Information Sheet are cumulative.

7. Are the criteria on the basis of which the formal recognition by the competent authority of the Member State is deemed granted, established in advance?

☐ yes ☐ no

If the answer is yes, please demonstrate that it is appropriate to establish those criteria in advance:

……

8. Is the aid paid directly to the agricultural undertaking concerned?

☐ yes ☐ no

9. Is the aid paid to a producer group or organisation of which the agricultural undertaking is a member?

☐ yes ☐ no

10. Where the aid is paid to a producer group or organisation, is it ensured that the amount of aid does not exceed the amount of aid to which that agricultural undertaking is eligible?

☐ yes ☐ no

Please note that pursuant to point (345) of the Guidelines, where the aid is paid to a producer group and organisation, the amount of aid must not exceed the amount of aid to which that undertaking is eligible.

11. Is the aid scheme being established within three years from the date of the occurrence of the adverse climatic event which can be assimilated to a natural disaster?

☐ yes ☐ no

Please indicate the date of the adverse climatic event which can be assimilated to a natural disaster that gave rise to the damage:

……

Please note that pursuant to point (346) of the Guidelines, the aid scheme must be established within a period of three years from the date of the occurrence of the damaging event.

12. Please indicate the last date on which aid may be paid out:

……

Please note that pursuant to point (346) of the Guidelines, the aid must be paid out within a period of four years following the date of occurrence of the damaging event.

13. Please provide supporting meteorological information in relation to the adverse climatic event at issue:

……

14. Are eligible for aid only the costs of the damage which are a direct consequence of the adverse climatic event which can be assimilated to a natural disaster?

☐ yes ☐ no

15. Please indicate the eligible costs:

(a) ☐ compensation for material damage to farm buildings and farm equipment and machinery, stocks and means of production caused by an adverse climatic event which can be assimilated to a natural disaster;

(b) ☐ compensation for the loss of income from the full or partial destruction of the agricultural production and the means of production caused by an adverse climatic event which can be assimilated to a natural disaster.

16. Is the damage assessed by a public authority, by an independent expert recognised by the granting authority or by an insurance undertaking?

☐ yes ☐ no

Please specify the entity assessing the damage:

……

17. Please submit the precise assessment of the damage incurred by the potential beneficiaries:

.....

18. Is the damage calculated at the level of the individual beneficiary?

☐ yes ☐ no

19. Is the material damage to assets caused by the adverse climatic event which can be assimilated to a natural disaster calculated on the basis of the repair cost or economic value of the affected asset before the adverse climatic event that can be assimilated to a natural disaster?

☐ yes ☐ no

20. Please confirm that where the aid is granted to compensate for the material damage, the damage thus calculated will not exceed the repair cost or the decrease in fair market value caused by the adverse climatic event which can be assimilated to a natural disaster:

☐ yes ☐ no

Please note that pursuant to point (350) of the Guidelines, the calculated material damage must not exceed the repair cost or the decrease in fair market value caused by the adverse climatic event which can be assimilated to a natural disaster, that is to say the difference between the asset's value immediately before and immediately after the adverse climatic event which can be assimilated to a natural disaster.

21. Where the loss of the beneficiary's income is calculated on the basis of crop or livestock level, is only the material damage related to that crop or livestock taken into account?

☐ yes ☐ no

22. Is the loss of income calculated by subtracting:

(a) the result of multiplying the quantity of the agricultural products produced in the year of the adverse climatic event which can be assimilated to a natural disaster, or each following year affected by the full or partial destruction of the means of production, by the average selling price obtained during that year

from

(b) the result of multiplying the average annual quantity of agricultural products produced in the preceding three-year period or a three-year average based on the preceding five-year period (excluding the highest and lowest entry) by the average selling price obtained?

☐ yes ☐ no

23. Will the loss of income be increased by other costs incurred by the beneficiary due to the adverse climatic event which can be assimilated to a natural disaster?

☐ yes ☐ no

If the answer is yes, please specify other costs concerned:

.....

24. Please confirm that the loss of income will be reduced by any costs not incurred because of the adverse climatic event which can be assimilated to a natural disaster, that would otherwise have been incurred by the beneficiary:

☐ yes ☐ no

25. Will indexes be used in order to calculate the annual agricultural production of the beneficiary?

☐ yes ☐ no

26. If the answer to question 25 is yes, will the calculation method used allow to determine the real loss of the beneficiary in a given year?

☐ yes ☐ no

27. If another method of calculation of the damage is used, will such a method be representative, not based on abnormally high yields and do not result in the overcompensation of any beneficiary?

☐ yes ☐ no

Will the measurement of the extent of the damage caused be tailored to the specific characteristics of each type of product, using:

(a) ☐ biological indexes (quantity of biomass loss) or equivalent yield loss indexes established at farm, local, regional or national level, or

(b) ☐ weather indexes (including quantity of rainfall and temperature) established at local, regional or national level?

28. Is the beneficiary a SME which was set up less than three years from the date of the occurrence of the adverse climatic event which can be assimilated to a natural disaster?

☐ yes ☐ no

If the answer is yes, please note that the reference to the average annual quantity during the three or five-year periods in point (352)(b) of the Guidelines must be understood as referring to the turnover generated or quantity produced and sold by an average undertaking of the same size as the applicant, namely a micro enterprise or a small enterprise or a medium enterprise, respectively, in the national or regional sector affected by the adverse climatic event which can be assimilated to a natural disaster.

29. Please indicate the aid intensity:

— ..... % of the eligible costs,

Please note that pursuant to point (357) of the Guidelines, the aid and any other payments received to compensate for the damage, including payments under other national or Union measures or insurance policies for the damage receiving aid, must not exceed 80 % of the eligible costs.

— ..... % of the eligible costs incurred in areas facing natural or other area-specific constraints.

Please note that pursuant to point (357) of the Guidelines, the aid intensity of 80%, referred to above may be increased up to 90 % in areas facing natural or other area-specific constraints.

30. Will the aid amount be reduced by at least 50 % if the beneficiaries have not taken out insurance or have not paid financial contributions to mutual funds accredited in the Member State covering at least 50 % of their average annual production or production-related income and the statistically most frequent climatic risks in the Member State or region concerned?

☐ yes ☐ no

Please note that a derogation from that condition is only possible if the Member State can convincingly show that, despite all reasonable efforts, affordable insurance covering the statistically most frequent climatic risks in the Member State or region concerned was not available at the time the damage occurred.

If that is the case, please provide sufficient details demonstrating that that derogation can apply:

.....

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines:

……

1.2.1.3. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR COMBATING ANIMAL DISEASES, PLANT PESTS AND INVASIVE ALIEN SPECIES**

*This form must be used by Member States for the notification of any State aid measures for the costs of prevention, control and eradication of animal diseases, plant pests and invasive alien species and State aid to make good the damage caused by animal diseases, plant pests and invasive alien species as described In Part II., Section 1.2.1.3. of the Guidelines for State aid in the agriculture and forestry sectors in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid limited to undertakings active in primary agricultural production?

☐ yes ☐ no

Please note that pursuant to point (360) of the Guidelines, Section 1.2.1.3. of the Guidelines applies only to aid granted to undertakings active in the primary agricultural production.

2. Is the aid scheme designed as an *ex-ante* scheme?

☐ yes ☐ no

If the answer is yes, please specify the type of animal diseases, plant pests and invasive alien species covered by the *ex-ante* scheme:

……

3. If the answer to the previous question is yes, can the Member State confirm that the reporting obligation set out in point (651) of the Guidelines will be complied with?

☐ yes ☐ no

4. Please confirm that the aid will be paid only:

(a) ☐ in relation to animal diseases, plant pests and infestation by invasive alien species for which Union or national rules exist, whether laid down by law, regulation or administrative action;

(b) ☐ these Union or national rules concern one of the following:

(i) ☐ public programme at Union, national or regional level for the prevention, control or eradication of the animal disease, the plant pest or invasive alien species concerned;

(ii) ☐ emergency measures imposed by competent public authority;

(iii) ☐ measures to eradicate or contain a plant pest implemented in accordance with Articles 17 and 18, Article 28(1) and (2), Article 29(1) and (2), Article 30(1) and Article 33(1) of Regulation (EU) 2016/2031 ([494]);

(iv) ☐ measures to eradicate or contain an invasive alien species implemented in accordance with Regulation (EU) No 1143/2014 ([495]).

Please attach to the notification a description of the prevention, control and eradication measures concerned.

([494]) EUR-Lex - 32016R2031 - EN - EUR-Lex (europa.eu)
([495]) EUR-Lex - 32014R1143 - EN - EUR-Lex (europa.eu)

5. In relation to damage caused by plant pests, has the Member State implemented Article 14(1) of Directive 2009/128/EC ([496]) and Article 55 of Regulation (EC) No 1107/2009 ([497]) of the European Parliament and of the Council?

☐ yes ☐ no

6. Does the aid relate to a measure in respect of which Union legislation provides that the charges for measures taken are to be borne by the beneficiary?

☐ yes ☐ no

7. If the answer to the previous question is yes, the cost of such aid measures is entirely offset by compulsory charges on the beneficiaries?

☐ yes ☐ no

Please note that pursuant to point (363) of the Guidelines, the aid must not relate to measures in respect of which Union legislation provides that the cost of such measures is to be borne by the beneficiary, unless the cost of such aid measures is entirely offset by compulsory charges on the beneficiaries.

8. Is the aid paid directly to the undertaking concerned?

☐ yes ☐ no

9. Is the aid paid to a producer group or organisation of which that undertaking is a member?

☐ yes ☐ no

10. Where the aid is paid to a producer group or organisation, is it ensured that the amount of aid does not exceed the amount of aid to which that agricultural undertaking is eligible?

☐ yes ☐ no

Please note that pursuant to point (364) of the Guidelines, where the aid is paid to a producer group and organisation, the amount of aid must not exceed the amount of aid to which that undertaking is eligible.

11. Please confirm that no individual aid will be granted where it is established that the disease or the infestation with the plant pest or invasive alien species was caused deliberately or by the negligence of the beneficiary:

☐ yes ☐ no

12. Where the aid is granted in relation to an animal disease, is this animal disease referred to in the list of animal diseases of Article 5(1) of Regulation (EU) 2016/429 ([498]), in Annex III to Regulation (EU) 2021/690 ([499]) or in the list of animal diseases of the Terrestrial Animal Health Code established by the World Organisation for Animal Health?

☐ yes ☐ no

Please specify the animal disease concerned:

……

13. Is the aid granted in respect of emerging diseases?

☐ yes ☐ no

If the answer is yes, please specify the emerging disease concerned:

……

([496]) EUR-Lex - 32009L0128 - EN - EUR-Lex (europa.eu)
([497]) EUR-Lex - 32009R1107 - EN - EUR-Lex (europa.eu)
([498]) EUR-Lex - 32016R0429 - EN - EUR-Lex (europa.eu)
([499]) EUR-Lex - 32021R0690 - EN - EUR-Lex (europa.eu)

14. If the answer to the previous question is yes, does that disease have the potential to meet the criteria for listing diseases provided for in Article 5(3) of Regulation (EU) 2016/429?

☐ yes ☐ no

Please provide the details:

……

15. Where the aid is granted in respect of emerging diseases, in addition to the condition set out in question 14 of this Supplementary Information Sheet, are the following criteria, set out in Article 6(2) of Regulation (EU) 2016/429 fulfilled?

(a) ☐ the disease results from the evolution or change of an existing disease agent;

(b) ☐ it is a known disease spreading to a new geographic area, species or population;

(c) ☐ is diagnosed for the first time in the Union; or

(d) ☐ it is caused by an unrecognised or a previously unrecognised disease agent.

16. Is the aid scheme being introduced within three years from the date of the occurrence of the cost or damage caused by the animal disease, plant pest or invasive alien species?

☐ yes ☐ no

Please indicate the date of the occurrence of the animal disease, plant pest or invasive alien species that gave rise to the damage:

……

Please note that pursuant to point (368) of the Guidelines, the aid scheme must be introduced within a period of three years from the date of the occurrence of the cost or damage caused by the animal disease, plant pest or invasive alien species.

17. Please indicate the last date on which the aid may be paid out:

……

Please note that pursuant to point (368) of the Guidelines, the aid must be paid out within a period of four years following the date of occurrence of the damaging event.

18. Is the aid granted in favour of the prevention measures, referred to in point (370) of the Guidelines?

☐ yes ☐ no

Please note that pursuant to point (368) of the Guidelines, the conditions set out in questions 16 and 17 of this Supplementary Information Sheet do not apply to prevention measures referred to in point (370) of the Guidelines.

19. Please indicate the eligible costs:

(a) ☐ costs of prevention measures:

(i) ☐ biosecurity measures, including for the prevention of invasive alien species;

(ii) ☐ health checks;

(iii) ☐ analyses, including in vitro diagnostics;

(iv) ☐ tests and other screening measures;

(v) ☐ the purchase, storage, administration and distribution of vaccines, medicines, substances for the treatment of animals and plant protection products and biocidal products;

(vi) ☐ the preventive slaughtering or culling of animals or destruction of animal products and plants;

(vii) ☐ the cleaning, disinfection or disinfestation of the holding and equipment based on the epidemiology and characteristics of the pathogen or of the vector.

(b) ☐ costs of control or eradication measures:

(i) ☐ tests and other screening measures in case of animal diseases, including transmissible spongiform encephalopathy (TSE) and bovine spongiform encephalopathy (BSE) tests;

(ii) ☐ the purchase, storage, administration and distribution of vaccines, medicines, and substances for the treatment of animals and plant protection products;

(iii) ☐ the slaughter or culling and destruction of animals and the destruction of products linked to them or the destruction of plants, including those that die or are destroyed as a result of vaccination or other measures ordered by the competent authority and the cleaning, disinfection or disinfestation of the holding and equipment;

(iv) ☐ the purchase, storage, administration and distribution of plant protection products to address plant invasive alien species;

(v) ☐ the purchase, storage deployment and distribution of traps or other equipment to address animal invasive alien species.

(c) ☐ aid to make good the damage caused by an animal disease, plant pest or invasive alien species;

(d) ☐ other costs. Please specify: .....

Please note that pursuant to point (377) of the Guidelines, in exceptional and duly justified cases, the Commission may accept the costs incurred in carrying out necessary measures other than those referred to in Section 1.2.1.3. of the Guidelines.

If the aid relates to other costs than those referred to in Section 1.2.1.3. of the Guidelines, please explain why you consider that the situation is exceptional and that such costs are duly justified:

.....

20. Please specify the form of aid granted for prevention and eradication measures:

(a) ☐ subsidised service.

Please confirm that such aid is paid to the provider of the prevention, control and eradication measures:

☐ yes ☐ no

(b) ☐ direct grant.

Please note that pursuant to point (372) of the Guidelines, the aid can be granted as a direct grant only for the eligible costs referred to in points (370)(e) and (371)(b) of the Guidelines and the eligible costs referred to in points (370)(f) and (371)(c) of the Guidelines in the case of plant pests and for the cleaning and disinfection of the holding and equipment.

(c) ☐ reimbursement of the real costs to the beneficiary upon presentation to the granting authority of a proof of the costs incurred.

Please note that pursuant to point (372) of the Guidelines, aid in relation to other costs referred to in points (370) and (371) of the Guidelines may be paid directly to a beneficiary as a reimbursement of the real costs incurred only in duly justified cases and upon presentation to the granting authority of a proof of the costs incurred.

If that is the case, please provide the justification:

.....

21. Where the aid is granted for making good the damage caused by an animal disease, plant pest or invasive alien species, is compensation calculated in relation to:

(a) the market value of animals slaughtered or culled or that have died or the products linked to them, or the plants destroyed:

(i) as a result of the animal disease, plant pest or infestation by the invasive alien species,

(ii) as part of a public programme or measure referred to in point (361)(b) of the Guidelines?

☐ yes ☐ no

(b) the loss of income due to quarantine obligations and difficulties in restocking, replanting and obligatory crop-rotation imposed as part of a public programme or measure referred to in point (361)(b) of the Guidelines?

☐ yes ☐ no

22. Is the market value referred to in the previous question established on the basis of the value of the animals, products and plants immediately before any suspicion of the animal disease or plant pest or infestation by invasive alien species arose or was confirmed?

☐ yes ☐ no

23. Please confirm that the amount of aid to make good the damage caused by an animal disease, plant pest or invasive alien species will be reduced by:

(a) any costs not directly incurred due to the animal disease, plant pest or invasive alien species, that would otherwise have been incurred by the beneficiary;

(b) any revenue made by the sale of products linked to the animals slaughtered or culled and to the plants destroyed for preventive or eradication purposes on the order of the competent authority of the Member State.

☐ yes ☐ no

24. Is the aid amount to make good damage referred to in question 21 of this Supplementary Information Sheet limited to the costs and damage caused by animal diseases, plant pests or invasive alien species for which the competent authority:

(a) ☐ has formally recognised an outbreak, in the case of an animal disease, or

(b) ☐ has formally acknowledged their presence, in the case of plants pests and invasive alien species?

25. Please indicate the aid intensity:

…. % of the eligible costs.

Please note that pursuant to point (378) of the Guidelines, the aid and any other payments received by the beneficiary, including payments under other national or Union measures or insurance policies or mutual funds for the same eligible costs, must not exceed 100 % of the eligible costs.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.2.1.4. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR FALLEN STOCK**

*This form must be used by Member States for the notification of any State aid measures for fallen stock as described in Part II., Section 1.2.1.4 of the Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted only to undertakings active in primary agricultural production?

☐ yes ☐ no

Please note that pursuant to point (380) of the Guidelines, Section 1.2.1.4. of Part II. of the Guidelines is limited to undertakings active in the primary agricultural production.

2. Is the aid conditional on the existence of a consistent monitoring programme which ensures the safe disposal of all fallen stock in the Member State?

☐ yes ☐ no

3. Please indicate the eligible costs:

(a) ☐ costs of the removal of fallen stock;

(b) ☐ costs of the destruction of the fallen stock;

4. Please indicate the aid intensity:

— ..... % of the costs of the removal of fallen stock;

— ..... % of the costs of the destruction of the fallen stock;

— ..... % of the costs of the removal and destruction of the fallen stock where the aid is financed through fees or through compulsory contributions destined for the financing of the removal and destruction of the fallen stock, provided that such fees or contributions are limited to and directly imposed on the meat sector;

Please confirm that such fees or contributions are limited to and directly imposed on the meat sector:

☐ yes ☐ no

☐ ..... % of the costs of the removal and destruction of the fallen stock where there is an obligation to perform TSE tests on the fallen stock concerned or in the case of an outbreak of an animal disease referred to in the list of animal diseases referred to in point (366) of the Guidelines.

5. Is the aid provided in the form of subsidised services?

☐ yes ☐ no

Please note that pursuant to point (383) of the Guidelines, the aid must be provided in the form of subsidised services, except where the livestock breeder who is the beneficiary of the aid acts also as service provider.

6. If the aid is provided in other form than the subsidized service, does the livestock breeder who is the beneficiary of the aid also act as service provider?

☐ yes ☐ no

Please note that this is the only exception from the condition of granting the aid in the form of subsidised services.

7. Will the aid be paid to economic operators or bodies that fulfil all the following conditions?

(a) they are active downstream from the undertakings active in the livestock sector, and

(b) they provide services linked to the removal and destruction of the fallen stock?

☐ yes ☐ no

8. Is the aid granted towards the costs of disposal of slaughterhouse waste?

☐ yes ☐ no

Please note that pursuant to point (385) of the Guidelines, the Commission will not authorise aid for fallen stock given to operators active in the processing of agricultural products and the marketing of agricultural products and aid towards the costs of disposal of slaughterhouse waste.

9. Is the aid granted for investments undertaken in relation to the disposal of slaughterhouse waste?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (385) of the Guidelines, State aid for investments undertaken in relation to the disposal of slaughterhouse waste will be examined under the relevant rules applying to investment aid. Therefore, please fill in the relevant notification form.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

1.2.1.5. **SUPPLEMENTARY INFORMATION SHEET ON AID TO COMPENSATE FOR THE DAMAGE CAUSED BY PROTECTED ANIMALS**

*This form must be used by Member States for the notification of any State aid measures which are designed to compensate for damage caused by protected animals as described in Part II., Section 1.2.1.5. of the Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid limited to undertakings active in the primary agricultural production?

☐ yes ☐ no

2. Has a beneficiary taken preventive measures, which are proportionate to the risk of damage caused by protected animals in the area concerned?

☐ yes ☐ no

Please specify the preventive measures taken (such as safety fences where possible, livestock guarding dogs):

.....

Please note that pursuant to point (388) of the Guidelines, in order to mitigate the risk of distortions of competition and to provide an incentive for minimising risk, the beneficiaries must provide a minimum contribution. This contribution must take the form of preventive measures, which are proportionate to the risk of damage caused by protected animals in the area concerned. This point should not apply to the first attack of a protected animal in a given area. Moreover, if preventive measures are not reasonably possible, the Member State concerned must demonstrate the impossibility to take such preventive measures in order for the aid to be considered compatible.

If no preventive measures have been put in place, please explain why it is not possible to take such measures or confirm that the aid concerns a first attack:

……

3. Which protected animal caused the damage for which the compensation is sought?

……

4. Please describe the damage suffered:

……

5. Is the aid paid directly to the agricultural undertaking concerned?

☐ yes ☐ no

6. Is the aid paid to a producer group or organisation of which that undertaking is a member?

☐ yes ☐ no

7. If the aid is paid to a producer group or organisation, please confirm that the amount of aid does not exceed the amount of aid to which that undertaking is eligible.

☐ yes ☐ no

8. Is the aid scheme being established within a period of three years following the date of occurrence of the damaging event?

☐ yes ☐ no

Please specify when did the damaging event occurred: ……

Please note that pursuant to point (391) of the Guidelines, the aid scheme must be established within a period of three years from the date of the occurrence of the damaging event.

9. Please indicate the last date on which aid may be paid out:

……

Please note that pursuant to point (391) of the Guidelines, the aid must be paid out within a period of four years following the date of occurrence of the damaging event.

10. Is the aid granted only for costs incurred as a direct consequence of the event that caused the damage, as assessed either by a public authority, by an independent expert recognized by the granting authority or by an insurance undertaking?

☐ yes ☐ no

11. Please demonstrate a direct causal link between the damage suffered by a beneficiary of aid and the behaviour of the protected animals.

……

12. Please indicate the eligible costs:

(a) ☐ damage for animals killed or plants destroyed;

(b) ☐ indirect costs: veterinary costs resulting from the treatment of wounded animals and labour costs related to the search for missing animals; loss of income due to lower production yield linked to attacks by protected animals;

(c) ☐ material damage to farm equipment, machinery and farm buildings and stocks;

(d) ☐ loss of income.

Please note that aid for investments related to measures to prevent damage caused by protected animals can be granted in accordance with the conditions of Part II., Section 1.1.1.1 of the Guidelines relating to the aid for investments in agricultural holdings.

13. If the aid is granted to compensate for the damage for animals killed or plant destroyed, as referred to in question 12(a) of this Supplementary Information Sheet, are the eligible costs calculated on the basis of the market value of the animals killed or the plants destroyed?

☐ yes ☐ no

14. If the aid is granted to compensate for indirect costs, as referred to in question 12(b) of this Supplementary Information Sheet, please indicate exhaustively all the indirect costs that can be reimbursed:

……

15. If the aid is granted to compensate for the material damage, as referred to in question 12(c) of this Supplementary Information Sheet, is the calculation of the material damage based on the repair cost or economic value of the affected asset before the event that caused the damage?

☐ yes ☐ no

16. Please confirm that the aid does not exceed the repair cost or the decrease in fair market value caused by the event that caused the damage, that is to say, the difference between the asset's value immediately before and immediately after the event:

☐ yes ☐ no

17. Is the loss of income calculated at annual farm production level or at livestock or crop level by subtracting:

(a) the result of multiplying the quantity of the agricultural products produced in the year of the damaging event, by the average selling price obtained during that year from

(b) the result of multiplying the average annual quantity of agricultural products produced in the three-year period preceding the damaging event, or a threeyear average based on the five-year period preceding the damaging event, excluding the highest and lowest entry by the average selling price obtained?

☐ yes ☐ no

18. Is the damage calculated at the level of the individual beneficiary?

☐ yes ☐ no

19. Are the costs not incurred by the damaging event, which would otherwise have been incurred by the beneficiary, and any revenue made by the sale of the products linked to the animals killed or plants destroyed by the protected animals, deducted from the amount of the aid?

☐ yes ☐ no

20. Please indicate the aid intensity:

— ..... % of the eligible costs;

— ..... % of the total indirect eligible costs.

21. Is the aid, including payments under other national or Union measures or insurance policies for the damage for which the aid is granted, limited to 100 % of the eligible costs?

☐ yes ☐ no

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

1.2.1.6. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE PAYMENT OF INSURANCE PREMIUMS**

*This form must be used for the notification of any State aid schemes designed to compensate for the payment of insurance premiums as described in Part II., Section 1.2.1.6. of the Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid limited to undertakings active in agricultural primary production?

☐ yes ☐ no

Please note that pursuant to point (403) of the Guidelines, Section 1.2.1.6. of the Guidelines applies only to undertakings active in agricultural primary production.

2. Please confirm that the measure does not constitute a barrier to the operation of the internal market for insurance services:

☐ yes ☐ no

Please note that pursuant point (404) of the Guidelines the aid must not constitute a barrier to the operation of the internal market for insurance services.

3. Is the aid limited to insurance provided by a single insurance company or group of companies?

☐ yes ☐ no

Please note that pursuant point (404) of the Guidelines the aid must not be limited to insurance provided by a single insurance company or group of companies.

4. Is the aid made subject to the condition that the insurance contract must be taken out with a company established in the Member State?

☐ yes ☐ no

Please note that pursuant point (404) of the Guidelines the aid must not be made conditional on the insurance contract being taken out with a company established in the Member State concerned.

5. Does the aid cover a re-insurance?

☐ yes ☐ no

Please note that pursuant to point (405) of the Guidelines, the Commission will examine the reinsurance schemes on a case-by-case basis.

Therefore, if the answer to this question is yes, please provide all necessary information to enable the Commission to check possible aid components at the different levels involved (that is to say, at the level of the insurer and/or re-insurer) and the compatibility of the proposed aid with the internal market. In particular, please submit sufficient information to enable the Commission to check that the final benefit of the aid is passed on to the farmer.

6. Please indicate the eligible costs:

(a) ☐ the costs of insurance premium for insurance to cover the damage caused by natural disasters or exceptional occurrences, adverse climatic events which can be assimilated to a natural disaster, animal diseases, plant pests and invasive alien species, the removal and destruction of fallen stock and damage caused by protected animals, as referred to in Sections 1.2.1.1, 1.2.1.2, 1.2.1.3, 1.2.1.4 and 1.2.1.5 of the Guidelines, as well as by other adverse climatic events;

Please specify the risk event covered by the insurance: .....

(b) ☐ the costs of insurance premium for insurance to cover the losses caused by environmental incidents;

7. Is the insurance for which the aid is granted, limited to compensating for not more than the cost of making good the damage caused by the events referred to in question 6?

☐ yes ☐ no

Please note that pursuant to point (407) of the Guidelines, the insurance may compensate only the cost of making good the damage referred to in point (406) of the Guidelines.

8. Does the insurance require or specify the type or quantity of future production?

☐ yes ☐ no

Please note that pursuant point (407) of the Guidelines, the insurance may not require or specify the type or quantity of future production.

9. If the aid is granted for insurance premiums for insurance against losses caused by environmental incidents, has the occurrence of the environmental incident been formally recognised as such by the competent authority of the Member State?

☐ yes ☐ no

10. Where the aid is granted for insurance premiums for insurance against losses caused by environmental incidents, has the Member State established in advance criteria on the basis of which the formal recognition referred to in question 9 of this Supplementary Information Sheet is deemed to be granted?

☐ yes ☐ no

11. Have indexes, referred to in points (337) and (338) of the Guidelines, been used in order to calculate the annual agricultural production of the beneficiary and the extent of the loss?

☐ yes ☐ no

12. Please specify the aid intensity:

— ..... % of the costs of the insurance premium;

— ..... % of the costs of the insurance premium for insurance covering the removal of fallen stock;

— ..... % of the cost of the insurance premium as regards insurance premiums for the destruction of such fallen stock.

Please note that pursuant to point (411) of the Guidelines, the aid intensity must not exceed 70 % of the cost of the insurance premium. In respect of aid for the removal and destruction of fallen stock, the aid intensity must not exceed 100 % of the cost of the insurance premium as regards insurance premiums for the removal of fallen stock and 75 % of the cost of the insurance premium as regards insurance premiums for the destruction of such fallen stock.

13. Will the amount of the insurance premium eligible for aid be limited by the application of a ceiling?

☐ yes ☐ no

If the answer is yes, please specify the ceiling:

.....

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

1.2.1.7. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR FINANCIAL CONTRIBUTIONS TO MUTUAL FUNDS**

*This form must be used for the notification of any State aid schemes designed to compensate for financial contributions to mutual funds as described in Part II., Section 1.2.1.7. of the Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid limited to undertakings active in the agricultural primary production?

☐ yes ☐ no

Please note that pursuant to point (414) of the Guidelines, Section 1.2.1.7. of the Guidelines applies only to undertakings active in agricultural primary production.

2. Has the mutual fund been accredited by the competent authority in accordance with national law?

☐ yes ☐ no

3. Does the mutual fund have a transparent policy towards payments into and withdrawals from the fund?

☐ yes ☐ no

4. Does the mutual fund have clear rules attributing responsibilities for any debts incurred?

☐ yes ☐ no

Please note that pursuant point (415) of the Guidelines, the conditions set out in questions 2, 3 and 4 are cumulative.

5. Have rules for the constitution and management of the mutual fund been defined, in particular for the granting of compensation payments, as well as for the administration and monitoring of compliance with those rules?

☐ yes ☐ no

6. Do the mutual fund arrangements provide for penalties in case of negligence on the part of the beneficiary?

☐ yes ☐ no

7. Please specify the eligible costs:

(a) ☐ costs of the financial contributions to mutual funds to pay compensation to farmers for damage caused by natural disasters or exceptional occurrences, adverse climatic events which can be assimilated to a natural disaster, animal diseases, plant pests and invasive alien species, the removal and destruction of fallen stock and damage caused by protected animals, as referred to in Sections 1.2.1.1, 1.2.1.2, 1.2.1.3, 1.2.1.4 and 1.2.1.5, and by other adverse climatic events;

Please specify the risk event covered by the financial contribution to a mutual fund:

.....

(b) ☐ costs of the financial contributions to mutual funds to pay compensation to farmers for damage caused by environmental incidents.

8. Do the financial contributions relate only to the amounts paid by the mutual fund as financial compensation to undertakings active in the primary agricultural production?

☐ yes ☐ no

9. Where the aid is granted for financial contributions to mutual funds to pay compensation for the damages caused by environmental incidents, has the occurrence of the environmental incident been formally recognised as such by the competent authority of the Member State?

☐ yes ☐ no

Please note that pursuant to point (418) of the Guidelines, the occurrence of the environmental incident must be formally recognised as such by the competent authority of the Member State.

10. Where the aid is granted for financial contributions to mutual funds to pay compensation for the damages caused by environmental incidents, has the Member State established in advance criteria on the basis of which the formal recognition referred to is deemed to be granted?

☐ yes ☐ no

11. Have indexes, referred to in points (337) and (338) of the Guidelines been used in order to calculate the annual agricultural production of the beneficiary and the extent of the loss?

☐ yes ☐ no

12. Please specify the aid intensity:

..... % of the eligible costs.

Please note that pursuant to point (421) of the Guidelines, the aid must not exceed 70 % of the eligible costs.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

1.3.1. **SUPPLEMENTARY INFORMATION SHEET FOR AID FOR CLOSING PRODUCTION CAPACITY**

*This form must be used for the notification of State aid for closing production capacity as described in Part II., Section 1.3.1. of the Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. CLOSING OF CAPACITY FOR ANIMAL, PLANT OR HUMAN HEALTH, SANITARY, ETHICAL, ENVIRONMENTAL OR CLIMATE REASONS (Part II., Section 1.3.1.1. of the Guidelines)

1.1. Please specify the reason for the closing of capacity?

(a) ☐ animal health;

(b) ☐ plant health;

(c) ☐ human health;

(d) ☐ sanitary reasons;

(e) ☐ ethical reasons;

(f) ☐ environmental or climate reasons.

Please describe the reason(s) in more details:

……

1.2. Is the measure intended as the aid scheme or as individual aid?

(a) ☐ aid scheme;

(b) ☐ individual aid.

If the measure is the aid scheme, please confirm that the aid will be accessible to all eligible undertakings:

☐ yes ☐ no

1.3. Please specify whether the aid is granted for:

(a) ☐ complete closure of capacity;

(b) ☐ partial closure of capacity.

If the aid is granted for the partial closure of capacity, please justify:

……

1.4. Does the beneficiary provide a minimum contribution in the form of a definitive and irrevocable commitment to scrap or irrevocably close the production capacity concerned?

☐ yes ☐ no

Please note that pursuant to point (425) of the Guidelines, the beneficiary must provide a minimum contribution in the form of a definitive and irrevocable decision to scrap or irrevocably close the production capacity concerned. Legally binding commitments must be obtained from the beneficiary that the closure of the production capacity concerned is definitive and irreversible and that the beneficiary will not start the same activity elsewhere. Those commitments must also be binding on any future purchaser of the land or facility concerned.

1.5. Is the aid limited to undertakings that have been actually producing, and to production capacities that have been actually in constant use over the past five years before the closing of capacity?

☐ yes ☐ no

Please note that pursuant to point (426) of the Guidelines, only undertakings that have actually been producing, and only production capacities that have actually been in constant use over the past five years before the closing of capacity are eligible for aid. In cases where the production capacity has already closed definitively, or where such closure appears inevitable, no minimal (sufficient) contribution effort is present from the beneficiary, and aid may not be granted.

1.6. Is the aid limited to undertakings that fulfil Union standards?

☐ yes ☐ no

Please note that pursuant to point (428) of the Guidelines, only undertakings fulfilling Union standards are eligible for aid. Undertakings which do not fulfil Union standards and which would be obliged to stop production anyway are excluded.

1.7. Will the open farmland taken out of production be afforested or turned into nature area within a period of two years?

☐ yes ☐ no

Please note that pursuant to point (429) of the Guidelines, in order to avoid erosion and other negative effects on the environment, open farmland taken out of production must in principle be afforested or turned into nature area within a period of two years and in such a way as to ensure that negative effects on the environment are avoided. To prevent negative climatic effects, agricultural land reconverted to wetland or peatland should not be afforested inappropriately.

1.8. Where the open farmland may be re-used after 20 years following effective capacity closure, will such farmland be, until then, maintained in good agricultural and environmental condition in accordance with the GAEC standards established under Title III, Chapter I, Section 2, of Regulation (EU) 2021/2115 ([500]) and with the relevant implementing rules.in such a way as to ensure that negative effects on the environment are avoided?

☐ yes ☐ no

1.9. Please confirm that where the closure of installations falls within the scope of Directive 2010/75 ([501]), such closure will be carried out in accordance with Articles 11 and 22 of that Directive.

☐ yes ☐ no

1.10. Please specify the eligible costs:

(a) ☐ loss of value of assets measured as the current selling value of the assets;

(b) ☐ incentive payment of maximum 20 % of the value of the assets, where the capacity is closed for environment or climate reasons;

(c) ☐ costs of destruction of the production capacity;

(d) ☐ obligatory social costs resulting from the implementation of the closure decision.

Please note that the aid for afforestation and the conversion of land into nature areas must be granted in accordance with the rules set out in Part II., Sections 2.1.1 and 2.1.2. of the Guidelines and the rules on aid for non-productive investment set out in Part II., Section 1.1.1.1. of the Guidelines.

1.11. Please indicate the aid intensity:

(a) ..... % for compensation for the loss of value of assets, for compensation for the costs of destruction of the production capacity and to offset the obligatory social costs resulting from the implementation of the closure decision;

(b) ..... % for compensation for the loss of value of assets where the capacity is closed for environmental or climate reasons.

2. CLOSING OF CAPACITY FOR OTHER REASONS (Part II., Section 1.3.1.2. of the Guidelines)

2.1. Please specify the reason for the closing of capacity:

(a) ☐ restructuring of a sector;

(b) ☐ diversification;

(c) ☐ early retirement.

([500]) Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD), OJ L 435, 6.12.2021, p.1.

([501]) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) ,OJ L 334 of 17.12.2010, p. 17.

2.2. Is the measure intended as the aid scheme or as individual aid?

(a) ☐ aid scheme;

(b) ☐ individual aid.

If the measure is the aid scheme, please confirm that the aid will be accessible to all economic operators in the sector concerned under the same conditions:

☐ yes ☐ no

2.3. Please specify whether the aid is granted for:

(a) ☐ complete closure of capacity;

(b) ☐ partial closure of capacity.

If the aid is granted for the partial closure of capacity, please justify:

……

2.4. Does the beneficiary provide a minimum contribution in the form of a definitive and irrevocable commitment to scrap or irrevocably close the production capacity concerned?

☐ yes ☐ no

Please note that pursuant to point (425) of the Guidelines, the beneficiary must provide a minimum contribution in the form of a definitive and irrevocable decision to scrap or irrevocably close the production capacity concerned. Legally binding commitments must be obtained from the beneficiary that the closure of the production capacity concerned is definitive and irreversible and that the beneficiary will not start the same activity elsewhere. Those commitments must also be binding on any future purchaser of the land or facility concerned.

2.5. Is the aid limited to undertakings that have been actually producing, and to production capacities that have actually been in constant use over the past five years before the closing of capacity?

☐ yes ☐ no

Please note that pursuant to point (426) of the Guidelines, only undertakings that have actually been producing, and only production capacities that have actually been in constant use over the past five years before the closing of capacity are eligible for aid. In cases where the production capacity has already closed definitively, or where such closure appears inevitable, no minimal (sufficient) contribution effort is present from the beneficiary, and aid may not be granted.

2.6. Is the aid limited to undertakings that fulfil Union standards?

☐ yes ☐ no

Please note that pursuant to point (428) of the Guidelines, only undertakings fulfilling Union standards are eligible for aid. Undertakings which do not fulfil Union standards and which would be obliged to stop production anyway are excluded.

2.7. Will the open farmland taken out of production be afforested or turned into nature area within a period of two years?

☐ yes ☐ no

Please note that pursuant to point (429) of the Guidelines, in order to avoid erosion and other negative effects on the environment, open farmland taken out of production must in principle be afforested or turned into nature area within a period of two years and in such a way as to ensure that negative effects on the environment are avoided. To prevent negative climatic effects, agricultural land reconverted to wetland or peatland should not be afforested inappropriately.

2.8. Where the open farmland may be re-used after 20 years following effective capacity closure, will such farmland be, until then, maintained in good agricultural and environmental condition in accordance with the GAEC standards established under Title III, Chapter I, Section 2, of Regulation (EU) 2021/2115 and with the relevant implementing rules.in such a way as to ensure that negative effects on the environment are avoided?

☐ yes ☐ no

2.9. Please confirm that where the closure of installations falls within the scope of Directive 2010/75, such closure will be carried out in accordance with Articles 11 and 22 of that Directive:

☐ yes ☐ no

2.10. Please confirm that no aid is granted which would interfere with the mechanisms of the common organisation of the markets in agricultural products:

☐ yes ☐ no

2.11. Is the aid granted for a sector, which is subject to production limits or quotas?

☐ yes ☐ no

If the answer is yet, please not that pursuant to point (440) of the Guidelines, aid schemes applying to sectors which are subject to production limits or quotas will be evaluated on a case-by-case basis.

2.12. Is the aid part of a programme which has defined objectives and a specific timetable aimed at restructuring the sector(s), at diversification or at early retirement:

☐ yes ☐ no

Please describe the programme:

……

2.13. Is the duration of the planned aid scheme limited to a period of not more than six months for collecting applications for participation and a further 12 months for actually closing down?

☐ yes ☐ no

If the duration is longer than prescribed above, please justify it:

……

Please note that pursuant to point (442) of the Guidelines, in order to ensure rapid impact on the market, the Commission will not accept aid schemes with duration of more than three years, since experience has shown that such aid schemes may result in the postponement of the necessary changes.

2.14. Does the Member State use a transparent and open system of calls for interest which publicly invites all potentially interested undertakings to participate?

☐ yes ☐ no

Please note that pursuant to point (443) of the Guidelines, in order to achieve maximum impact, the Member State must use a transparent and open system of calls for interest which publicly invites all potentially interested undertakings to participate.

2.15. Is the organisation of the aid scheme managed in such a way that it neither requires nor facilitates anticompetitive agreements or concerted practices between the undertakings concerned?

☐ yes ☐ no

2.16. Please indicate the aid intensity:

….. % for compensation for the loss of value of assets, for compensation for the costs of destruction of the production capacity and to offset the obligatory social costs resulting from the implementation of the closure decision;

Please note that pursuant to points (436)(a) and (444) of the Guidelines, aid may be granted up to 100 % for compensation for the loss of value of assets, for compensation for the costs of destruction of the production capacity and to offset the obligatory social costs resulting from the implementation of the closure decision

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under these Sections of the Guidelines.

……

1.3.2. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE RELOCATION OF FARMING ACTIVITIES**

*This information sheet relates to State aid for the relocation of farming activities as described in Part II., Section 1.3.2. of the Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted to undertakings active in primary agricultural production?

☐ yes ☐ no

Please note that pursuant to point (446) of the Guidelines, Section 1.3.2. of the Guidelines applies to undertakings active in primary agricultural production.

2. Does the relocation of the farming activities pursue an objective of public interest?

☐ yes ☐ no

Please specify the public interest pursued by the aid measure:

……

Please note that pursuant to point (447) of the Guidelines, the public interest invoked to justify the granting of aid under this Section must be specified in the relevant provisions of the Member State concerned.

3. Does the beneficiary commit to return the abandoned site to an environmentally satisfactory state, including the dismantling and destruction of the facilities present on the abandoned site?

☐ yes ☐ no

Please note that pursuant to point (447) of the Guidelines, as a minimum contribution, the beneficiary must provide a commitment to return the abandoned site to an environmentally satisfactory state, including the dismantling and destruction of the facilities present on the abandoned site.

4. Please indicate the eligible costs:

(a) ☐ costs of the dismantling, removal and re-building operations or of the takeover of other existing facilities;

(b) ☐ costs of returning the abandoned site to the environmentally satisfactory state;

(c) ☐ investments in modernisation of the facilities and in an increase in production capacity;

(d) ☐ activities close to rural settlements, with a view to improving the quality of life or increasing the environmental performance of the rural settlement and concerning small-scale infrastructures.

5. Please indicate the maximum aid intensity:

— ..... % of the real costs of the dismantling, removal and re-building operations or of the takeover of other existing facilities and of the costs of returning the abandoned site to the environmentally satisfactory state;

Please note that pursuant to point (449) (a) of the Guidelines, where the relocation of the farming activities consists of the dismantling, removal and re-building operations or of the takeover of other existing facilities, and of returning the abandoned site to the environmentally satisfactory state, the aid intensity may reach up to 100 % of the real costs incurred.

— ..... % of the investment costs relating to the modernisation of the facilities or the increase of the production capacity;

Please note that pursuant to point (449) (b) of the Guidelines, where the relocation results in a modernisation of the facilities or in an increase in production capacity, the aid intensities for investments, referred to in points (159), (160), (161) and (162) of the Guidelines apply in respect to the costs relating to the modernisation of the facilities or the increase of the production capacity.

— ..... % of the costs of relocation activities close to rural settlements, with a view to improving quality of life or increasing environmental performance of the settlement, and concerning small-scale infrastructures:

Please note that pursuant to point (449) (c) of the Guidelines, where the relocation concerns activities close to rural settlements, with a view to improving the quality of life or increasing the environmental performance of the rural settlement and concerns small-scale infrastructures, the aid intensity may reach up to 100 % of the eligible costs.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

1.3.3. **SUPPLEMENTARY INFORMATION SHEET ON AID TO THE LIVESTOCK SECTOR**

*This form must be used for the notification of any State aid measures designed to support the livestock sector as described in Part II., Section 1.3.3. of the Guidelines for State aid in the agriculture and forestry sectors and in rural areas ("the Guidelines").*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted only to undertakings which are SMEs active in agricultural primary production?

☐ yes ☐ no

Please note that pursuant to points (22) and (451) of the Guidelines, the Commission will not authorise State aid towards the costs covered by Part II., Section 1.3.3. of the Guidelines in favour of large enterprises.

2. Is the aid provided in the form of a subsidised service?

☐ yes ☐ no

Please note that pursuant to point (452) of the Guidelines, aid should be provided in the form of subsidised services and should not involve direct payments to the beneficiaries.

3. Please indicate the eligible costs:

(a) ☐ the administrative costs of the establishment and maintenance of herd books:

☐ costs for the collection and administration of data on animals, for example, the origin of an animal, its date of birth, its date of insemination, its date of death and reasons for it and the expert's evaluation, actualisation and processing of the data necessary for the establishment and maintenance of breeding books;

☐ costs for the administrative works relating to the registration of relevant data on animals in the breeding books;

☐ costs for the update of software for managing data in the breeding books;

☐ costs for the on-line publication of information about breeding books and of data from the breeding books;

☐ other related administrative costs;

(b) ☐ tests to determine the genetic quality or yield of livestock, performed by or on behalf of third parties:

☐ costs for tests or controls;

☐ related costs of the collection and evaluation of the data received from such tests and controls with regard to increasing the animal health and the level of environmental protection;

☐ related costs of the collection and evaluation of the data received from such tests and controls aiming at assessing the genetic quality of animals for the implementation of advanced breeding techniques and for keeping the genetic diversity;

☐ administrative costs related to the three categories of costs set out above in this point.

Please note that in compliance with point (453) of the Guidelines, controls undertaken by the owner of the livestock and routine controls of milk quality are excluded from the aid.

4. Please specify the maximum aid intensity:

☐ ..... % of the costs of financing of the administrative costs of the establishment and maintenance of breeding books referred to in question 3(a) of this Supplementary Information Sheet;

☐ ..... % of the costs of tests performed by or on behalf of third parties, to determine the genetic quality or yield of livestock, referred to in question 3(b) of this Supplementary Information Sheet.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

1.3.4. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE PROMOTION MEASURES IN FAVOUR OF AGRICULTURAL PRODUCTS**

*This form must be used for State aid for the promotion measures in favour of agricultural products as described in Part II., Section 1.3.4. of the Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Please indicate whether the aid is granted in favour of:

   (a) ☐ agricultural products;

   (b) ☐ food products based on agricultural products, listed in Annex I to Regulation (EU) 1144/2014 ([502]).

   If the aid is granted for the promotion of the food-based product(s) listed in Annex I to Regulation (EU) 1144/2014, please specify those products:

   ……

2. Please specify whether the promotion activity is designed to:

   (a) ☐ inform the public about the characteristics of agricultural products, for example, by organising competitions, by participating in trade fairs and public relations activities, by the vulgarisation of scientific knowledge or by publications with factual information; or

   (b) ☐ encourage economic operators or consumers to buy the agricultural product in question by way of promotion campaigns.

3. Where will the promotion activity be carried out?

   (a) ☐ in the internal market;

   (b) ☐ in third countries;

4. Is the aid granted for organisation of competitions, trade fairs or exhibitions limited to SMEs?

   ☐ yes ☐ no

5. Please indicate whether the aid is granted in favour of the promotion that:

   (a) ☐ relates specifically to products covered by quality schemes; or

   (b) ☐ is generic in character and for the benefit of all producers of the type of product concerned.

6. Does a promotion campaign comply with Regulation (EU) No 1169/2011 ([503]) , and, where appropriate, with the specific labelling rules laid down for various products?

   ☐ yes ☐ no

   Please specify the applicable labeling rules:

   ……

7. Does the notification include samples or mock-ups of the promotion materials?

   ☐ yes ☐ no

8. If such a promotion material is not yet available, does the Member State commit to provide this material at a later stage and in any case before the launching of the promotion campaign?

   ☐ yes ☐ no

9. Where the promotion activity is undertaken by producer groups and organisations, is the participation conditional on membership to such producer groups and organisations?

   ☐ yes ☐ no

   Please note that pursuant to point (464) of the Guidelines, the provision of promotion measures may be undertaken by producer groups or other organisation regardless of their size. Where the promotion measure is undertaken by producer groups or other organisations, participation must not be made conditional on membership to those groups or organisations.

([502]) EUR-Lex - 32014R1144 - EN - EUR-Lex (europa.eu).
([503]) EUR-Lex - 32011R1169 - EN - EUR-Lex (europa.eu)

10. If the answer to the previous question is yes, is any contribution in terms of administration fees for the group or organisation limited to the cost of providing the promotion measure?

☐ yes ☐ no

11. Does the annual budget of the aided promotion campaign exceed EUR 5 million?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (463) of the Guidelines, the promotion campaign exceeding the notification threshold EUR 5 million, referred to in point (35)(b) must be notified individually.

12. Please indicate the form of the aid:

(a) ☐ subsidised service;

(b) ☐ reimbursement of real costs incurred by the beneficiary;

(c) ☐ in cash, where aid is granted for a symbolic prize.

Please note that pursuant to point (466) of the Guidelines, aid for promotion campaigns must be granted only in the form of subsidised services.

13. Where the aid for symbolic prizes is paid to the provider of the promotion measure, will such aid be paid only if the prize has been actually granted and upon presentation of a proof of the award?

☐ yes ☐ no

14. Will the promotion campaign be earmarked for quality products covered by a quality scheme as referred to in point (274) of the Guidelines?

☐ yes ☐ no

15. Please indicate the eligible costs:

(a) ☐ costs related to the organisation of and participation in competitions, trade fairs and exhibitions:

☐ participation fees;

☐ travel costs and costs for the transportation of products concerned by the participation in competitions, trade fairs and exhibitions;

☐ costs of publications and websites announcing the event;

☐ the rent of premises and stands and costs of their installation and dismantling;

☐ symbolic prizes up to a value of EUR 3 000 per prize and per winner of a competition.

(b) ☐ the costs of publications in print and electronic media, websites, and spots in electronic media, on radio or television, aimed at presenting factual information about producers from a given region or producers of a given product;

Please confirm that such information is neutral and all producers have equal opportunities to be represented in the publication:

☐ yes ☐ no

(c) ☐ the costs of the dissemination of scientific knowledge and factual information on:

☐ quality schemes referred to in point (274) open to agricultural products from other Member States and third countries;

☐ generic agricultural products and their nutritional benefits and suggested uses for them;

(d) ☐ the costs of consumer-targeted promotion campaigns organised in the media or at retail outlets and the costs of all promotion material distributed directly to consumers.

16. Is the aid for the costs related to the organisation of and participation in competitions, trade fairs and exhibitions, referred to in question 15(a) of this Supplementary Information Sheet accessible to all those eligible in the area concerned, based on objectively defined conditions?

☐ yes ☐ no

*Reference to particular undertaking, brand name or origin:*

17. Please confirm that where the aid is granted for promotion activities referred to in point (468)(c) of the Guidelines and promotion campaigns referred to in point (468)(d) of the Guidelines, in particular those that are generic in character and for the benefit of all producers of the type of product concerned as referred to in point (468)(b) of the Guidelines, such promotion activities will not mention any particular undertaking, brand name or origin:

☐ yes ☐ no

18. Please confirm that where the aid is granted for the consumer-targeted promotion campaigns organised in the media or at retail outlets, referred to in point (468)(d) of the Guidelines, such promotion activity will not be earmarked for products of one or more particular company or companies:

☐ yes ☐ no

19. In derogation from questions 17 and 18 of this Supplementary Information Sheet, if the aid is granted in favour of the promotion activities which contain the reference to origin, please indicate the reason:

(a) ☐ aid is granted for the promotion activities and promotion campaigns referred to respectively in point (468)(c) and (d) of the Guidelines, which relate specifically to products covered by quality schemes as referred to in point (274) of the Guidelines and which fulfil the following conditions:

(i) ☐ the promotion activity or the promotion campaign relates specifically to Union-recognised denominations referred to in Title II of Regulation (EU) No 1151/2012 ([504]). In this case, the reference to the origin of the products in the promotion activity or campaign must correspond exactly to that registered by the Union;

(ii) ☐ the promotion activity or the promotion campaign concerns products covered by quality schemes other than schemes for Union-recognised denominations referred to in Title II of Regulation (EU) No 1151/2012. In this case, the origin of the products must be secondary in the message.

(b) ☐ aid is granted for the promotion activities and promotion campaigns on local markets or that relate to products on local markets, the objective of which is to preserve the agricultural community and which fulfil the following conditions:

(i) ☐ the indication of origin of the product is secondary in the main message;

(ii) ☐ the promotion activity or the promotion campaign is proportionate to the objective pursued.

([504]) EUR-Lex - 32012R1151 - EN - EUR-Lex (europa.eu)

20. Please confirm that any reference to the origin:

☐ will not be discriminatory;

☐ will not aim at encouraging the consumption of the agricultural product on the sole ground of its origin;

☐ will respect the general principles of Union law; and

☐ will not amount to a restriction of the free movement of agricultural products in breach of Article 34 of the Treaty.

21. Please indicate the aid intensity:

— ..... % of the eligible costs referred to in point (468)(a), (b) and (c) of the Guidelines;

Please note that pursuant to point (471) of the Guidelines, the aid intensity for eligible costs referred to in point (468)(a), (b) and (c) of the Guidelines, must not exceed 100 % of the eligible costs.

— ..... % of the eligible costs of the promotion campaigns relating specifically to products covered by quality schemes, as referred to in point (468)(d) of the Guidelines;

Please note that pursuant to point (472) of the Guidelines, the aid intensity for promotion campaigns relating specifically to products covered by quality schemes, as referred to in point (468)(d) of the Guidelines in conjunction with point (460) (a) of the Guidelines, must not exceed 50 % of the eligible costs of the campaign. The aid may be granted up to 100 % of the eligible costs if the sector contributes at least 50 % of the costs.

— ..... % of the eligible costs of the promotion campaigns relating specifically to products covered by quality schemes, as referred to in point (468)(d) of the Guidelines, where the promotion activity is carried out in third countries;

Please note that pursuant to point (472) of the Guidelines, the aid intensity for promotion campaigns in third countries relating specifically to products covered by quality schemes, as referred to in point (468)(d) of the Guidelines in conjunction with point (460) (a) of the Guidelines, must not exceed 80 % of the eligible costs.

— ..... % of the eligible costs of generic promotion campaigns referred to in point (468)(d) of the Guidelines;

Please note that pursuant to point (473) of the Guidelines, the aid intensity for generic promotion campaigns, referred to in point (468)(d) of the Guidelines in conjunction with point (460)(b) of the Guidelines, must not exceed 100 % of the eligible costs.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

1.3.5. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE OUTERMOST REGIONS AND THE SMALLER AEGEAN ISLANDS**

*This form must be used by Member State to notify State aids for the outermost regions and the smaller Aegean islands, as referred to in Part II., Section 1.3.5.of the Guidelines for State aid in the agriculture and forestry sectors and in rural ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

*If the aid for the outermost regions and the smaller Aegean Islands is related to other Section of the Guidelines, please fill in the Supplementary Information Sheet corresponding the type of aid notified.*

1. Is the aid granted in favour of the agricultural sector as defined in point (33)9 of the Guidelines?

☐ yes ☐ no

Pursuant to point (475) of the Guidelines, Section 1.3.5. of the Guidelines applies to the whole agricultural sector as defined in point (33)9 of the Guidelines.

2. Please indicate the eligible costs:

(a) ☐ additional transport costs of agricultural products which have been produced in the outermost regions and in the smaller Aegean islands;

(b) ☐ other costs.

3. Where the aid is granted for additional transport costs, referred to in question 2 (a) of this Supplementary Information Sheet, does such aid fulfil the following conditions?

(a) ☐ the beneficiaries have their production activity in the outermost regions or in the smaller Aegean islands;

(b) ☐ the aid is objectively quantifiable in advance on the basis of a fixed sum or per ton/kilometer ratio or any other relevant unit;

(c) ☐ the additional transport costs are calculated on the basis of the journey of the products inside the national border of the Member State concerned using the means of transport which results in the lowest costs for the beneficiary, taking into account the external costs to the environment;

(d) ☐ for outermost regions, the eligible additional transport costs may include the costs of transporting agricultural products from the place of their production to locations in outermost areas where they are further processed.

4. Where the aid is granted for the other costs, referred to in question 2 (b) of this Supplementary Information Sheet, please specify the costs for which the aid can be granted:

……

Please note that pursuant to point (481) of the Guidelines, the Commission will examine plans to grant State aid for other costs than additional transport costs which is designed to meet the needs of the outermost regions and the smaller Aegean islands on a case-by-case basis, in accordance with the conditions laid down in Part I, Chapter 3, of the Guidelines and the specific legal provisions applying to those regions, and having regard, if applicable, to the compatibility of the measures concerned with the CAP Strategic Plans for the regions concerned, and their effects on competition both in the regions concerned and in other parts of the Union.

Please provide all information, which will allow the Commission to assess such costs as referred to in point (481) of the Guidelines:

……

5. Please indicate the maximum amount of aid (on the basis of an aid-per-kilometre ratio or on the basis of an aid-per-kilometre and aid-per-unit-weight ratio) and the percentage of the additional costs covered by the aid:

……

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.3.6. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR AGRICULTURAL LAND CONSOLIDATION**

*This form must be used for the notification of any State aid measure to cover the costs of agricultural land consolidation as described in Part II., Section 1.3.6. of the Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid measure part of a general programme of agricultural land consolidation operations undertaken in accordance with the procedures laid down by the legislation of the Member State?

☐ yes ☐ no

2. Do the eligible costs include exclusively the legal, administrative and survey costs of land consolidation?

☐ yes ☐ no

3. Please indicate the aid intensity:

..... % of the eligible costs.

Please note that pursuant to point (484) of the Guidelines, the aid intensity must not exceed 100 % of the real costs incurred.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

1.3.7. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR RESEARCH AND DEVELOPMENT IN THE AGRICULTURAL SECTOR**

*This information sheet relates to State aid for research and development in the agricultural sector as described in Part II., Section 1.3.7. of the Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid.*

1. Is the aid granted in favour of the agricultural sector as defined in point (33)9 of the Guidelines?

☐ yes ☐ no

Please note that pursuant to point (486) of the Guidelines, aid for research and development, which is not aid granted in favour of the agricultural sector as defined in point (33)9 of the Guidelines and aid for research and development in the agricultural sector which does not fulfil the conditions laid down in Part II., Section 1.3.7. of the Guidelines will be assessed in accordance with the Framework for State aid for research and development and innovation.

2. Is aided project of interest to all undertakings active in the particular agricultural sector or sub-sector concerned?

☐ yes ☐ no

3. Please confirm that prior to the start of the aided project the following information will be published on the internet:

(a) the start date of the aided project:

☐ yes ☐ no

(b) the goals of the aided project:

☐ yes ☐ no

(c) an approximate date of the publication of the results expected from the aided project:

☐ yes ☐ no

(d) the place of publication on the internet of the results expected from the aided project:

☐ yes ☐ no

(e) a reference that the results are available to all undertakings active in the particular agricultural sector or sub-sector concerned at no cost:

☐ yes ☐ no

Please provide the internet address:

……

4. Will the results of the aided project be:

(a) made available on the internet from the end date of the aided project or the date on which any information concerning those results is be given to members of any particular organisation, whatever comes first?

☐ yes ☐ no

(b) made available on the internet for a period of at least five years from the end date of the aided project?

☐ yes ☐ no

Please provide the internet address, if different from the address on which information referred to in question 3 of this Information sheet will be published:

……

5. Is the aid granted directly to the research and knowledge-dissemination organisation?

☐ yes ☐ no

6. Please indicate the eligible costs:

(a) ☐ personnel costs related to researchers, technicians and other supporting staff to the extent employed on the project;

(b) ☐ the costs of instruments and equipment to the extent and for the period used for the project. Where such instruments and equipment are not used for their full life for the project, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible;

(c) ☐ the costs of buildings and land, to the extent and for the duration period used for the project. With regard to buildings, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible. With regard to land, the costs of commercial transfer or actually incurred capital costs are eligible;

(d) ☐ the costs of contractual research, knowledge and patents bought or licensed from outside sources at arm's length conditions, as well as the costs of consultancy and equivalent services used exclusively for the project;

(e) ☐ additional overheads and other operating expenses, including the costs of materials, supplies and similar products, incurred directly as a result of the project.

7. Please indicate the aid intensity:

..... % of the eligible costs.

Please note that pursuant to point (493) of the Guidelines, the aid intensity must not exceed 100 % of the eligible costs.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines:

……

2. **SUPPLEMENTARY INFORMATION SHEET ON AIDS FOR THE FORESTRY SECTOR**

*This form must be used for the notification of any State aid measure ([505]) for the forestry sector covered by Part II., Chapter 2 of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*In addition to this form, please fill in the General Information Sheet ([506]) for the notification of State aid in the agriculture and forestry sectors and in rural areas, demonstrating the general eligibility conditions for State aid, as well as the corresponding forestry form(s) 2.1 to 2.9 depending on the specific type of aid ([507]).*

*If aid for the forestry sector is to be granted under Union rules common to all sectors or specific to trade and industry, please use the applicable notification form for those sectors when notifying a State aid measure.*

1. GENERAL ELIGIBILITY CRITERIA

1.1. Is the aid be granted in the framework of a strategic plan in accordance with Regulation (EU) 2021/2115 ([508])?

☐ yes ☐ no

If the answer is yes, please continue with the following questions.

If the answer is no and the aid is financed exclusively from national resources, please complete the General form (Part I., Chapter 3 of the Guidelines) and the specific form(s) regarding sections 2.1 to 2.9. of this Guidelines.

1.2. Please indicate the relevant strategic plan (SP) and the measure under which the aid is granted:

— SP: ……

— Measure: ……

1.3. Is the aid granted in favour of working capital?

☐ yes ☐ no

If the answer is yes, is such aid granted in the form of a financial instrument?

☐ yes ☐ no

([505]) Please note that only measures falling with the definition of State aid and the rules concerning the interpretation of that definition set out in the Commission Notice on the notion of aid must be notified. In the case of uncertainty whether a measure complies with the conditions of State aid, it may be notified for the assessment of the European Commission. Forestry measures in Regulation (EU) No 1305/2013, in principle, are considered to meet all the criteria of State aid.

([506]) This condition does not apply to the aid granted in the framework of a strategic plan in accordance with Regulation (EU) 2021/2115.

([507]) This requirement does not apply to aid granted in the framework of a strategic plan in accordance with Regulation (EU) 2021/2115.

([508]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)

Please note that pursuant to point (499)(b) of the Guidelines, the aid in favour of working capital may be granted only if it is provided in the form of financial instruments.

Please specify the financial instrument(s) used:

……

1.4. Is the aid granted as operating aid?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (499)(c) of the Guidelines, such aid may be considered to be compatible with the internal market only such aid is expressly provided for in the relevant Union legislation.

If that is the case, please refer to the Union legislation concerned:

……

1.5. Is the aid available to undertakings in difficulty as defined in point 33(63) of the Guidelines?

☐ yes ☐ no

If the answer is yes, please note that under point (23) of the Guidelines, the Commission considers that when an undertaking is in financial difficulty, given that its very existence is in danger, it cannot be considered an appropriate vehicle for promoting other public policy objectives until such time as its viability is assured. Such aid must therefore comply with the Commission Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, unless it is exempt from the obligation to notify it.

1.6. Is aid available to undertakings which are subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market?

☐ yes ☐ no

If the answer is yes, please note that such aid cannot be declared compatible with the internal market.

1.7. Is the aid intended for investments in energy efficiency and renewable energies?

☐ yes ☐ no

If the answer is yes, please note that in accordance with point (496) of the Guidelines such aid is excluded from the scope of Part II., Chapter 2 of the Guidelines as such aid must comply with the Guidelines on State aid for climate, environmental protection and energy 2022 ([509]), except aid related to the use of wood as a raw material or energy source, which are limited to all working operations prior to industrial processing, provided for in point (529) of the Guidelines, or unless it is exempt from notification obligation.

1.8. Does the aid meet the objectives and fulfil all the conditions, including the conditions concerning the beneficiaries of aid, laid down in Regulation (EU) 2021/2115, and any implementing and delegated acts adopted pursuant to that Regulation?

☐ yes ☐ no

Please note that the Commission will declare State aid for the forestry sector compatible with Article 107(3)(c) of the Treaty only if the aid complies with the conditions laid down in Regulation (EU) No 1305/2013, except for measures of Sections 2.8 and 2.9 of Chapter 2 of Part II of the Guidelines.

1.9. Please confirm that the aid is not intended for forest-based industries.

☐ yes ☐ no

([509]) EUR-Lex - C:2022:080:TOC - EN - EUR-Lex (europa.eu)

2. TYPE OF AID

2.1. ☐ Investments in forest area development and improvement of the viability of forests.

Please fill in the form .2.1

2.2. ☐ Aid for area-specific disadvantages resulting from certain mandatory requirements in forest areas

Please fill in the form .2.2

2.3. ☐ Aid for forest-environment and climate services and forest conservation

Please fill in the form 2.3

2.4. ☐ Aid for knowledge exchange and information actions in the forestry sector

Please fill in the form 2.4

2.5. ☐ Aid for advisory services in the forestry sector

Please fill in the form 2.5

2.6. ☐ Aid for cooperation in forestry sector

Please fill in the form 2.6

2.7. ☐ Start-up aid for producer groups and organisations in the forestry sector

Please fill in the form 2.7

2.8. ☐ Other aid to the forestry sector with ecological, protective and recreational objectives

Please fill in the form 2.8

2.9. ☐ Aid in the forestry sector aligned with the agricultural aid measures

Please fill in the form 2.9

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned.

.....

2.1. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR INVESTMENTS IN FOREST AREA DEVELOPMENT AND IMPROVEMENT OF THE VIABILITY OF FORESTS**

*This information sheet must be used in relation to the State aid for investments in forest area development and improvement of the viability of forests as described in Part II., Section 2.1. of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

1. Please confirm that aid will not be granted for:

(a) ☐ working capital;

(b) ☐ purchase of payment entitlements;

(c) ☐ purchase of land for an amount exceeding 10 % of the total eligible expenditure for the operation concerned, except for land purchase for environmental conservation and carbon-rich soil preservation, which may be eligible to a higher rate than 10 %;

(d) ☐ interest rate on debt, except in relation to grants given in the form of an interest rate subsidy or guarantee fee subsidy.

2. Please indicate whether the aid concerns:

☐ **Aid for afforestation and creation of woodland. (Section 2.1.1 of the Guidelines)**

1. Please indicate whether the eligible costs concern:

(a) ☐ the establishment of forest and woodland on:

☐ agricultural land,

☐ non-agricultural land

(b) ☐ an annual premium per hectare to cover the costs of agricultural income foregone and maintenance, including early and late cleanings, for a maximum period determined by the Member State.

Please provide more information as to amounts of aid, the calculation methods and the maximum period for granting aid in the form of an annual premium per hectare:

……

2. Please confirm that no aid will be granted for the planting of trees for short rotation coppicing, Christmas trees or fast growing trees for energy production and for investments in afforestation which are not consistent with climate and environmental objectives nor with sustainable forest management principles, as developed in the Pan-European Guidelines for Afforestation and Reforestation ([510]):

☐ yes ☐ no

3. Please confirm that the species planted are adapted to the environmental and climatic conditions of the area and comply with minimum environmental requirements:

☐ yes ☐ no

4. Please confirm, and demonstrate with additional description and information, that the aid complies with the following minimum environmental requirements:

(a) ☐ the selection of species to be planted, of areas and of methods to be used must avoid the inappropriate afforestation of sensitive habitats such as peat lands and wetlands and negative effects on areas of high ecological value including areas under high natural value farming. On sites designated as Natura 2000 pursuant to Directive 92/43/EEC ([511]) and Directive 2009/147/EC ([512]) only afforestation consistent with the management objectives of the sites concerned and agreed with the Member State's authority in charge of implementing Natura 2000 must be allowed;

(b) ☐ the selection of species, varieties, ecotypes and provenances of trees must take account of the need for resilience to climate change and to natural disasters and the pedologic and hydrologic condition of the area concerned, as well as of the potential invasive character of the species under local conditions as defined by Member States. The beneficiary must be required to protect and care for the forest at least during the period for which the premium for agricultural income foregone and maintenance is paid. This must include tending, thinning or grazing, as appropriate, in the interest of the future development of the forest and regulating competition with herbaceous vegetation and avoiding the building up of fire prone undergrowth material. As regards fast-growing species, the Member State must define the minimum and maximum time before felling. The minimum time must not be less than eight years and the maximum must not exceed 20 years;

([510]) Adopted by the Ministerial Conference on the Protection of Forests in Europe on 12-13 November 2008 (https://foresteurope.org/wp-content/uploads/2016/08/Pan-EuropeanAfforestationReforestationGuidelines.pdf).

([511]) EUR-Lex - 31992L0043 - EN - EUR-Lex (europa.eu)

([512]) EUR-Lex - 32009L0147 - EN - EUR-Lex (europa.eu)

(c) ☐ in cases where, due to difficult soil, environmental or climatic conditions, including environmental degradation, the planting of perennial woody species cannot be expected to lead to the establishment of forest cover as defined in accordance with the applicable national legislation, the Member State concerned may allow the beneficiary to establish other woody vegetation cover such as shrubs or bushes suited to the local conditions. The beneficiary must ensure the same level of care and protection as applicable to forests;

(d) ☐ in the case of afforestation operations leading to the creation of forests of a size exceeding a certain threshold, to be defined by Member States, the operation must consist of either of the following:

(i) the planting of ecologically adapted species and/or species resilient to climate change in the bio-geographical area concerned, which have been found, through an assessment of impacts, not to threaten biodiversity and ecosystem services, or to have a negative impact on human health; or

(ii) a mix of tree species which includes either at least 10% of broadleaved trees by area, or a minimum of three tree species or varieties, with the least abundant making up at least 10% of the area.

5. Please indicate the aid intensity: .....

Please note that pursuant to point (508) of the Guidelines, the aid intensity must not exceed 100 % of the eligible costs.

☐ **Aid for the establishment, regeneration or renovation of agroforestry systems. (Section 2.1.2. of the Guidelines)**

1. Please confirm that aid may be granted for establishing agro-forestry systems as defined in point (33)(10) of the Guidelines.

☐ yes ☐ no

Please describe the aid measure:

.....

2. Please indicate whether the eligible costs concern the following:

(a) ☐ the establishment, regeneration or renovation of an agroforestry system.

(b) ☐ an annual premium per hectare for maintenance.

3. Please define the duration of the maximum period an annual premium per hectare for maintenance:

.....

4. Please indicate the aid intensity: .....

Please note that pursuant to point (513) of the Guidelines, the aid must not exceed 100 % of the eligible costs.

5. Please indicate the minimum and maximum number of trees per hectare to be planted, and demonstrate that it takes into account the local pedoclimatic conditions and environmental conditions, forestry species and the need to ensure sustainable agricultural use of the land.

.....

☐ **Aid for the prevention and restoration of damage to forests. (Section 2.1.3. of the Guidelines)**

1. Please indicate whether the eligible costs concern:

(a) ☐ the establishment of protective infrastructure (in the case of firebreaks aid may also cover maintenance costs);

Please confirm that no aid will be granted for agriculture related activities in areas covered by agri-environment-climate commitments referred to in Part II, Section 1.1.4. of the Guidelines.

☐ yes ☐ no

(b) ☐ local, small scale prevention activities against fire or other natural hazards, including the costs of the use of grazing animals and transport of the animals;

(c) ☐ establishing and improving forest fire, pest, invasive alien species and diseases monitoring facilities and communication equipment;

(d) ☐ restoring forestry potential damaged by fires, natural disasters, adverse climatic events which can be assimilated to a natural disaster, other adverse climatic events, plant pests, invasive alien species, catastrophic events and climate change related events.

Please confirm that where damage by adverse climatic events which can be assimilated to a natural disaster or plant pests or invasive alien species, can be linked to climate change, beneficiaries will endeavour to include in the restoration adaptation measures to climate change, in order to minimise damage and losses produced by similar events in the future:

☐ yes ☐ no

(e) ☐ the costs of investments related to maintaining the health of forests.

2. Please confirm that where aid is granted in favour of restoring forestry potential damaged by fires, natural disasters, adverse climatic events which can be assimilated to a natural disaster, other adverse climatic events, plant pests, invasive alien species, catastrophic events and climate change related events, the aid will be subject to a formal recognition by the competent authority of the Member State that at least one of the events referred to in question 1 (d) of this point has occurred and to the submission by the beneficiaries of proof of appropriate risk management tools to address the potential occurrence of the damaging event in the future where appropriate:

☐ yes ☐ no

3. In the case of aid for the prevention of damage to a forest from plant pests or invasive alien species, please provide the scientific evidence and the acknowledgement by a scientific public organisation of the risk of the occurrence of the plant pest or invasive alien species. Where relevant, please provide the list of harmful organisms which may become the plant pest:

.....

4. Please confirm that the eligible operations, related to damage from forest fire or biotic agents are consistent with the forest protection plan established by the Member State and especially with the prevention and restoration actions provided in the forest protection plan:

☐ yes ☐ no

5. Please confirm that only forest areas belonging to the forest protection plan established by the Member State are eligible for aid for prevention of fire:

☐ yes ☐ no

6. Please confirm that no aid will be granted for the loss of income resulting from fires, natural disasters, an adverse climatic event which can be assimilated to a natural disaster, other adverse climatic events, plant pests, invasive alien species, catastrophic events and climate change related events:

☐ yes ☐ no

7. Please indicate the aid intensity: .....

Please note that pursuant to point (521) of the Guidelines, the aid must not exceed 100 % of the eligible costs.

Pursuant to point (522) of the Guidelines, aid granted for the eligible costs referred to in point (515)(d) of the Guidelines and any other payments received by the beneficiary, including payments under other national or Union measures or insurance policies for the same eligible costs, are limited to 100 % of the eligible costs.

8. Will measures be taken to prevent the overcompensation, in particular to ensure that aid granted for the eligible costs referred to in point (515)(d) of the Guidelines and any other payments received by the beneficiary, including payments under other national or Union measures or insurance policies for the same eligible costs are limited to 100 %?

☐ yes ☐ no

9. Please describe the measures referred to in the previous point, taken in order to prevent the overcompensation:

……

☐ **Aid for investments improving the resilience and environmental value of forest ecosystems. (Section 2.1.4. of the Guidelines)**

1. Please indicate whether the eligible costs concern the following:

☐ investments aiming at fulfilling the environmental commitments with the view to providing ecosystem services;

☐ investments aiming at enhancing the public amenity value of forests and woodland in the area concerned;

☐ investments aiming at improving the climate change mitigation and adaptation potential of ecosystems.

If there is any economic benefit in the long term, please describe it:

……

2. Please indicate the aid intensity: ……

Please note that pursuant to point (525) of the Guidelines, the aid must not exceed 100 % of the eligible costs.

☐ **Aid for investments in forestry technologies and in processing, mobilising and marketing of forest products. (Section 2.1.5. of the Guidelines)**

1. Please indicate the eligible costs:

(a) ☐ investments enhancing forestry potential:

(i) ☐ investments for soil and resource friendly harvesting machinery and practices;

(ii) ☐ other investments.

(b) ☐ investments relating to processing, mobilising and marketing adding value to forest products.

2. Please describe the measure in more details:

……

3. Where the investments are related to the improvement of the economic value of forests, please provide justification in relation to the expected improvements to forests on one or more holdings and please specify whether investments for soil-friendly and resource-friendly harvesting machinery and practices are included:

……

4. Where the investments are related to the use of wood as a raw material or energy source, are those investments limited to all working operations prior to industrial processing?

☐ yes ☐ no

5. Please indicate the maximum aid intensity:

(a) ..... % of the amount of the eligible costs;

(b) ..... % of the amount of the eligible costs in in the outermost regions or smaller Aegean islands;

(c) ..... % of the amount of the eligible costs for investments linked to one or more of the specific environmental and climate-related objectives referred to in Article 73(4), point (a)(i), of Regulation (EU) 2021/2115 ([513]).

Please note that pursuant to point (530) of the Guidelines, the aid must not exceed 65 % of the amount of the eligible costs. It may be increased to a maximum of 80 % for investments in the outermost regions or the smaller Aegean islands and for investments linked to one or more of the specific environmental- and climate-related objectives referred to in Article 73(4), point (a)(i), of Regulation (EU) 2021/2115.

☐ **Aid for investments in infrastructure related to the development, modernisation or adaptation of forestry. (Section 2.1.6. of the Guidelines)**

1. Please indicate the eligible costs:

(i) ☐ tangible assets;

(ii) ☐ intangible assets,

which concern infrastructure related to the development, modernisation or adaptation of forestry, including access to forest land, land consolidation and improvement, the digitalisation of forestry, the establishment of temporary storage facilities and the supply of sustainable energy, energy efficiency, supply and saving of water, and the use of livestock instead of machinery.

2. Please indicate which of the following the investments in infrastructure concern:

(a) ☐ the development of forests;

(b) ☐ the modernisation of forests;

(c) ☐ the adaptation of forests.

3. Please indicate which of the following the investments in infrastructure include:

(a) ☐ access to forest land;

(b) ☐ land consolidation and improvement;

(c) ☐ digitalisation of forestry;

(d) ☐ establishment of temporary storage facilities;

(e) ☐ the supply of sustainable energy, energy efficiency and supply and saving of water;

(f) ☐ use of livestock instead of machinery.

4. Please describe the measure in more details:

……

5. Please indicate the aid intensity:

— ..... % of the eligible costs of non-productive investments, investments aimed exclusively at improving the environmental value of forests and investments for forest roads, which are open to the public free of charge and which serve the multifunctional aspects of forest;

([513]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)

Please note that pursuant to point (533) of the Guidelines, in the case of non-productive investments, investments aimed exclusively at improving the environmental value of forests and investments for forest roads, which are open to the public free of charge and which serve the multifunctional aspects of forest, the aid intensity must not exceed 100 % of the eligible cost.

— ..... % of the eligible costs of investments in the outermost regions or the smaller Aegean islands;

Please note that pursuant to point (534) of the Guidelines, the aid intensity must not exceed 80 % for investments in the outermost regions or the smaller Aegean islands.

— ..... % of the eligible costs of investments linked to one or more of the specific environmental- and climate-related objectives referred to in Article 73(4), point (a)(i), of Regulation (EU) 2021/2115;

Please note that pursuant to point (534) of the Guidelines, the aid intensity must not exceed 80 % of the eligible costs of investments linked to one or more of the specific environmental- and climate-related objectives referred to in Article 73(4), point (a)(i), of Regulation (EU) 2021/2115.

— ..... % of other eligible costs.

Please note that pursuant to point (535) of the Guidelines, in all other cases the aid intensity must not exceed 65 % of the eligible costs.

6. In the case of investments in access to forest land are supported, please indicate the average density of forest paths/roads in the area concerned before and after the investment (in metre/hectare) .....

☐ **Aid for investments in favour of the conservation of cultural and natural heritage located in forests. (Section 2.1.7. of the Guidelines)**

1. Please confirm that aid will be granted for cultural and natural heritage in the form of natural landscapes and buildings, which is formally recognised as cultural or natural heritage by the competent authority of the Member State.

☐ yes ☐ no

2. Please indicate the eligible costs:

☐ investments in tangible assets;

☐ capitalised work.

3. Please indicate the aid intensity: .....

Please note that pursuant to point (539) of the Guidelines, the aid for investments in tangible assets must not exceed 100 % of the eligible costs.

4. Please indicate the aid amount for capitalised work: .....

Please note that pursuant to point (539) of the Guidelines, the aid for capitalised works must be limited to EUR 10 000 per year.

☐ **Aid for financial contributions to mutual funds in forestry. (Section 2.1.8. of the Guidelines)**

1. Please confirm that aid will be granted undertakings active in forestry:

☐ yes ☐ no

2. Has the mutual fund been accredited by the competent authority in accordance with national law?

☐ yes ☐ no

3. Does the mutual fund have a transparent policy towards payments into and withdrawals from the fund?

☐ yes ☐ no

4. Does the mutual fund have clear rules attributing responsibilities for any debts incurred?

☐ yes ☐ no

Please note that in accordance with point (542) of the Guidelines, questions 2., 3. and 4. of this Information Sheet must be answered affirmatively in order for the Commission to approve the aid.

5. Have rules for the constitution and management of the mutual fund been defined, in particular for the granting of compensation payments, as well as for the administration and monitoring of compliance with those rules?

☐ yes ☐ no

6. Does the mutual fund arrangements provide for penalties in the case of negligence on the part of the undertaking?

☐ yes ☐ no

Please note that in accordance with point (543) of the Guidelines, questions 5 and 6 of this Information Sheet must be answered affirmatively in order for the Commission to be in a position to approve the aid.

7. Please specify which damages will be covered by the mutual fund for which the financial contribution will be partly financed under the notified aid measure:

☐ Damage caused by forest fire;

☐ Damage caused by natural disasters;

☐ Damage caused by adverse climatic events which can be assimilated to a natural disaster or other adverse climatic events;

☐ Damage caused by plant pests or invasive alien species;

☐ Damage caused by catastrophic events and climate change related events as referred to in point (514) of the Guidelines;

☐ Damage in forests caused by protected animals, as referred to in Section 2.8.5. of the Guidelines;

☐ Damages caused by environmental incidents.

8. Please confirm that for financial contributions to mutual funds to pay compensation for the damages caused by environmental incidents, the occurrence of the environmental incident will be formally recognised as such by the competent authority of the Member State.

☐ yes ☐ no

If the answer is yes, has the Member State established in advance criteria on the basis of which the formal recognition referred to is deemed to be granted?

☐ yes ☐ no

If the answer is yes, please provide additional detail regarding those advance criteria:

……

9. Please indicate the eligible costs:

☐ The financial contributions to mutual funds to pay compensation to forest holders and forest managers for the damages referred to in question 7. of this Information sheet, which relate to the amounts paid by the mutual fund as financial compensation to undertakings active in forestry.

Please note that there are no other eligible costs.

10. Please indicate the maximum aid intensity: .....

Please note that pursuant to point (547) of the Guidelines, the aid intensity must not exceed 70 % of the eligible costs:

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

2.2. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR AREA-SPECIFIC DISADVANTAGES RESULTING FROM CERTAIN MANDATORY REQUIREMENTS IN FOREST AREAS**

*This information sheet must be used in relation to the State aid for area-specific disadvantages resulting from certain mandatory requirements in forest areas as described in Part II., Section 2.2. of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

1. Please confirm that aid may only be granted to forest holders, forest managers and/or their associations:

☐ yes ☐ no

2. Is the aid granted annually and per hectare of forest?

☐ yes ☐ no

3. Please indicate the areas eligible for aid:

(a) ☐ Natura 2000 forest areas designated pursuant to Directive 92/43/EEC and Directive 2009/147/EC;

(b) ☐ other delimited nature protection areas with environmental restrictions applicable to forests which contribute to the implementation of Article 10 of Directive 92/43/EEC, not exceeding 5% of the designated Natura 2000 areas covered by territorial scope of each CAP Strategic Plan.

4. Please indicate the eligible costs:

(a) ☐ additional costs resulting from area-specific disadvantages in the areas concerned;

(b) ☐ income foregone resulting from the area-specific disadvantages in the areas concerned;

(c) ☐ transaction costs.

5. Please confirm that additional costs and income foregone referred to in question 4 (a) and (b) of this Information sheet will be calculated on the basis of the constraints arising from Directives 92/43/EEC, 2009/147/EC and 2000/60/EC:

☐ yes ☐ no

Please describe the calculation method:

.....

6. Please indicate the aid intensity: .....

Please note that pursuant to point (553) of the Guidelines, the maximum aid intensity must not exceed 100 % of the eligible costs.

Please indicate the amount per hectare per year:

.....

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

2.3. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR FOREST-ENVIRONMENT AND CLIMATE SERVICES AND FOREST CONSERVATION**

*This information sheet must be used in relation to the State aid for forest-environmental and climate services and forest conservation as described in Part II., Section 2.3. of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

1. COMMON PROVISIONS

1.1. Please describe the voluntary management commitment(s) to be undertaken and indicate whether they go beyond the relevant mandatory requirements established by the national forestry legislation or other relevant national or Union legislation.

……

1.2. Please indicate the relevant mandatory requirements and describe them in more details or in attached documentation:

……

1.3. Is the duration period of the commitments undertaken envisaged between 5 to 7 years?

Please specify: ……

1.4. If the duration of the commitment period is longer, please justify why it is considered necessary in the case of the particular type of commitment:

……

1.5. If the duration of the commitment period is shorter, please justify why it is considered necessary in the case of the particular type of commitment. Please note that the duration of the commitment period must be at least one year:

……

1.6. Please indicate whether the eligible costs will be calculated:

(a) ☐ as a compensation for:

☐ additional costs resulting from the voluntary management commitments;

☐ income foregone resulting from the voluntary management commitments;

☐ transaction costs to a value of up to 20 % of the aid premium paid for the forest-environment commitments.

Please state the reasons why the transaction costs are considered as necessary:

……

(b) ☐ on the basis of the value of the forest-environment and climate services that are not remunerated by the market, including collective schemes and result-based payments schemes, such as carbon farming schemes.

(c) ☐ in duly justified cases, such as operations concerning environmental conservation, the aid for commitments to renounce the commercial use of trees and forests may be calculated as a flat-rate or one-off payment per unit calculated on the basis of additional costs incurred and income foregone .

Please justify such aid:

……

1.7. Is the aid granted for operations for the conservation and promotion of forest genetic resources?

☐ yes ☐ no

If the answer is yes, please confirm that the operations include the following:

(a) ☐ targeted actions: actions promoting the in situ and ex situ conservation, characterisation, collection and utilisation of genetic resources in forestry, including web-based inventories of genetic resources currently conserved in situ, including on-forest holding conservation, and of ex situ collections and databases;

(b) ☐ concerted actions: actions promoting the exchange of information for the conservation, characterisation, collection and utilisation of genetic resources in Union forestry, among competent organisations in the Member States;

(c) ☐ accompanying actions: information, dissemination and advisory actions involving non-governmental organisations and other relevant stakeholders, training courses and the preparation of technical reports.

Please describe in more detail the operations concerning the conservation and promotion of forest genetic resources referred to in points (a), (b) and (c):

.....

1.8. Please indicate the aid intensity:

— ..... % of the eligible costs for biodiversity, climate, water or soil related services, collective schemes and result-based payments schemes, such as carbon farming schemes;

Please note that pursuant to point (561)(a) of the Guidelines, the maximum aid intensity must not exceed 120 % of the eligible costs for biodiversity, climate, water or soil related services, collective schemes and result-based payments schemes, such as carbon farming schemes.

— ..... % of the value of the forest-environment and climate services that are not remunerated by the market, in the case of schemes calculating the eligible costs on the basis of point (557)(b) of the Guidelines;

Please note that pursuant to point (561)(b) of the Guidelines, the maximum aid intensity must not exceed the value of the forest-environment and climate services that are not remunerated by the market, in the case of schemes calculating the eligible costs on the basis of point (557)(b) of the Guidelines.

— ..... % of the eligible costs for the conservation and promotion of forest genetic resources and in all other cases.

Please note that pursuant to point (561)(c) of the Guidelines, the maximum aid intensity must not exceed 100 % of the eligible costs for the conservation and promotion of forest genetic resources and in all other cases.

2. REVISION CLAUSE

2.1. Please confirm that a revision clause is provided for the operations included in this aid:

☐ yes ☐ no

Please note that in accordance with point (647) of the Guidelines, the Member State is required to provide a revision clause in order to ensure the adjustment of the operations in the case of amendments of the relevant mandatory standards, requirements or obligations referred to in Section 2.3. of Chapter 2 of Part II of the Guidelines beyond which the commitments referred to in that Section have to go.

2.2. Does this aid extend beyond the rural development programming period 2023-2027?

☐ yes ☐ no

If the answer is yes, please note that in accordance with point (648) of the Guidelines, a revision clause must be included in order to allow for the adjustment of the operations to the legal framework of the following programming period.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

2.4. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR KNOWLEDGE EXCHANGE AND INFORMATION ACTIONS IN THE FORESTRY SECTOR**

*This information sheet must be used in relation to the State aid for knowledge exchange and information actions in the forestry sector as described in Part II., Section 2.4. of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

1. Please confirm that the supported actions are consistent with the description of AKIS provided in the CAP Strategic Plan:

☐ yes ☐ no

2. Which of the following types of action can be financed by the aid?

(a) ☐ action to promote innovation;

(b) ☐ training;

(c) ☐ drawing up and updating plans and studies;

(d) ☐ exchange and dissemination of knowledge and information which contribute to achieving one or more of the specific objectives set out in Article 6(1) of Regulation (EU) 2021/2115 ([514]);

(e) ☐ short term forest management exchanges and forest visits which focus, in particular, on sustainable forestry methods or technologies, the development of new business opportunities and new technologies, and on the improvement of forest resilience;

(f) ☐ demonstration activities.

Please specify whether aid for demonstration activities covers relevant investment costs:

☐ yes ☐ no

If the answer is no, please specify the eligible investment costs:

……

3. Please indicate the aid intensity: ……

Please note that pursuant to point (566) of the Guidelines, the aid intensity must not exceed 100 % of the eligible costs.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

2.5. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR ADVISORY SERVICES IN THE FORESTRY SECTOR**

*This information sheet must be used in relation to the State aid for advisory services in the forestry sector as described in Part II., Section 2.5. of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

([514]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)

1. Please confirm that the supported actions are consistent with the description of AKIS provided in the CAP Strategic Plan:

☐ yes ☐ no

2. Please confirm that the advisory services cover economic, environmental and social dimensions and deliver up-to-date technological and scientific information developed by research and innovation:

☐ yes ☐ no

3. Please confirm that advice to forest holders is linked to at least one specific objectives set out in Article 6(1) of Regulation (EU) 2021/2115 ([515]):

☐ yes ☐ no

4. Please specify the specific objectives set out in Article 6(1) of Regulation (EU) 2021/2115 concerned:

……

5. Please confirm that advice to forest holders covers as a minimum the relevant obligations under Directive 92/43/EEC ([516]), Directive 2009/147/EC ([517]) and Directive 2000/60/EC ([518]):

☐ yes ☐ no

6. Please specify the relevant obligations under Directive 92/43/EEC, Directive 2009/147/EC and Directive 2000/60/EC which advice covers:

……

7. Please specify whether aid cover issues linked to the economic and environmental performance of the forest holding:

☐ yes ☐ no

Please specify:

……

8. Please confirm that the advice given is impartial and that advisors have no conflict of interest:

☐ yes ☐ no

9. Please indicate the eligible costs:

(a) ☐ aid to help undertakings active in the forestry sector benefit from the use of advisory services with the view to the improving the economic and environmental performance as well as the climate friendliness and resilience of their holding, enterprise and/or investment;

(b) ☐ the costs of establishing forest management plans;

Please describe the envisaged measures:

……

10. Please confirm that the aid is granted to the advisory services provider and does not involve direct payments to undertakings active in the forestry sector (beneficiaries):

☐ yes ☐ no

Please note that pursuant to point (572) of the Guidelines, the aid involving direct payments to beneficiaries cannot be declared compatible with the internal market. The aid must be granted in the form of subsidised services.

([515]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)
([516]) EUR-Lex - 31992L0043 - EN - EUR-Lex (europa.eu)
([517]) EUR-Lex - 32009L0147 - EN - EUR-Lex (europa.eu)
([518]) EUR-Lex - 32000L0060 - EN - EUR-Lex (europa.eu)

11. Please specify the aid intensity and the aid amount:

……

Please note that pursuant to point (574) of the Guidelines, the aid intensity must not exceed 100 % of the eligible costs and must not exceed EUR 200 000 per undertaking within any three-year period.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines:

……

2.6. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR COOPERATION IN FORESTRY SECTOR**

*This information sheet must be used in relation to the State aid for cooperation in the forestry sector as described in Part II., Section 2.6. of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

1. TYPE OF AID

1.1. Is the aid is granted to promote cooperation that contributes to achieving one or more of the objectives set out in Article 6(1) of Regulation (EU) 2021/2115 ([519])?

☐ yes ☐ no

Please specify to which objectve of Article 6(1) of Regulation (EU) 2021/2115 contributes the aided measure:

……

1.2. Does the cooperation involve at least two actors?

☐ yes ☐ no

1.3. Please confirm that only actors active in the forestry sector or the forestry and agricultural sectors benefit from aid:

☐ yes ☐ no

Please note that in compliance with point (577) of the Guidelines, aid can be granted to promote cooperation involving at least two actors irrespective of whether they are active in the forestry sector or in the forestry and agricultural sectors but subject to the cooperation benefitting only the forestry sector or the forestry and agricultural sectors.

1.4. Please indicate the form of the aided cooperation measure :

(a) ☐ co-operation approaches among different undertakings in the forestry sector and other actors active in the agricultural and the forestry sectors that contribute to achieving one or more of the specific objectives set out in Article 6(1) of Regulation (EU) 2021/2115, including producer groups and cooperatives;

(b) ☐ the creation of clusters and networks.

1.5. Please confirm that no aid is granted for cooperation solely involving research bodies:

☐ yes ☐ no

([519]) EUR-Lex - 32021R2115 - EN - EUR-Lex (europa.eu)

2. ELIGIBLE COSTS AND AID INTENSITY

2.1. The aid is granted for cooperation relating to the following activities:

(a) ☐ pilot projects;

(b) ☐ the development of new products, practices, processes and technologies in the forestry sector;

(c) ☐ co-operation among small operators in the forestry sector in organising joint work processes and sharing facilities and resources;

(d) ☐ horizontal and vertical co-operation among supply chain actors for the establishment and development of short supply chains and local markets;

(e) ☐ promotion activities in a local context relating to the development of short supply chain and local markets;

(f) ☐ collective action undertaken with a view to mitigating or adapting to climate change;

(g) ☐ implementation, in particular by groups of public and private partners other than those referred to in Article 31(2), point (b), of Regulation (EU) 2021/1060 ([520]), of local development strategies other than those referred to in Article 32 of Regulation (EU) 2021/1060.

2.2. Where the aid is granted for the creation of clusters and networks, is such aid granted only to newly formed clusters and networks and those commencing an activity that is new to them?

☐ yes ☐ no

If the answer is no, please note that under the Guidelines this aid cannot be granted.

2.3. In the case of aid for the establishment and development of short supply chains, is aid covering only supply chains involving no more than one intermediary between forest holder/manager and consumer?

☐ yes ☐ no

2.4. Please indicate the costs eligible, in so far as they concern activities in the forestry sector:

(a) ☐ the costs of studies of the area concerned, of feasibility studies, and of the drawing up a business plan or local development strategy other than the one referred to in Article 32 of Regulation (EU) 2021/1060;

(b) ☐ the running costs of co-operation, such as the salary of a ”co-ordinator”;

(c) ☐ the costs of operations to be implemented;

(d) ☐ the costs of promotion activities;

(e) ☐ the costs of drawing up forest management plans or equivalent instruments.

2.5. Is the aid limited to a maximum period of seven years?

☐ yes ☐ no

2.6. Where the aid is not limited to a maximum period of seven year, please indicate the reason for a different duration:

(a) ☐ aid is granted in favour of implementation, in particular by groups of public and private partners other than those referred to in Article 31(2), point (b), of Regulation (EU) 2021/1060, of local development strategies other than those referred to in Article 32 of Regulation (EU) 2021/1060;

([520]) EUR-Lex - 32021R1060 - EN - EUR-Lex (europa.eu)

(b) ☐ aid is granted in favour of collective environment and climate actions in duly justified cases to achieve the specific environmental- and climate-related objectives set out in Article 6(1), points (d), (e) and (f) of Regulation (EU) 2021/2115.

Please justify collective environmental actions exceeding seven years:

……

2.7. Please indicate the aid intensity: ……

Please note that pursuant to point (585) of the Guidelines, the aid intensity must not exceed 100 % of the eligible costs, with the exception of the costs of operation, which consist of investments.

2.8. Please indicate the maximum aid intensity of the costs of operations referred to in point (582)(c) of the Guidelines, which consist of investments:

……

Please note that pursuant to point (584) of the Guidelines, the costs of operations referred to in point (582)(c) of the Guidelines, which consist of investments, in particular direct costs of specific projects linked to the implementation of a forest management plan or equivalent, must be limited to the eligible costs and maximum aid intensities of investment aid in the forestry sector, as specified in Section 2.1 of Part II of the Guidelines relating to the investment aid.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

2.7. **SUPPLEMENTARY INFORMATION SHEET ON START-UP AID FOR PRODUCER GROUPS AND ORGANISATIONS IN THE FORESTRY SECTOR**

*This information sheet must be used in relation to the start-up aid for producer groups and organisations in the forestry sector as described in Part II., Section 2.7. of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

1. Please confirm that only producer groups or organisations that have been officially recognised by the competent authority of the Member State concerned on the basis of a submission of a business plan are eligible for aid:

☐ yes ☐ no

2. Is the Member State obliged to verify that the objectives of the business plan have been reached within a period of five years from the date of recognition of the producer group or organisation?

☐ yes ☐ no

3. Please confirm that the agreements, decisions and other behaviour concluded in the framework of the producer group or organisation comply with the competition rules as they apply by virtue of Articles 206 to 210a of Regulation (EU) No 1308/2013:

☐ yes ☐ no

4. Please confirm that no aid is granted to:

(a) production organisations, entities or bodies, such as companies or cooperatives, the objective of which is the management of one or more forestry holdings and which must therefore be considered as single producers;

(b) other forestry associations which undertake tasks, such as mutual support and forestry management services, in the members' holding without being involved in the joint adaptation of supply to the market.

☐ yes ☐ no

5. Is aid granted producer groups or organisations or, up to the same overall amount, directly to producers to offset their contributions to the costs of running the groups or organisations during the first five years following the formation of the group?

☐ yes ☐ no

6. Please indicate the eligible costs:

(a) ☐ the rental of suitable premises;

(b) ☐ the acquisition of office equipment, administrative staff costs, overheads, legal and administrative fees, the acquisition of computer hardware and the acquisition or usage fees of computer software, cloud and similar solutions;

7. Where the aid is granted for the purchase of premises mentioned in question 6(a) of this Information sheet, are the costs limited to rental costs at market rates?

☐ yes ☐ no

8. Please confirm that no aid will be paid in respect of costs incurred after the fifth year from the recognition of the producer group or organisation by the competent authority of the Member State on the basis of its business plan:

☐ yes ☐ no

9. Where the aid is paid in annual instalments, will the Member State pay the last instalment only after having checked the correct implementation of the business plan?

☐ yes ☐ no

10. Please indicate the aid intensity and the aid amount:

……

Please note that pursuant to point (593) of the Guidelines, aid intensity must not exceed 100 % of the eligible costs and pursuant to point (594) of the Guidelines, the total amount of aid must be limited to EUR 500 000:

11. In case of providing aid directly to producers to offset their contributions to the cost of running the group or organisations during the first five years following the formation of the group or organisation, can you confirm that the aid may be granted up to the same overall amount?

☐ yes ☐ no

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

2.8. **SUPPLEMENTARY INFORMATION SHEET ON OTHER AID TO THE FORESTRY SECTOR WITH ECOLOGICAL, PROTECTIVE AND RECREATIONAL OBJECTIVES**

*This information sheet must be used in relation to State aid in the forestry sector with ecological, protective and recreational objectives as described in Part II., Section 2.8. of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

1. COMMON PROVISIONS

1.1. Please confirm that the primary objective of the State aid measure is to maintain, improve or restore ecological, protective and recreational functions of forests, biodiversity and a healthy forest ecosystem:

☐ yes ☐ no

1.2. Please describe how the measures directly contribute to maintaining or restoring the ecological, protective and recreational functions of forests, biodiversity and a healthy forest ecosystem:

……

1.3. Please confirm that no aid will be granted to forest-based industries or for commercially viable extraction of timber or for transportation of timber or the processing of wood or other forestry resources into products or for energy generation.

☐ yes ☐ no

1.4. Please confirm that no aid will be granted for felling the primary purpose of which is the commercially viable extraction of timber or for restocking where the felled trees are replaced by equivalent ones.

☐ yes ☐ no

1.5. Please indicate the aid intensity: ……

Please note that pursuant to point (598) of the Guidelines, aid for all measures referred to in Section 2.8. of the Guidelines must not exceed 100 % of eligible costs.

1.6. Is aid granted to undertakings active in the forestry sector?

☐ yes ☐ no

2. CATEGORIES OF AID

2.1. ☐**Aid for specific forest actions and interventions with the primary objective to contribute to maintaining or to restoring forest ecosystem and biodiversity or the traditional landscape**.

2.1.1. Please confirm that the primary objective of aid for planting, pruning, thinning and felling of trees and other vegetation in existing forests, the removal of fallen trees, and the planning costs of such measures, aid for the costs of treating and preventing the spreading of pests, tree diseases and invasive alien species and aid to make good the damage caused by the pests and tree diseases and invasive alien species, is to contribute to maintaining or to restoring forest ecosystem and biodiversity or the traditional landscape:

☐ yes ☐ no

2.1.2. Please describe the measure in more details:

……

2.1.3. Please specify the eligible costs of the aid for treating and preventing the spreading of pests, tree diseases and invasive alien species and aid to make good the damage caused by the pests, tree diseases and invasive alien species:

(a) ☐ costs for preventive and treatment measures, including soil preparation for replanting, and the products, appliances and materials necessary for such measures.

Where the aid is granted for these costs, please confirm that the principles of integrated pest management set out in Article 14 of and Annex III to Directive 2009/128/EC ([521]) are complied with, in particular for what concerns the use of plant protection products, as required by Article 55 of Regulation (EC) No 1107/2009 ([522]):

☐ yes ☐ no

([521]) EUR-Lex - 32009L0128 - EN - EUR-Lex (europa.eu)
([522]) EUR-Lex - 32009R1107 - EN - EUR-Lex (europa.eu)

(b) ☐ loss of stock and restocking costs up to the market value of the stock destroyed on the order of the authorities to fight the disease or pest in question. When calculating the increment loss, the potential increment of the stock destroyed until the normal felling age may be taken into consideration.

2.2. ☐ **Aid for maintaining and improving the soil quality and ensuring a balanced and healthy tree growth in the forestry sector.**

2.2.1. Is aid granted for maintaining and improving the soil quality in forests and ensuring balanced and healthy tree growth?

☐ yes ☐ no

2.2.2. Please describe the measure in more details:

……

2.2.3. Do the measures include soil improvement by fertilisation and other treatments to maintain its natural balance, reducing excessive vegetation density and ensuring sufficient water retention and proper drainage, including their planning costs?

☐ yes ☐ no

2.2.4. Is aid granted for the planning costs of such measures?

☐ yes ☐ no

2.2.5. Please explain how it is ensured that the measures do not reduce biodiversity, cause nutrient leaching or adversely affect natural water ecosystems or water protection zones.

……

2.3. ☐ **Aid for restoration and maintenance of natural pathways, landscape elements and features and natural habitat for animals in the forestry sector.**

2.3.1. Are the eligible costs linked to restoration and maintenance of natural pathways, landscape elements and features and the natural habitat for animals, including planning costs?

☐ yes ☐ no

2.3.2. Please describe the measure and eligible costs in more details:

……

2.3.3. Please confirm that measures aiming at the implementation of Directive 92/43/EEC ([523]) and Directive 2009/147/EC ([524]) are excluded from this type of aid (those measures must be covered by the form related to Section 2.2 of Part II. of the Guidelines).

☐ yes ☐ no

2.4. ☐ **Aid for maintaining roads to prevent forest fires**

2.4.1. Please confirm that aid for maintaining roads aims at preventing forest fires:

☐ yes ☐ no

2.4.2. Please describe the aid measure:

……

([523]) EUR-Lex - 31992L0043 - EN - EUR-Lex (europa.eu)
([524]) EUR-Lex - 32009L0147 - EN - EUR-Lex (europa.eu)

2.4.3. Please describe the link between the objective of the aid (preventing forest fires) and the road maintenance:

……

2.5. ☐**Aid to make good the damage in forests caused by protected animals.**

2.5.1. Have reasonable preventive measures proportionate to the risk of damage by the protected animals in the forest area concerned been taken?

☐ yes ☐ no

In case of impossibility to take such reasonable preventive measures, please explain why no preventive measures are possible:

……

2.5.2. Please confirm that the direct causal link between the damage suffered and the behavior of the animals is established:

☐ yes ☐ no

2.5.3. Please confirm that the aid scheme has been established within three years from the occurrence of the event causing the damage and that the aid will be paid out within four years from that date.

☐ yes ☐ no

2.5.4. Is the damage calculated at the level of the individual beneficiary?

☐ yes ☐ no

2.5.5. Have the costs of the damage incurred as a direct consequence of the event causing the damage been assessed either by a public authority, by an independent expert recognized by the granting authority or by an insurance undertaking?

☐ yes ☐ no

2.5.6. Please indicate the type of damage:

(a) ☐ damage to living trees. The aid may be granted to compensate for loss of stock and for restocking costs up to the market value of the stock destroyed by the protected animals. When calculating the market value of the increment loss, the potential increment of the stock destroyed until the normal felling age may be taken into consideration.

(b) ☐ other costs incurred by the beneficiary due to the event causing the damage, such as treatment measures, including soil preparation for replanting and the products, appliances and materials necessary for such operations.

(c) ☐ the material damage to the following assets: forestry equipment, machinery and buildings. The calculation of the material damage must be based on the repair cost or economic value of the affected asset before the event caused the damage. It must not exceed the repair cost or the decrease in fair market value caused by the event, that is to say the difference between the asset's value immediately before and immediately after the event that caused the damage.

2.5.7. Is the amount reduced by any costs not incurred because of the damaging event, which would otherwise have been incurred by the beneficiary?

☐ yes ☐ no

2.5.8. Is aid and any other payments received to compensate the damage, including payments under national or Union measures or insurance policies, limited to 100 % of the eligible costs?

☐ yes ☐ no

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

……

2.9. **SUPPLEMENTARY INFORMATION SHEET ON AID IN THE FORESTRY SECTOR ALIGNED WITH THE AGRICULTURAL AID MEASURES**

*This information sheet must be used in relation to State aid in the forestry sector aligned with the agricultural aid measures as described in Part II., Section 2.9. of the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas ('the Guidelines').*

☐ **Aid for research and development in the forestry sector.**

1. Is aided project of interest to all undertakings active in the particular forestry sector or sub-sector concerned?

☐ yes ☐ no

If the answer is yes, provide evidence:

……

2. Will the following information be published on the internet prior to the date of commencement of the aided project?

(a) the start date of the aided project;

(b) the goals of the aided project;

(c) an approximate date of the publication of the results expected from the aided project;

(d) the place of publication on the internet of the results expected from the aided project;

(e) a statement that the results of the aided project are available to all undertakings active in the forestry sector or sub-sector concerned at no cost.

☐ yes ☐ no

Please provide evidence and give details of the internet address:

……

3. Will the results of the aided project be:

(a) made available on the internet from the end date of the aided project or the date on which any information concerning those results is given to members of any particular organisation, whatever comes first;

☐ yes ☐ no

(b) made available on the internet, for a period of at least five years starting from the end date of the aided project?

☐ yes ☐ no

If the answer to point (a) or (b) is yes, please provide evidence:

……

4. Is the aid granted directly to the research and knowledge-dissemination organisation?

☐ yes ☐ no

5. Please confirm that the aid does not involve the provision of aid based on the price of the forestry products to undertakings active in the forestry sector:

☐ yes ☐ no

6. Please indicate the eligible costs:

(a) ☐ personnel costs related to researchers, technical and other supporting staff to the extent employed on the project;

(b) ☐ costs of instruments and equipment to the extent and for the period used for the project. Where such instruments and equipment are not used for their full life for the project, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible;

(c) ☐ costs of buildings and land, to the extent and for the period used for the project. With regard to buildings, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible. For land, costs of commercial transfer or actually incurred capital costs are eligible;

(d) ☐ costs of contractual research, knowledge and patents bought or licensed from outside sources at arm's length conditions, as well as costs of consultancy and equivalent services used exclusively for the project;

(e) ☐ additional overheads and other operating expenses, including costs of materials, supplies and similar products, incurred directly as a result of the project.

7. Please indicate the maximum aid intensity: .....

Please note that pursuant to point (623) of the Guidelines, the aid intensity must not exceed 100 % of the eligible costs.

☐ **Aid for forestry land consolidation.**

1. Are the the eligible costs limited to the incurred real legal, administrative and survey costs of land consolidation?

☐ yes ☐ no

2. Please describe the measure in more details:

.....

3. Please indicate the aid intensity: .....

Please note that pursuant to point (623) of the Guidelines, the aid intensity must not exceed 100 % of the eligible costs.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned under this Section of the Guidelines.

.....

3. **SUPPLEMENTARY INFORMATION SHEET ON AID IN RURAL AREAS**

*This form must be used for the notification of any State aid measure for the rural areas covered by Part II., Chapter 3 of the European Union Guidelines for State aid in the agriculture and forestry sectors and in rural areas ('the Guidelines').*

*If aid for the rural areas is to be granted under Union rules common to all sectors or specific to trade and industry, please use the applicable notification form for those sectors when notifying a State aid measure.*

GENERAL ELIGIBILITY CRITERIA

1. Please indicate the category of aid:

☐ aid for basic services in rural areas;

☐ business start-up aid for non-agricultural activities in rural areas;

☐ aid for agri-environment-climate commitments in rural areas to beneficiaries other than farmers;

☐ aid for area-specific disadvantages resulting from certain mandatory requirements to beneficiaries other than farmers;

☐ aid to promote and support quality schemes for cotton or foodstuffs and their use by farmers;

☐ aid for cooperation in rural areas, including aid for participating in community-led local development ('CLLD') and European Innovation Partnership for agricultural productivity and sustainability ('EIP') Operational Group projects;

☐ aid for setting up mutual funds.

2. Is the aid be granted in the framework of a strategic plan in accordance with Regulation (EU) 2021/2115?

☐ yes ☐ no

If the answer is no, please note that the aid cannot be declared compatible with the internal market on the basis of the Guidelines.

3. Please indicate the relevant strategic plan and the measure under which the aid is granted:

— Strategic plan: .....

— Measure: .....

4. Is the measure co-financed by the EAFRD or does it constitute additional national financing?

(a) ☐ co-financed by the EAFRD;

(b) ☐ additional national financing.

5. Is the aid granted in favour of working capital?

☐ yes ☐ no

If the answer is yes, is such aid granted in the form of a financial instrument?

☐ yes ☐ no

Please note that pursuant to point (635)(b) of the Guidelines, the aid in favour of working capital may be granted only if it is provided in the form of financial instruments.

Please specify the financial instrument(s) used:

.....

6. Is the aid granted as operating aid?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (635)(c) of the Guidelines, such aid may be considered to be compatible with the internal market only such aid is expressly provided for in the relevant Union legislation.

If that is the case, please refer to the Union legislation concerned:

.....

7. Is the aid available to undertakings in difficulty as defined in point (33)63 of the Guidelines?

☐ yes ☐ no

If the answer is yes, please note that under point (23) of the Guidelines, the Commission considers that when an undertaking is in financial difficulty, given that its very existence is in danger, it cannot be considered an appropriate vehicle for promoting other public policy objectives until such time as its viability is assured. Such aid must therefore comply with the Commission Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, unless it is exempt from the obligation to notify it.

8. Is the aid available to undertakings which are subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market?

☐ yes ☐ no

If the answer is yes, please note that such aid cannot be declared compatible with the internal market.

9. Is the aid intended for investments in energy efficiency and renewable energies?

☐ yes ☐ no

If the answer is yes, please note that the Guidelines do not apply to such aid. In accordance with point (637) of the Guidelines such aid must comply with the Guidelines on State aid for climate, environmental protection and energy 2022 ([525]), unless it is exempted from the notification obligation.

OTHER INFORMATION

Please indicate any other information considered relevant to the assessment of the measure concerned.

……’

(h) Part III.13.B is replaced by the following:

‘PART III.13.B

**SUPPLEMENTARY INFORMATION SHEET ON OPERATING AID TO AIRPORTS**

*It is recommended that this supplementary information sheet is completed, in addition to the 'General information' form, for the notification of any individual operating aid covered by the Guidelines on State aid to airports and airlines* ([526]).

1. ADDITIONAL INFORMATION ON THE BENEFICIARY AND ITS ACTIVITIES

*It is recommended that this supplementary information sheet is completed, in addition to the 'General information' form, for the notification of any individual operating aid covered by the Guidelines on State aid to airports and airlines* ([527]).

1.1. **Beneficiary**

1.1.1. *Is the aid awarded directly to the operator of the airport?*

☐ Yes ☐ No

1.1.2. *If the answer to point 1.1.1 is no, please describe, if applicable, (i) the legal entity/-ies receiving the aid, and (ii) the legal entity/-ies responsible for transferring the aid as intermediary/-ies to the airport providing the services eligible for the aid.*

……

1.1.3. *If the answer to point 1.1.1 is 'no', please explain how the authorities ensure that that there is no advantage granted at the intermediary levels.*

……

1.1.4. *Is the beneficiary of the aid also the owner of the airport?*

☐ Yes ☐ No

1.1.5. *If the answer to point 1.1.4 is 'no': please specify who is/will be the owner of the airport and describe the ownership structure.*

……

([525]) EUR-Lex - C:2022:080:TOC - EN - EUR-Lex (europa.eu)
([526]) Guidelines on State aid to airports and airlines (OJ C 99, 4.4.2014, p. 3).
([527]) Guidelines on State aid to airports and airlines (OJ C 99, 4.4.2014, p. 3).

1.1.6. *In the case of individual aid, please describe the legal, organisational and financial relationships between the recipient of the aid and (i) the undertakings with which it forms part of a group of undertakings; (ii) its subsidiaries; (iii) any other associated enterprises, including joint ventures.*

In the case of aid schemes, please describe the method by which the aid granting authority will assess the legal, organisational and financial relationships referred to in points 1.1.1 to 1.1.5.

.....

1.2. **General information about the airport operator**

1.2.1. *Where the airport or the airports are used by the national armed forces, the police force, non-economic air rescue services, or any other air service of a non-economic nature, please specify (a) the nature of the service(s); and (b) the rate of airport capacity utilisation (e.g. use of the runway and other airport facilities, expressed as a percentage of annual aircraft movements).*

.....

1.2.2. *Please provide the following passenger traffic data of the airport(s) receiving the aid:*

(a) Airports with a commercial passenger traffic history of more than two financial years: average annual passenger traffic during the two financial years preceding the year in which the aid is notified or actually granted.

(b) Airports with a commercial passenger traffic history of less than two financial years: forecasted average annual passenger traffic during the two financial years after the beginning of the operation of commercial passenger air traffic flows.

Please provide the data in the form of a table, as follows: [copied from page 188, point 2.2.3]

| Year | Total number of passengers |
|---|---|
| | |
| | |

Passenger numbers must be counted 'one-way' and for each individual route. For example: a passenger flying to the airport and back would be counted twice. If the airport is part of a group of airports, passenger traffic data must be established on the basis of each individual airport.

1.2.3. *In the case of individual operating aid: please provide the business plan that the beneficiary has implemented in the period 2009–2013, and that it intends to implement until 4 April 2027. Please describe the assumptions underlying those business plans.*

The business plan must contain information on traffic and traffic forecasts; costs and cost forecasts; financial data and financial forecasts as regards the level of profitability and cash-flows (by reference to methodologies which are demonstrably used by the airport, e.g. using methods for evaluating the net present value of an investment (NPV), the internal rate of return (IRR), and the average return on capital employed (ROCE). The business plan must be provided in an excel format including explanations of all underlying formulas.

In the case of aid schemes, please specify in detail (a) the formal and material criteria to which business plans of eligible airports must conform; (b) the method the national authorities will use to assess the business plans.

.....

1.2.4. *In the case of individual operating aid, please provide a summary overview of operating losses ([528]) the beneficiary incurred in the period 2009–2013, as well as of forecasted operating losses in the remaining period until 4 April 2027. Please provide the data in the form of a table, structured as follows:*

| | | | | |
|---|---|---|---|---|
| Revenue | | | | |
| … | | | | |
| Operating costs | | | | |
| … | | | | |
| Other | | | | |
| … | | | | |
| Operating results | | | | |

In the case of aid schemes, please specify the method the authorities will use to establish the operating losses of eligible airports.

1.2.5. *In the case of individual operating aid, please provide copies of the eligible airports' financial reports ([529]) for the 5 years preceding the year of application for operating aid.*

In the case of aid schemes, please commit to include the above described financial reports in the assessment of individual aid.

……

1.2.6. *Please specify the provisions made to avoid overcompensation and recover excess amounts from the beneficiary.*

……

1.3. **Airport service activities**

1.3.1. *Please specify the eligible airport services ([530]) and the categories of eligible operating costs ([531]) in respect of the provision of those services.*

……

1.4. **Activities falling within the public policy remit**

1.4.1. *Does the operating aid cover activities that fall under State responsibility in the exercise of its official powers as a public authority (e.g. air traffic control, police, customs, firefighting, activities necessary to safeguard civil aviation against acts of unlawful interference)? Operating costs relating to the infrastructure and equipment necessary to perform such activities are considered in general to be of a non-economic nature and thus do not fall within the scope of State aid rules.*

☐ Yes ☐ No

([528]) 'Operating funding gap' means the operating losses of an airport over the relevant period, discounted to their current value using the cost of capital, that is to say the shortfall (in Net Present Value terms) between airport revenues and operating costs of the airport.

([529]) Balance sheet, profit and loss statement, statement of chartered accountant or audit firm.

([530]) Services provided by an airport or any of its subsidiaries, to ensure the handling of aircraft, from landing to take-off, and of passengers and freight, so as to enable airlines to provide air transport services, including the provision of ground handling services and the provision of centralised ground handling infrastructure.

([531]) Underlying costs of an airport in respect of the provision of airport services, including cost categories such as cost of personnel, contracted services, communications, waste, energy, maintenance, rent and administration, but excluding the capital costs, marketing support or any other incentives granted to airlines by the airport, and costs falling within a public policy remit.

1.4.2. *Please provide the relevant national, regional or any other legal instrument concerning the notion of activities falling within the public policy remit and their financing. In absence of any such legal instrument, please clarify how those activities are usually financed by the relevant authorities.*

……

1.4.3. *Please provide evidence showing that the public financing of non-economic activities does not lead to undue discrimination between airports. Discrimination arises in situations where, under the relevant legal order, civil airports normally have to bear certain costs inherent to their non-economic activities, whereas certain civil airports do not have to cover such costs. Please specify the material and territorial applicability of the national rules applicable to the financing of non-economic activities of airports and, if applicable, the level of regional competences in that matter.*

……

1.4.4. *Please confirm, supported by relevant evidence, that the compensation of costs incurred in relation to non-economic activities will be strictly limited to such costs, and that any cross-subsidisation of economic activities through such compensation is effectively excluded.*

……

1.4.5. *Please confirm that the airport will maintain separate cost accounts for economic and non-economic activities.*

……

2. COMPATIBILITY ASSESSMENT OF THE MEASURE

2.1. **Was the aid granted before 4 April 2014?**

☐ Yes ☐ No

2.2. **Contribution to a well-defined objective of common interest**

2.2.1. *Does the operating aid:*

(a) ☐ Increase the mobility of Union citizens and the connectivity of the regions by establishing access points for intra-Union flights?

(b) ☐ Combat air traffic congestion at major Union hub airports?

(c) ☐ Facilitate regional development?

Please specify how the operating aid contributes to the objective(s) chosen.

……

2.2.2. *Does the notified measure concern the operator of a new airport?*

☐ Yes ☐ No

2.2.3. *In the case of individual operating aid: Is the beneficiary airport located in the same catchment area* ([532]) *of another airport with spare capacity?*

☐ Yes ☐ No

2.2.4. *In the case of individual operating aid: If the answer to point 2.2.3 is yes, please specify the size and shape of the catchment area. Please provide information, identifying the likely effect on the traffic of the other airport located in that catchment area. That information should be part of the beneficiary airport's business plan and should be based on sound passenger and freight traffic forecasts.*

([532]) 'Catchment area of an airport' means a geographic market boundary that is normally set at around 100 kilometres or around 60 minutes travelling time by car, bus, train or high-speed train; however, the catchment area of a given airport may be different and needs to take into account the specificities of each particular airport. The size and shape of the catchment area varies from airport to airport, and depends on various characteristics of the airport, including its business model, location and the destinations it serves.

In the case of aid schemes: Please (a) confirm that the authorities are committed to assess the likely effect on the traffic of any other airport(s) located in the same catchment area as an eligible airport on the basis of information that is part of the beneficiary airport's business plan and is based on sound passenger and freight traffic forecasts; (b) explain the method and the criteria the national authorities will use to assess the likely effect on the traffic of that other airport or those other airports.

.....

2.3. **Need for State intervention**

2.3.1. *Please confirm that the annual traffic of the airport/eligible airports does not exceed 3 million passengers (see also question 1.2.2).*

.....

2.4. **Appropriateness of the measure**

2.4.1. *Please demonstrate that the aid in question is appropriate to achieve the intended objective or resolve the problems which it intendeds to address. In particular, please explain how the authorities have established that the same objective cannot be reached, or the same problem cannot be resolved, through less distortive policy or aid instruments. For example, if the aid is granted in forms that provide a direct pecuniary advantage ([533]), 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 instruments ([534]) are not appropriate:*

.....

2.4.2. *In the case of individual operating aid: Has the aid amount been established ex-ante as a fixed sum covering the expected operating funding gap determined on the basis of the business plan of the beneficiary?*

☐ Yes ☐ No

If yes, please provide relevant information in the business plan.

2.4.3. *In the case of aid schemes: will the aid amount in each individual case be established ex-ante as a fixed sum covering the expected operating funding gap determined on the basis of the business plan of the beneficiary?*

☐ Yes ☐ No

If yes, the beneficiary should provide relevant information in the business plan.

2.4.4. *If the answer to points 2.4.2 and 2.4.3 is 'no', please specify: (a) the degree of uncertainty of cost and revenue forecasts, (b) any information asymmetries that prevent the national authorities from calculating the aid amount ex ante on the basis of a business plan.*

.....

2.4.5. *If the answer to points 2.4.2 and 2.4.3 is 'no', please confirm that the maximum amount of compatible operating aid was/will be established according to a model based on the average of the operating funding gaps ([535]) during the five years from 2009 to 2013.*

.....

([533]) 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.

([534]) For example, low-interest loans or interest rebates, State guarantees, the purchase of a shareholding or an alternative provision of capital on favourable terms.

([535]) 'Operating funding gap' means the operating losses of an airport over the relevant period, discounted to their current value using the cost of capital, that is to say the shortfall (in Net Present Value terms) between airport revenues and operating costs of the airport.

2.4.6. *Please confirm that the amount of operating aid will not be increased ex-post.*

☐ Yes ☐ No

2.4.7. *If the answer to the above question is 'no', please explain why in your opinion the possibility of an ex-post increase would not reduce incentives to manage the airport efficiently.*

……

2.5. **Incentive effect and proportionality of the aid**

2.5.1. *In the case of individual operating aid, please describe why there is the likelihood that in the absence of the aid the level of economic activity of the airport concerned would be significantly reduced. Please provide the necessary information on the basis of the business plan (see also point 1.2.3), comparing the levels of intended activity with aid and without aid (the counterfactual scenario), and taking into account the possible presence of investment aid and level of traffic.*

In the case of aid schemes, please describe the method applied by the aid granting authority in order to assess the business plans as well as the likelihood that in the absence of aid the level of economic activity of the airport concerned would be significantly reduced, taking into account the possible presence of investment aid and level of traffic.

……

2.5.2. *In the case of individual operating aid, please demonstrate that the business plan of the airport will result in full operating cost coverage by 4 April 2027. Please specify the relevant key parameters of the business plan.*

In the case of aid schemes, please confirm that the aid granting authority will grant individual operating aid only if it has concluded that the business plan of the beneficiary airport will result in full operating cost coverage by 4 April 2027. Please specify which key parameters of the business plan the aid granting authorities will assess in order to reach that conclusion in each case.

……

2.5.3. *Please indicate:*

In the case of individual operating aid: The beneficiary airport's initial funding gap over 13 years, starting with the operating cost coverage on 4 April 2014 at the beginning of the transition period and reaching full operating cost coverage achievement by 4 April 2027, at the end of the transition period.

In the case of aid schemes: please commit (a) that the funding gap of eligible airports will be established using the method referred to in point 2.5.2; (b) that eligible airports must demonstrate that they will achieve full operating cost coverage by 4 April 2027.

……

— The maximum permissible aid amount:

……

— The percentage of the funding gap to be covered by the operating aid:

……

— The period during which operating aid will be granted:

……

2.6. **Avoidance of negative effects on competition and trade**

2.6.1. *Please demonstrate that all airports located in the same catchment area as the eligible airport or airports will be able to achieve full operating cost coverage by 4 April 2027.*

……

2.6.2. *Please confirm that the airport or airports, including any investment for which aid is granted, will be open to all potential users and not be dedicated to one specific user.*

☐ Yes ☐ No

2.6.3. *Please specify the provisions made to ensure that airport capacity will be allocated to users on the basis of pertinent, objective, transparent and non-discriminatory criteria.*

……’

(i) Part III.14 is replaced by the following:

‘PART III.14

**GENERAL INFORMATION SHEET FOR THE GUIDELINES FOR STATE AID IN THE FISHERY AND AQUACULTURE SECTOR**

*Please note that this general information sheet for the notification of State aid applies to all sectors covered by the Guidelines for State aid in the fishery and aquaculture sector ([536])('the Guidelines'). In addition, for all measures covered by the Guidelines please complete the relevant Supplementary Information Sheet.*

COMPATIBILITY ASSESSMENT PURSUANT TO ARTICLE 107(3), POINT (C), OF THE TREATY

On the basis of Article 107(3), point (c), of the Treaty on the Functioning of the European Union ('the Treaty'), the Commission may consider compatible with the internal market State aid to facilitate the development of certain economic activities, where such aid does not adversely affect trading conditions to an extent contrary to the common interest. In order to make the assessment, the Commission will consider the aspects described in this form.

Does the State aid measure satisfy the following conditions?

*First condition:*

☐ identification of the economic activity concerned;

☐ the incentive effect: the aid must change the behaviour of the undertaking(s) concerned in such a way that it engages in an additional activity, which it would not carry out without the aid or it would carry out in a restricted or different manner;

☐ the aid does not contravene relevant provisions and general principles of Union law.

*Second condition:*

☐ need for State intervention: the aid measure must bring about a material improvement that the market cannot deliver itself, for example by remedying a market failure or addressing an equity or cohesion concern where applicable;

☐ appropriateness of the aid: the proposed aid measure must be an appropriate policy instrument to facilitate the development of the economic activity;

☐ proportionality of the aid (aid limited to the minimum necessary): the amount of aid and intensity of the aid must be limited to the minimum needed to induce the additional investment or activity by the undertaking(s) concerned;

([536]) Communication from the Commission Guidelines for State aid in the fishery and aquaculture sector 2023/C 107/01 (OJ C 107, 23.3.2023, p. 1).

☐ transparency of aid: Member States, the Commission, economic operators, and the public, must have easy access to all relevant acts and to pertinent information about the aid granted thereunder;

☐ avoidance of adverse negative effects of the aid on competition and trade;

☐ weighing up the positive and negative effects that aid can have on competition and trade between Member States (balancing test).

1. FIRST CONDITION: THE AID MUST FACILITATE THE DEVELOPMENT OF AN ECONOMIC ACTIVITY

1.1. **Aided economic activity**

*To provide the information in this section, please refer to section 3.1.1 (points (39)–(44)) of the Guidelines.*

1.1.1. Article 107(3), point (c), of the Treaty provides that the Commission may declare compatible 'aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest'. Therefore, compatible aid under that provision of the Treaty must contribute to the development of certain economic activity.

In order to assess the compliance with points (39) and (40) of the Guidelines, please provide information which would allow the Commission to identify the economic activity/ies that will be supported as a result of the aid and demonstrate how the aid facilitates the development of that activity(ies):

……

Please note that pursuant to point (41) of the Guidelines, aid to prevent or reduce the negative effects of economic activities on climate or environment or on the conservation objective of the Common Fisheries Policy ('CFP') can facilitate the development of economic activities by increasing the sustainability of the economic activity concerned.

1.1.2. Please describe whether and, if so, how the aid contributes to the achievement of the objectives of the CFP, including the objectives of the European Maritime, Fisheries and Aquaculture Fund (the '*EMFAF*') and describe more specifically the expected benefits of the aid:

……

Please note that this information is necessary in order for the Commission to assess the compliance of the aid with point (42) of the Guidelines.

Please note that pursuant to points (43) of the Guidelines, the Commission considers that aid granted in compliance with Part II, Chapter 1, Sections 1.1, 1.2, 1.3 and 1.4, and Part II, Chapter 3, Sections 3.4, 3.5 and 3.6 of these Guidelines can facilitate the development of the identified economic activity or area, as without aid such development may not take place to the same extent.

1.1.3. Is the aid awarded to individually notifiable investment projects on the basis of a scheme?

☐ yes ☐ no

If the answer is yes, please explain how the selected project will contribute towards the objectives of the scheme. For that purpose, please refer to information provided by the applicant for aid.

……

1.2. **Incentive effect**

*To provide the information in this section, please refer to section 3.1.2 (points (45)- (59)) of the Guidelines.*

State aid can only be found compatible with the internal market if it has an incentive effect. An incentive effect is present when the aid changes the behaviour of an undertaking in such a way that it engages in additional activity contributing to the development of the sector which it would not have engaged in without the aid or in which it would only have engaged in a restricted or different manner.

1.2.1. In order to assess the compliance with point (45) of the Guidelines, please explain how the measure(s) induces the beneficiary's undertaking to change its behaviour in such a way that it engages in additional economic activity contributing to the development of the sector, which the beneficiary would not carry out without the aid or would carry out in a restricted or different manner.

.....

1.2.2. Please confirm that the aid will not simply subsidise the costs of an activity that an undertaking would have incurred in any event and will not compensate for the normal business risk of an economic activity:

☐ yes ☐ no

Please note that pursuant to point (45) of the Guidelines, the aid must not subsidise the costs of an activity that an undertaking would have incurred in any event and must not compensate for the normal business risk of an economic activity.

1.2.3. Please confirm that the notified State aid measure is not intended to simply improve the financial situation of undertakings, without any contribution to the development of the fishery and aquaculture sector:

☐ yes ☐ no

Please note that pursuant to point (46) of the Guidelines, unless exceptions are expressly provided for in Union legislation or in these Guidelines, State aid measures which are simply intended to improve the financial situation of undertakings but which in no way contribute to the development of the fishery and aquaculture sector, and in particular aid which is granted solely on the basis of price, quantity, unit of production or unit of the means of production are considered to constitute operating aid, which is incompatible with the internal market. Furthermore, by its very nature, such aid is also likely to interfere with the mechanisms regulating the organisation of the internal market.

1.2.4. Does the measure constitute:

— operating aid?

☐ yes ☐ no

— aid to facilitate the achievements of obligatory standards?

☐ yes ☐ no

Please note that pursuant to point (47) of the Guidelines, operating aid and aid to facilitate the achievements of obligatory standards are in principle incompatible with the internal market, unless exceptions are expressly provided for in Union legislation or in the Guidelines and in duly justified other cases.

If the answer is yes, please mention the provisions of the Guidelines or other Union legislation, that expressly authorise such aid and provide a justification.

……

1.2.5. Is the aid granted under Part II, Chapter 1 of the Guidelines limited to helping undertakings active in the fishery and aquaculture sector facing various difficulties despite having undertaken reasonable efforts to minimise such risks?

☐ yes ☐ no

Please note that pursuant to point (48) of the Guidelines, aid granted under Part II, Chapter 1 should be limited to helping undertakings active in the fishery and aquaculture sectors facing various difficulties despite having undertaken reasonable efforts to minimise such risks.

State aid should not have as an effect to entice undertakings into taking unnecessary risk. Undertakings active in the fishery and aquaculture should themselves bear the consequences of imprudent choices of production methods or products. For example, this principle applies to Part II, Chapter 3, Sections 3.4, 3.5 and 3.6.

1.2.6. Will the beneficiary submit an application for the aid to the national authorities before any work on the project or activity has started?

☐ yes ☐ no

Please note that pursuant to point (49) of the Guidelines the aid does not present an incentive for the beneficiary undertaking wherever work on the relevant project or activity has already started prior to the aid application by the beneficiary undertaking to the national authorities.

1.2.7. Will the aid application include at least the applicant's name and the size of the undertaking, a description of the project or activity, including its location and start and end dates, the amount of aid needed to carry it out and the eligible costs?

☐ yes ☐ no

1.2.8. Will the aid be granted to large enterprises ([537])?

☐ yes ☐ no

1.2.9. If the answer to the previous question is yes, will the beneficiaries, which are large enterprises, explain in the aid application the situation without the aid (referred to as the counterfactual scenario or alternative project or activity) and submit documentary evidence in support of the counterfactual scenario described in the application?

☐ yes ☐ no

([537]) 'Large enterprises' means any undertaking not fulfilling the criteria laid down in Annex I to Regulation (EU) 2022/2473, OJ L 327, 21.12.2022, p. 82.

Please note that pursuant to point (51) of the Guidelines, this requirement does not apply to municipalities that are autonomous local authorities with an annual budget of less than EUR 10 million and fewer than 5 000 inhabitants. Does the beneficiary municipality meets the conditions of point (51) of the Guidelines?

☐ yes ☐ no

1.2.10. Will the granting authority carry out a credibility check of the counterfactual scenario and confirm that the aid has the required incentive effect?

☐ yes ☐ no

Please note that pursuant to point (52) of the Guidelines, a counterfactual scenario 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 project or activity concerned.

1.2.11. Does the aid in the form of tax advantages comply with the following conditions:

(a) the aid scheme establishes a right to aid in accordance with objective criteria and without further exercise of discretion by the Member State; and

☐ yes ☐ no

(b) the aid scheme has been adopted and in force before work on the aided project or activity has started ([538])?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (53) of the Guidelines, such aid is deemed to have an incentive effect.

1.2.12. Does the aid fall under one of the following aid categories of the Guidelines?

☐ aid to make good the damage caused by natural disasters or exceptional occurrences, in accordance with Part II, Chapter 1, Section 1.1 of the Guidelines;

☐ aid to make good the damage caused by adverse climatic events which can be assimilated to a natural disaster, in accordance with Part II, Chapter 1, Section 1.2 of the Guidelines;

☐ aid for the costs of prevention, control and eradication of animal disease in aquaculture and of infestations by invasive alien species, and aid to make good the damage caused by those animal diseases and infestations, in accordance with Part II, Chapter 1, Section 1.3 of the Guidelines;

☐ aid to make good the damage caused by protected animals, in accordance Part II, Chapter 1, Section 1.4 of the Guidelines;

☐ aid for temporary cessation of fishing activities, in accordance with Part II, Chapter 3, Section 3.5 of the Guidelines;

☐ liquidity aid to fishers, in accordance with Part II, Chapter 3, Section 3.6 of the Guidelines;

☐ operating aid in outermost regions, in accordance with Part II, Chapter 2, Section 2.1 of the Guidelines;

☐ aid for the renewal of the fishing fleet in outermost regions, in accordance with Part II, Chapter 2, Section 2.2 of the Guidelines;

([538]) Please note that this requirement does not apply in the case of fiscal successor schemes provided the activity was already covered by the previous schemes in the form of tax advantages.

☐ aid for investments in equipment that contributes to increasing safety, including equipment enabling vessels to extend their fishing zones, for small-scale coastal fishing in outermost regions, in accordance with Part II, Chapter 2, Section 2.3 of the Guidelines.

Please note that pursuant to point (54) of the Guidelines, the above categories of aid are not required to have or are deemed to have an incentive effect.

**Additional conditions for individually notifiable investment aid and investment aid to large enterprises under notified schemes**

*If the aid granted for individual investment, please continue with questions 1.2.13 to 1.2.17 below.*

Pursuant to point (59) of the Guidelines, if the aid does not change the behaviour of the beneficiary undertaking by stimulating additional investment, it has no positive effects for the development of the sector concerned. Therefore, aid will not be considered compatible with the internal market if it appears that the same investment would still be pursued without the aid.

1.2.13. Please provide in the notification clear evidence that the aid effectively has an impact on the investment choice. Please explain such impact:

.....

Please note that pursuant to point (55) of the Guidelines, to allow a comprehensive assessment, the Member State must provide not only information concerning the aided project but also a comprehensive description of the counterfactual scenario, in which no aid is granted to the beneficiary by any public authority.

1.2.14. Please provide a comprehensive description of the counterfactual scenario, in which no aid is granted to the beneficiary by any public authority:

.....

Please note that pursuant to point (58) of the Guidelines, where no specific counterfactual scenario is known, the incentive effect can be assumed when there is a funding gap. That is the case when the investment costs exceed the net present value (NPV) of the expected operating profits of the investment on the basis of an *ex ante* business plan.

1.2.15. Please specify which document(s) related to the investment project under assessment are submitted as part of the notification:

.....

Please note that pursuant to point (56) of the Guidelines, the Member States are invited to draw on genuine and official board documents, risk assessments, including the assessment of location-specific risks, financial reports, internal business plans, expert opinions and other studies related to the investment project under assessment. Those documents need to be contemporary to the decision-making process concerning the investment or its location. Documents containing information on demand forecasts, cost forecasts, financial forecasts, documents that are submitted to an investment committee and that elaborate on various investment scenarios, or documents provided to the financial institutions could help the Member States to demonstrate the incentive effect.

1.2.16. Please specify how will be the level of profitability evaluated:

……

Please note that pursuant to point (57) of the Guidelines, the level of profitability may be evaluated by using methods that are standard practice in the sector concerned and which may include methods to evaluate the net present value (NPV) ([539]) of the project, the internal rate of return (IRR) ([540]) or the average return on capital employed (ROCE). The profitability of the project is to be compared with normal rates of return applied by the beneficiary in other investment projects of a similar kind. Where these rates are not available, the profitability of the project is to be compared with the cost of capital of the undertaking as a whole or with the rates of return commonly observed in the sector concerned.

1.2.17. Does the investment project present a funding gap, i.e., do the investment costs exceed the NPV of the expected operating profits of the investment on the basis of an *ex ante* business plan?

☐ yes ☐ no

If the answer is yes, please provide the details:

……

Please note that pursuant to point (58) of the Guidelines, when the investment project presents a funding gap, that is when the investment costs exceed the NPV of the expected operating profits of the investment on the basis of an *ex ante* business plan, the incentive effect can be assumed.

1.3. **No breach of relevant provisions of Union law**

*To provide the information in this section, please refer to section 3.1.3 (points (60) – (64)) of the Guidelines.*

1.3.1. Please confirm that the State aid measure, the conditions attached to it, including its financing method when the financing method forms an integral part of the State aid measure, or the activity it finances does not entail a violation of relevant Union law:

☐ yes ☐ no

Please note that pursuant to point (60) of the Guidelines, if a State aid measure, the conditions attached to it, including its financing method when the financing method forms an integral part of the State aid measure, or the activity it finances entails a violation of relevant Union law, the aid cannot be declared compatible with the internal market.

Please provide information confirming that the aid measure does not entail a violation of relevant Union law:

……

([539]) The NPV of a project is the difference between the positive and negative cash flows over the lifetime of the investment, discounted to their current value (typically using the cost of capital).

([540]) The IRR is not based on accounting earnings in a given year, but takes into account the stream of future cash flows that the investor expects to receive over the entire lifetime of the investment. It is defined as the discount rate for which the NPV of a stream of cash flows equals zero.

1.3.2. Please confirm that State aid in the fishery and aquaculture sector is not granted:

(a) ☐ in support of fishing activities involving serious infringements under Article 42 of Council Regulation (EC) No 1005/2008 ([541]) or Article 90 of Council Regulation (EC) No 1224/2009 ([542]) and constituting or supporting illegal, unreported and unregulated (IUU) fishing ([543]);

(b) ☐ in support of the operation, management or ownership of a fishing vessel included in the Union IUU vessel list as referred to in Article 40(3) of Regulation (EC) No 1005/2008, or of a vessel flying the flag of countries identified as non-cooperating third countries as set out in Article 33 of that Regulation.

Please note that pursuant to point (60) of the Guidelines, the Commission will not declare the aid compatible with the internal market, if it supports any of the activities listed in point (61) of the Guidelines.

1.3.3. Please confirm that State aid in the fishery and aquaculture sector is not involving:

(a) ☐ non-compliance with the rules laid down in Regulation (EU) 1379/2013 of the European Parliament and of the Council ([544]) governing the common organisation of the market;

(b) ☐ an increase in fishing capacity or construction of new vessels that directly and automatically lead to non-compliance by the Member State with Article 22(7) of Regulation (EU) 1380/2013 and the fishing capacity ceilings set out in its Annex II.

Please note that pursuant to point (60) of the Guidelines, the Commission will not declare the aid compatible with the internal market, if it supports any of the activities listed in point (61) of the Guidelines.

1.3.4. Is the aid subject to the obligation for the beneficiary undertaking to use national products or services?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (62) of the Guidelines, the aid cannot be declared compatible with the internal market.

1.3.5. Does the aid restrict the possibility for the beneficiary undertaking to exploit the research, development and innovation results in other Member States?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (62) of the Guidelines, the aid cannot be declared compatible with the internal market.

1.3.6. Please confirm whether the aid is

(a) granted for export-related activities to third countries or to Member States, which would be directly linked to the quantities exported?

☐ yes ☐ no

([541]) Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 286, 29.10.2008, p 1, ELI: http://data.europa.eu/eli/reg/2009/1224/oj).

([542]) Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (OJ L 343, 22.12.2009, p. 1).

([543]) For example, fishing without a valid fishing licence, fishing in a closed area, during a closed season, without or after attainment of a quota; fishing beyond a closed depth; fishing for a stock which is subject to a moratorium or for which fishing is prohibited; using prohibited or non-compliant fishing gear; fishing in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation, etc.

([544]) Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products (OJ L 354, 28.12.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/1379/oj).

(b) contingent upon the use of domestic over imported goods?

☐ yes ☐ no

(c) granted for establishing and operating a distribution network?

☐ yes ☐ no

(d) granted to cover any other expenditure linked to export activities?

☐ yes ☐ no

Please note that pursuant to point (63) of the Guidelines, the Commission will not authorise aid for export-related activities to third countries or to Member States which would be directly linked to the quantities exported, aid contingent upon the use of domestic over imported goods, or aid to establish and operate a distribution network or to cover any other expenditure linked to export activities. However, aid towards the cost of participating in trade fairs, or of studies or consultancy services needed for the launch of a new or existing product on a new market in principle does not constitute export aid.

1.3.7. Does the system of financing form an integral part of the aid measure?

☐ yes ☐ no

If the answer is yes, please specify the system of financing:

.....

Please note that pursuant to point (29) of the Guidelines, when the system of financing, for example by parafiscal levies forms an integral part of the aid measure, it must be notified.

1.3.8. Please provide information on how the national authorities will verify compliance with points (61), (62) and (63) of the Guidelines:

.....

2. SECOND CONDITION: THE AID CANNOT ADVERSELY AFFECT TRADING CONDITIONS TO AN EXTENT CONTRARY TO THE COMMON INTEREST

Pursuant to Article 107(3), point (c), of the Treaty, aid to facilitate the development of certain economic activities or of certain economic areas can be declared compatible only "*where such aid does not adversely affect trading conditions to an extent contrary to the common interest*".

By its very nature, any aid measure generates distortions of competition and has an effect on trade between Member States. However, in order to establish if the distortive effects of the aid are limited to the minimum, the Commission will verify whether the aid is necessary, appropriate, proportionate and transparent.

The Commission will assess the distortive effect of aid in question on competition and trading conditions. The Commission will then balance the positive effects of the aid with its negative effects on competition and trade. Where the positive effects outweigh the negative effects, the Commission will declare the aid compatible with the internal market.

2.1. **The need for the State intervention**

*To provide the information in this section, please refer to section 3.2.1. (points (69)-(71)) of the Guidelines.*

2.1.1. Pursuant to points (69) and (70) of the Guidelines, State aid must be targeted to situations where aid can bring about a material development that the market cannot deliver, for example by remedying a market failure to the aided activity or investment in question. State aid measures can indeed, under certain conditions, correct market failures thereby contributing to the efficient functioning of markets and enhancing competitiveness. This holds especially in a context of scarce public resources.

In order to assess the compliance with points (69) and (70) of the Guidelines, please provide all information demonstrating the need for State intervention:

.....

Please note that pursuant to point (71) of the Guidelines, the Commission considers that the market is not delivering the expected objectives without State intervention concerning the aid fulfilling the specific conditions laid down in Part I, Chapter 2, Section 2.3 and Part II, Chapter 1, Sections 1.1, 1.2, 1.3 and 1.4, and Chapter 2, Section 2.2 of the Guidelines. Therefore, such aid will be considered necessary.

2.2. **The appropriateness of the aid**

*To provide the information in this section, please refer to section 3.2.2. (points (72)-(79)) of the Guidelines.*

The proposed aid must be an appropriate policy instrument to facilitate the development of the economic activity. There may be other, better placed instruments, such as regulation, market-based instruments, infrastructure development and improvement in the business environment, to achieve the objectives of the aid. The Member State must demonstrate that the aid and its design are appropriate to achieve the objective of the measure at which the aid is targeted.

2.2.1. Please indicate if the aid fulfils the specific conditions laid down for the following categories of aid:

☐ aid to make good the damage caused by natural disasters or exceptional occurrences, in accordance with Part II, Chapter 1, Section 1.1 of the Guidelines;

☐ aid to make good the damage caused by adverse climatic events which can be assimilated to a natural disaster, in accordance with Part II, Chapter 1, Section 1.2 of the Guidelines;

☐ aid for the costs of prevention, control and eradication of animal disease in aquaculture and of infestations by invasive alien species, and aid to make good the damage caused by those animal diseases and infestations, in accordance with Part II, Chapter 1, Section 1.3 of the Guidelines;

☐ aid to make good the damage caused by protected animals, in accordance Part II, Chapter 1, Section 1.4 of the Guidelines;

☐ aid for the renewal of the fishing fleet in outermost regions, in accordance with Part II, Chapter 2, Section 2.2 of the Guidelines;

☐ aid for categories of measures covered by Regulations on block exemptions, in accordance with Part I, Chapter 2, Section 2.3 of the Guidelines;

☐ aid measure of the same kind as an operation that is eligible for funding under Regulation (EU) 2021/1139 of the European Parliament and of the Council ([545]).

Pursuant to point (73) of the Guidelines, the Commission considers that aid measures which meet the specific conditions laid down in Part I, Chapter 2 , Section 2.3, and Part II, Chapter 1, Sections 1.1, 1.2, 1.3, 1.4 and 1.5, and Part II, Chapter 2, Section 2.2, are an appropriate policy instrument. An aid measure of the same kind as an operation that is eligible for funding under Regulation (EU) 2021/1139 is appropriate if it complies with the relevant provisions of that Regulation.

([545]) Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (OJ L 247, 13.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1139/oj).

Appropriateness among alternative policy instruments

2.2.2. Pursuant to point (73) of the Guidelines, please demonstrate that no other less distortive policy instrument exists:

……

2.2.3. Is the aid to be granted for a fleet measure or for cessation of fishing activities, in accordance with a category of aid under Part II, Chapter 3, of the Guidelines, while the same intervention is concurrently provided for in the relevant EMFAF programme?

☐ yes ☐ no

If the answer is yes, please set out the advantages of such a national aid instrument compared to the relevant intervention in the EMFAF programme:

……

Appropriateness among different forms of aid

Pursuant to point (76) of the Guidelines, aid can be granted in various forms. The Member State should however ensure that the aid is granted in the form that is likely to generate the least distortions of trade and competition.

Pursuant to point (79) of the Guidelines, the compatibility assessment of an aid measure with the internal market is without prejudice to the applicable public procurement rules and to the principles of transparency and openness and non-discrimination in the selection process of a service provider.

2.2.4. In order to assess the compliance with point (76) of the Guidelines, please specify the form of the aid and demonstrate that this form is likely to generate the least distortions of trade and competition:

……

2.2.5. Please confirm whether aid is to be granted in the form provided for:

☐ in the applicable Section of the Guidelines

☐ in the respective EMFAF intervention in accordance with Regulation (EU) 2021/1139.

Please identiy the relevant aid category, as well as the form of the aid:

……

Please note that pursuant to point (77) of the Guidelines, the Commission considers that aid granted in the form provided for in these Guidelines or in the respective EMFAF intervention in accordance with Regulation (EU) 2021/1139 is an appropriate form of aid.

2.2.6. Is the aid is granted in form(s) that provide a direct pecuniary advantage (for example, direct grants, exemptions or reductions in taxes, social security or other compulsory charges)?

☐ yes ☐ no

If the answer is yes, please demonstrate why other potentially less distortive forms of aid (for example, repayable advances or forms of aid that are based on debt or equity instruments ([546])) are less appropriate:

……

2.3. **The proportionality of the aid and cumulation**

*To provide the information in this section, please refer to section 3.2.3. (points (80)- (104) of the Guidelines.*

([546]) For example, low-interest loans or interest rebates, State guarantees or an alternative provision of capital on favourable terms.

Aid in the fishery and aquaculture sector is considered to be proportionate, if the aid amount per beneficiary undertaking is limited to the minimum needed for carrying out the aided activity. In order to ensure predictability and a level playing field, the application of maximum aid intensities for aid is foreseen in the Guidelines.

2.3.1. Does the aid amount exceed the eligible costs?

☐ yes ☐ no

Please note that that pursuant to point (81) of the Guidelines, the aid is considered to be proportionate if it does not exceed the eligible costs.

2.3.2. Are maximum aid intensities and maximum aid amounts calculated as set out in the applicable section of Part II of the Guidelines?

☐ yes ☐ no

Please explain how the eligible costs are calculated:

.....

Please note that, pursuant to point (83) of the Guidelines, the criterion of proportionality is deemed to be fulfilled only if the eligible costs and the maximum aid intensities or maximum aid amounts are calculated as set out in the Sections of Part II of the Guidelines.

2.3.3. Does the amount of aid respect the applicable maximum intensity of public aid as set in Annex IV to Commission Regulation (EU) 2022/2473 ([547]) for categories of measures covered by that Regulationas set out in Part I, Chapter 2, Section 2.3 of the Guidelines?

☐ yes ☐ no

Please note that the principle of proportionality is deemed to be respected only if the applicable maximum aid intensity in Regulation (EU) 2022/2473 is not exceeded. If your answer is no, please note that, pursuant to point (84) of the Guidelines, if an aid measure goes beyond the provisions set out in Regulation (EU) 2022/2473 , the Member State must demonstrate the justification for and the indispensability of the aid. Please provide the justification for the maximum aid intensity and demonstrate the indispensability of the aid.

.....

2.3.4. Will the maximum aid intensity and aid amount be calculated by the granting authority when granting the aid?

☐ yes ☐ no

2.3.5. Will the eligible costs be supported by the clear, specific and contemporary documentary evidence?

☐ yes ☐ no

2.3.6. When calculating the aid intensity and the eligible costs, will all figures be taken before any deduction of tax or other charge?

☐ yes ☐ no

2.3.7. Is the value added tax (VAT) eligible for aid?

☐ yes ☐ no

([547]) Commission Regulation (EU) 2022/2473 of 14 December 2022 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 327, 21.12.2022, p. 82, ELI: http://data.europa.eu/eli/reg/2022/2473/oj).

2.3.8. If the answer to the previous question is yes, is the VAT recoverable under national VAT legislation?

☐ yes ☐ no

Please note that pursuant to point (86) of the Guidelines, value added tax (VAT) is not eligible for aid, except where it is not recoverable under national VAT legislation.

2.3.9. If the aid is granted in a form other than a grant, is the aid amount the gross grant equivalent of the aid?

☐ yes ☐ no

2.3.10. Is the aid payable in several instalments?

☐ yes ☐ no

If the answer is yes, will the aid be discounted to its value at the moment of granting the aid?

☐ yes ☐ no

Please note that, pursuant to point (88) of the Guidelines, the eligible costs must be discounted to their value at the moment of granting the aid. Furthermore, the interest rate to be used for discounting purposes is the discount rate applicable on the date of granting the aid.

2.3.11. If the aid payable in the future, will it be discounted to its value at the moment it is granted?

☐ yes ☐ no

2.3.12. Is the aid granted by means of tax advantages?

☐ yes ☐ no

If the answer is yes, is the discounting of aid tranches executed on the basis of the discount rates applicable at the various times the tax advantage takes effect?

☐ yes ☐ no

2.3.13. Is the aid amount for the measure(s) fixed on the basis of standard assumptions of additional costs and income foregone?

☐ yes ☐ no

If the answer is yes, please describe the aid category for which it will be applied:

……

Please note that pursuant to point (90) of the Guidelines, simplified cost options cannot apply to aid set out in Part II, Chapter 1 and Chapter 3 of the Guidelines.

2.3.14. Is the aid granted in one of the following simplified cost options?

☐ unit costs;

☐ lump sums;

☐ flat-rate financing.

If the answer to the previous question is yes, please indicate the method of establishing the aid amount:

☐ a fair, equitable and verifiable calculation method based on one or more of the following:

(i) statistical data, other objective information or an expert judgement; or

(ii) verified historical data of individual beneficiary undertakings; or

(iii) the application of usual cost accounting practices of individual beneficiary undertakings;

☐ in accordance with the rules for application of corresponding unit costs, lump sums and flat rates applicable in Union policies for a similar type of operation.

As part of the notification, please submit the relevant supporting documentation.

2.3.15. If the measure is co-financed by the Union, are the amounts of eligible costs calculated in accordance with the simplified cost options set out in Regulation (EU) 2021/1060 of the European Parliament and of the Council ([548])?

☐ yes ☐ no

Please describe the calculation of the eligible costs and submit the relevant supporting documentation:

……

2.3.16. Is there an insurance available on the market for the risk event in relation to which the aid is grated?

☐ yes ☐ no

If the answer is yes, please confirm whether the beneficiary has taken out such insurance.

☐ yes ☐ no

If the answer is no for any of the above two questions, please provide further details:

……

2.3.17. Regarding aid to compensate for losses caused by adverse climatic events which can be assimilated to a natural disaster, please confirm that aid at the maximum aid intensity will be granted only to undertakings that cannot be covered for such losses by insurance.

☐ yes ☐ no

Please note that, pursuant to point (93) of the Guidelines, when assessing the compatibility of aid, the Commission will consider any insurance taken out, or which could have been taken out by the aid beneficiary. Regarding aid to compensate for losses caused by adverse climatic events which can be assimilated to a natural disaster, in order to avoid the risk of distorting competition, aid at the maximum aid intensity should be granted only to an undertaking that cannot be covered for such losses by insurance.

Additional conditions for individually notified investment aid and investment aid to large enterprises under notified schemes

2.3.18. In the case of individually notified investment aid, does the aid amount correspond to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual scenario in the absence of aid?

☐ yes ☐ no

Please describe the counterfactual scenario:

……

([548]) Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159, ELI: http://data.europa.eu/eli/reg/2021/1060/oj).

Please note that, pursuant to point (94) of the Guidelines, as a general rule, aid will be considered to be limited to the minimum if the aid amount corresponds to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual scenario in the absence of aid ([549]), with maximum aid intensities as a cap.

2.3.19. Please provide the following information:

(a) the calculation of the investment's Internal Rate of Return ('IRR') with and without the aid:

……

(b) information on the relevant market benchmarks for the undertaking (e.g., normal rates of return required by a beneficiary to undertake similar projects, cost of capital of the company as a whole):

……

(c) explanation of why, on the basis of the above, the aid is the minimum necessary to render the project sufficiently profitable:

……

2.3.20. Is the aid amount limited to the minimum necessary to render the project sufficiently profitable?

☐ yes ☐ no

Please justify your assessment:

……

Please note that, pursuant to point (95) of the Guidelines, the aid amount should not exceed the minimum necessary to render the project sufficiently profitable. For example, the aid amount should not lead to an increase of its IRR beyond the normal rates of return applied by the undertaking concerned in other investment projects of a similar kind or, if these rates are not available, to an increase of its IRR beyond the cost of capital of the undertaking as a whole or beyond the rates of return commonly observed in the sector concerned

2.3.21. Does the analysis on the proportionality of individually notifiable investment aid use the calculations for the analysis of the incentive effect (points (55) to (58) of the Guidelines)?

☐ yes ☐ no

Please provide the analysis and demonstrate the proportionality on the basis of supporting documentation (for example, through the documentation set out in point (56) of the Guidelines):

……

2.3.22. Where the aid granted is granted for investments to large enterprises under notified schemes, is it ensured that the aid amount corresponds to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual scenario in the absence of aid?

☐ yes ☐ no

Please justify your assessment:

……

Please note that, pursuant to point (96) of the Guidelines, in order to ensure that the aid amount corresponds to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual scenario in the absence of aid, the method set out in point (95) of the Guidelines must be used together with maximum aid intensities as a cap.

([549]) When comparing counterfactual scenarios, the aid is to be discounted by the same factor as the corresponding investment and counterfactual scenarios.

2.3.23. Is the beneficiary a municipality that is an autonomous local authority with an annual budget of less than EUR 10 million and fewer than 5 000 inhabitants?

☐ yes ☐ no

If the answer is yes, please note that points (94) to (97) of the Guidelines do not apply.

Cumulation of aid

2.3.24. Is the notified aid granted concurrently under several schemes or cumulated with ad hoc aid?

☐ yes ☐ no

If the answer to the previous question is yes, is the total amount of State aid for an activity or project limited to the maximum aid intensity or maximum aid amount laid down in the Guidelines?

☐ yes ☐ no

2.3.25. Does the notification concern aid with identifiable eligible costs?

☐ yes ☐ no

If the answer is yes, will that aid be cumulated with other aid concerning different identifiable eligible costs?

☐ yes ☐ no

If the answer is yes, please provide a justification:

……

2.3.26. Will the aid with identifiable eligible costs be cumulated with other State aid in relation to the same eligible costs?

☐ yes ☐ no

If the answer is yes, please confirm that such cumulation does not result in exceeding the highest aid intensity or aid amount applicable to the type of aid under the Guidelines.

☐ yes ☐ no

Pursuant to point (100) of the Guidelines, the aid with identifiable eligible costs cumulated with any other State aid, in relation to the same eligible costs, can be partly or fully overlapping only if such cumulation does not result in exceeding the highest aid intensity or aid amount applicable to this type of aid under the Guidelines.

2.3.27. Does the notification concern aid without identifiable eligible costs?

☐ yes ☐ no

If the answer is yes, will that aid be cumulated with other State aid with identifiable eligible costs?

☐ yes ☐ no

2.3.28. Will the aid without identifiable eligible costs be cumulated with other State aid without identifiable eligible costs?

☐ yes ☐ no

If the answer is yes, please confirm that such cumulation does not result in exceeding the highest relevant aid intensity or aid amount fixed in the Guidelines or other State aid guidelines, or block exemption regulation or a decision adopted by the Commission.

☐ yes ☐ no

If the answer is yes, please specify the maximum threshold of the applicable aid instrument:

……

Pursuant to point (101) of the Guidelines, aid without identifiable eligible costs may only be cumulated with other State aid without identifiable eligible costs, up to the highest relevant total financing threshold fixed in the specific circumstances of each case by the Guidelines or other State aid guidelines, a regulation on block exemption or a decision adopted by the Commission.

2.3.29. Is aid in favour of the fishery and aquaculture sector cumulated with payments referred referred to in Regulation (EU) 2021/1139 in respect of the same eligible costs?

☐ yes ☐ no

If the answer is yes, will such cumulation respect an aid intensity or aid amount laid down in the Guidelines?

☐ yes ☐ no

2.3.30. Is the aid combined with Union fund(s) centrally managed by the institutions, agencies, joint undertakings or other bodies of the Union that is/are not directly or indirectly under the control of the Member State?

☐ yes ☐ no

Please note that pursuant to point (103) of the Guidelines, if the Union funds are not directly or indirectly under the control of the Member State, only the State aid will be considered for determining whether notification thresholds and maximum aid intensities and ceilings are respected, provided that the total amount of public funding granted in relation to the same eligible costs does not exceed the most favourable funding rate(s) laid down in the applicable rules of Union law. Please confirm that this is the case:

☐ yes ☐ no

Please provide information on the applicable Union law, referred to in point (103) of the Guidelines:

……

2.3.31. Where the aid authorised under the Guidelines is cumulated with *de minimis* aid in respect of the same eligible costs, does such cumulation respect an aid intensity or aid amount fixed in the Guidelines?

☐ yes ☐ no

Pursuant to point (104) of the Guidelines, aid authorised under the Guidelines should not be cumulated with any *de minimis* aid in respect of the same eligible costs if such cumulation would result in an aid intensity or aid amount exceeding that fixed in these Guidelines.

2.4. **Transparency**

*To provide the information in this section, please refer to section 3.2.4. (points 105 - 108) of the Guidelines.*

2.4.1. Will the Member State ensure the publication of the following information in the European Commission's transparency award module on a comprehensive State aid website at national or regional level?

☐ the full text of the aid scheme and its implementing provisions or legal basis for individual aid, or a link to it;

☐ the identity of the granting authority/(ies);

☐ the identity of the individual beneficiaries, the form and amount of aid granted to each beneficiary, the date of granting, the type of undertaking (SME/ large enterprise), the region in which the beneficiary is located (at NUTS level II) and the principal economic sector in which the beneficiary has its activities (at NACE group level). Such a requirement can be waived with respect of individual aid awards not exceeding the threshold of EUR 10 000.

2.4.2. Please confirm as regards the aid schemes in the form of tax advantages that the information on individual aid amount is provided in the following ranges (in EUR million):

☐ 0,01 to 0,03

☐ 0,03 to 0,5;

☐ 0,5 to 1;

☐ 1 to 2;

☐ 2 and more.

2.4.3. Please explain whether the information set out in point (105) of the Guidelines will be published:

☐ in the European Commission's transparency award module ([550]);

☐ on a comprehensive national or regional State aid website.

Please provide the link of the comprehensive national or regional State aid website where the information will be published:

……

2.4.4. Please confirm that such information:

☐ will be published after the decision to grant the aid has been taken ([551]);

☐ will be kept for at least 10 years;

☐ will be available for the general public without restrictions.

2.4.5. Please confirm that reporting and revision as required in Part III, Section 4 will be carried out:

☐ yes ☐ no

Please note that pursuant to point (108) of the Guidelines, for reasons of transparency Member States must carry out reporting and revision as required in Part III, Section 4 of the Guidelines.

2.5. **Avoidance of adverse negative effects on competition and trade**

*To provide the information in this section, please refer to section 3.2.5 (points (109)-(124)) of the Guidelines.*

Aid for the fishery and aquaculture sector may potentially cause product market distortions. Certain aid may raise concerns on building up overcapacity in declining markets regarding the primary production of fisheries and aquaculture products and their processing and marketing. For the aid to be compatible with the internal market, the negative effects of the aid in terms of distortions of competition and impact on trade between Member States must be minimised or avoided.

Even where aid is necessary and proportionate, it may result in a change of the behaviour of the beneficiary undertaking which distorts competition. This is more likely in the fishery and aquaculture sector which differs from other markets due to its specific structure, as it is characterised by a high number of small undertakings involved and by fish stocks being a common, limited resource. On such markets the risk of distortion of competition is high even when only small amounts of aid are granted.

([550]) 'State Aid Transparency Public Search', available at the following website: https://webgate.ec.europa.eu/competition/transparency/public?lang=en.

([551]) This information must be published within six months from the date of granting the aid (or, for aid in the form of tax advantage, within one year from the date of the tax declaration). In the case of unlawful aid, Member States will be required to ensure the publication of this information ex post, at least within a period of six months from the date of the Commission decision. The information must be available in a format which allows data to be searched, extracted, and easily published on the internet, for instance in CSV or XML format.

Pursuant to point (110) of the Guidelines, the Commission will identify the market(s) affected by the aid, taking into account the information provided by the Member State on the product market(s) concerned, that, is to say the market(s) affected by the change in behaviour of the aid beneficiary.

2.5.1. Please describe the product market(s) concerned, i.e., the market(s) affected by the change in behaviour of the aid beneficiary.

……

Please note that in assessing the negative effects of the aid measure, the Commission will focus its analysis of the distortions of competition on the predictable impact the aid in the fishery and aquaculture sector on competition between undertakings in the product market(s) affected ([552]).

2.5.2. Is the aid is well targeted, proportionate and limited to the net extra costs?

☐ yes ☐ no

Pursuant to point (111) of the Guidelines, if the aid is well targeted, proportionate and limited to the net extra costs, the negative impact of the aid is softened and the risk that the aid will adversely distort competition will be more limited. In order to provide this information, please refer also to Section 2.1.1. of this Information sheet. Please justify your assessment.

……

2.5.3. Is the maximum aid intensity or aid amount as set out in a specific Section of the Guidelines respected?

☐ yes ☐ no

Please provide the maximum aid intensity or the aid amount:

……

The Commission considers that if the maximum aid intensity or aid amount is respected, the negative impact of the aid is softened and the risk that the aid will adversely distort competition is more limited.

Investment aid schemes for the processing and marketing of fishery and aquaculture products

2.5.4. For investment aid schemes for the processing and/or the marketing of fishery and aquaculture products, please demonstrate that any negative effects will be limited to the minimum taking into account, for example, the size of the projects concerned, the individual and cumulative aid amounts, the expected beneficiaries as well as the characteristics of the targeted sectors.

……

2.5.5. Regarding investment aid schemes for the processing and/or marketing of fishery and aquaculture products, the Member States are encouraged to submit an impact assessment at their disposal as well as ex-post evaluations carried out for similar schemes in order to enable the Commission to assess the likely negative effects of the aid scheme.

— Is an impact assessment submitted together with the notification?

☐ yes ☐ no

— Is an *ex post* evaluation submitted together with the notification?

☐ yes ☐ no

([552]) A number of markets may be affected by the aid, because the impact of the aid may not be restricted to the market corresponding to the activity that is supported but may extend to other markets, which are connected to that market either because they are upstream, downstream or complementary, or because the beneficiary is already present on them or may be so present in the near future.

Individually notifiable investment aid for the processing and/or marketing of fishery and aquaculture products and investment aid to large enterprises under notified schemes

Pursuant to point (116) of the Guidelines, in appraising the negative effects of individual investment aid, the Commission places particular emphasis on the negative effects linked with the build-up of overcapacity in declining markets, the prevention of exit, and the notion of substantial market power. These negative effects are described in points (117) to (124) of the Guidelines and must be counterbalanced with the positive effects of the aid.

2.5.6. In order to allow the Commission to identify and assess the potential distortions of competition and trade, please provide evidence permitting the Commission to identify the product markets concerned (that is to say, products affected by the change in the behaviour of the aid beneficiary) and to identify the competitors and customers/consumers affected:

……

Pursuant to point (117) of the Guidelines, the product concerned is typically the product covered by the investment project ([553]). When the project concerns an intermediate product and a significant part of the output is not sold on the market, the product concerned may be the downstream product. The relevant product market includes the product concerned and its substitutes considered to be such, either by the consumer (by reason of the product's characteristics, prices, or intended use) or by the producer (by reason of flexibility of production installations).

Please indicate what you regard as the relevant demand and supply side substitutes in this case. Please provide evidence, from an independent third party, if possible, to support your conclusions on this point.

……

2.5.7. As a result of the aid, will an additional production capacity be created by the project?

☐ yes ☐ no

If the answer is yes, please provide an estimate of the additional production capacity created (in volume and value terms):

……

2.5.8. Please provide information on the performance of the products market affected by the aid, i.e., whether it is growing or underperforming:

……

2.5.9. If the product market affected by the aid is underperforming, please specify whether, in a long-term outlook, the market is structurally in decline (i.e., it is contracting) or in relative decline (i.e., it is still growing, but does not exceed a benchmark growth rate):

……

2.5.10. In case the geographic market is global, in order to assess the performance of the product market affected by the aid, please provide information on the effect of the aid on the market structures concerned, in particular, its potential to crowd out producers in the EEA:

……

2.5.11. Please provide information, and supporting evidence, on the relevant geographical market of the beneficiary.

……

([553]) For investment projects that involve the production of several different products, each product must be assessed.

2.5.12. Please specify all the product(s) that will be produced upon the completion of the investment and indicate, where appropriate, the NACE code or CPA nomenclature:

……

2.5.13. Please indicate whether the product(s) envisaged by the project will replace any other products produced by the beneficiary (at group level):

☐ yes ☐ no

If the answer is yes, please specify the product(s) which will be replaced. If these replaced products are not produced at the location of the project, indicate where they are currently produced. Please provide a description of the link between the replaced production and the current investment and give a time schedule for the replacement:

……

2.5.14. Please indicate what other product(s) can be produced with the same new facilities (through flexibility of the production installation of the beneficiary) at little or no additional cost:

……

2.5.15. Please explain whether the project concerns an intermediate product and whether a significant part of the output is sold otherwise than on the market (under market conditions). Based on the above explanation, for the purpose of calculating the market share and capacity increase in the remainder of the section, please indicate whether the product concerned is the product envisaged by the project or whether it is a downstream product.

……

2.5.16. In order to assess the market power of the beneficiary, please provide the following information on the beneficiary's market position (over a period of time before receiving the aid and the expected market position after finalising the investment):

(a) an estimate of all sales (in value and volume terms) of the aid recipient in the relevant market (at group level):

……

(b) an estimate of the overall sales of all producers in the relevant market (in volume and value terms). If available, include statistics prepared by public and/or independent sources:

……

2.5.17. Please provide information on the market shares of the beneficiary, as well as of the market shares of its competitors:

……

2.5.18. Please provide an assessment of the structure of the relevant market including, for example, the level of concentration in the market, possible barriers to entry, buyer power and barriers to expansion or exit. Please provide evidence, from an independent third party if possible, to support your conclusions on this point.

……

2.6. **Weighting up the positive and negative effects of the aid (balancing test))**

*To provide the information in this section, please refer to section 3.2.6 (points (125)–(138)) of the Guidelines.*

The Commission assesses whether the positive effects of the aid measure outweigh the identified negative effects on competition and trading conditions. The Commission may conclude on the compatibility of the aid measure with the internal market only where the positive effects outweigh the negative ones. In cases where the proposed aid measure does not address a well-identified market failure in an appropriate and proportionate way, the negative distortive effects on competition will tend to outweigh the positive effects of the measure, hence the Commission is likely to conclude that the proposed aid measure is incompatible with the internal market.

Pursuant to point (138) of the Guidelines, for aid categories in Part I, Chapter 2, Sections 2.1.2, 2.2 and point (24) of Section 2.3 and Part II, Chapter 2, Section 2.1 and Section 2.3 and Chapter 3 of the Guidelines, the Commission will balance the identified negative effects on competition and trading conditions of the aid measure with the positive effects of the planned aid on the supported economic activities, including its contribution to the objectives of the CFP, including the objectives of the EMFAF.

2.6.1. Please specify the positive and negative impacts of the aid on the achievement of the objectives of the Common Fisheries Policy (CFP) set out in Article 2 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([554]) and of Regulation (EU) 2021/1139:

……

2.6.2. Will the aid contravene the objective that fishing and aquaculture activities are environmentally sustainable in the long-term and managed in a way that is consistent with the objectives of achieving economic, social and employment benefits and of contributing to the availability of food supply (Article 2(1) of Regulation (EU) No 1380/2013)?

☐ yes ☐ no

Please justify your assessment:

……

2.6.3. Will the aid contravene the objective to ensure coherence with Union environmental legislation (Article 2(5), point (j), of Regulation (EU) No 1380/2013).

☐ yes ☐ no

Please justify your assessment:

……

If your answer is yes to question 2.6.2 or question 2.6.3 above, please note that pursuant to point (127) of the Guidelines, measures that contravene any of those objectives are unlikely to create positive effects for the CFP and may have negative effects on competition and trade because of the limited resources for which undertakings in the sector are competing. This will render a positive balancing for such measures unlikely.

2.6.4. Pursuant to points (127) and (134) of the Guidelines, please provide information on the impact of the aid on any risk of fishing capacity enhancement of the concerned vessels and the fleet (in kW or GT), on overfishing or displacement of fishing efforts that could lead to such overfishing, as well as on the balance between the fishing capacity and the available fishing opportunities:

……

([554]) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, OJ L 354, 28.12.2013, p. 22.

Please note that pursuant to point (134) of the Guidelines, aid that contributes to fishing capacity enhancement or results in overfishing or displacement of fishing efforts will likely undermine the objectives of the CFP. Taking into account the legal and economic context of the fisheries sector, where undertakings are competing for limited resources, measures with such effects that are in principle considered to be harmful are unlikely to result in a positive result of the balancing exercise.

2.6.5. Does the aid fulfil the conditions laid down in the following sections of the Guidelines?

☐ aid for categories of measures covered by Regulations on bock exemption (Part I, Chapter 2, Section 2.3);

☐ aid to make good the damage caused by natural disasters or exceptional occurrences (Part II, Chapter 1, Section 1.1);

☐ aid to make good the damage caused by adverse climatic events which can be assimilated to a natural disaster (Part II, Chapter 1, Section 1.2);

☐ aid for the costs of prevention, control and eradication of animal diseases in aquaculture and of infestations by invasive alien species, and aid to make good the damage caused by those animal diseases and infestations (Part II, Chapter 1, Section 1.3);

☐ aid to make good the damage caused by protected animals (Part II, Chapter 1, Section 1.4);

☐ aid for investments to prevent and mitigate the damage caused by risk events (Part II, Chapter 1, Section 1.5);

☐ aid for the renewal of the fishing fleet in outermost regions (Part II, Chapter 2, Section 2.2).

Please note that pursuant to point (128) of the Guidelines, due to its positive effects on the development of the fishery and aquaculture sector, the Commission considers that for aid fulfilling the conditions laid down in Part I, Chapter 2, Section 2.3, Part II, Chapter 1, Sections 1.1, 1.2 1.3, 1.4 and 1.5, and Part II, Chapter 2, Section 2.2, the negative effect on competition and trade between Member States is limited to the minimum.

2.6.6. Is the aid co-financed under the EMFAF?

☐ yes ☐ no

Please note that pursuant to point (129) of the Guidelines, the Commission consider that the related positive effects have been established, with respect to State aid which is co-financed under the EMFAF.

2.6.7. Does the aid contribute to conservation policy objective(s) by phasing out derogations currently permitted under CFP rules (e.g., derogations from the landing obligation)?

☐ yes ☐ no

If the answer is yes, please refer to the CFP rules permitting the derogation and explain how the aid contributes to the CFP's conservation objectives?

……

Pursuant to point (130) of the Guidelines, aid that contributes to conservation policy objectives by phasing out derogations currently permitted under CFP rules, such as derogations from the landing obligation, will be considered to have a positive effect for the objectives of the CFP.

2.6.8. Does the aid support environmental policy objectives that can be linked to any of the following conservation effort(s) by:

☐ contributing to the good environmental status, as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council ([555]);

☐ implementing and monitoring marine protected areas, in accordance with Directive 2009/147/EC of the European Parliament and of the Council ([556]), Council Directive 92/43/EEC ([557]) and Directive 2008/56/EC;

☐ implementing actions contributing to restoring river continuity under Directive 2000/60/EC of the European Parliament and of the Council ([558]);

☐ implementing actions related to Directive (EU) 2019/904 of the European Parliament and of the Council ([559]) for fishing gears/plastic;

☐ putting in place priority action framework measures for Natura 2000 sites ([560]).

Please provide information on the conservation effort.

.....

Pursuant to point (131) of the Guidelines, the Commission considers that the above listed aids positively contribute to the objectives of the CFP.

2.6.9. Is the aid granted in favour of investments?

☐ yes ☐ no

If the answer is yes, please provide information under Article 3 of Regulation (EU) 2020/852 of the European Parliament and of the Council ([561]) (criteria for environmentally sustainable economic activities), including as regards the "Do no significant harm" principle, or other comparable methodologies (such as the ecosystem-based approach applied to the management of marine fisheries in line with Article 2(3) of Regulation (EU) No 1380/2013).

.....

2.6.10. Does the aid bring about other positive effect?

☐ yes ☐ no

If the answer is yes, please indicate which Union policy it reflects:

☐ European Green Deal (COM/2019/640 final)

☐ Sustainable blue economy (COM/2021/240 final)

☐ Farm to Fork Strategy (COM/2020/381final)

☐ Circular Economy Action Plan (COM/2020/98 final).

☐ Biodiversity Strategy (COM/2020/380 final)

☐ EU Action Plan: "Towards Zero Pollution for Air, Water and Soil" (COM/2021/400 final)

([555]) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

([556]) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

([557]) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

([558]) Directive 2000/60 of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p 1).

([559]) Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1).

([560]) Directives 92/43/EEC (OJ L 206, 22.7.1992, p. 7) and 2009/147/EC (OJ L 20, 26.1.2010, p. 7).

([561]) Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

☐ EU Strategy on adaptation to climate change (COM/2013/0216 final and COM/2021/82 final)

☐ Energy efficiency considerations, in particular concerning the first principle of energy efficiency ([562])

☐ the initiative on Shaping Europe's Digital Future Communication (COM/2020/67 final)

☐ Other (please specify):

……

Please provide further details on the positive effect of aid and explain how is the aid aligned with the Union policy(ies) indicated above:

……

2.6.11. Does the measure constitute aid:

☐ that increase the fishing capacity of a fishing vessel;

☐ for the acquisition of equipment that increase the ability of a fishing vessel to find fish;

☐ for the construction, acquisition or importation of fishing vessels;

☐ for the transfer or reflagging of fishing vessels to third countries, including through the creation of joint ventures with partners of third countries;

☐ for the temporary cessation of fishing activities;

☐ for the permanent cessation of fishing activities;

☐ for exploratory fishing;

☐ for the transfer of ownership of a business;

☐ for the direct restocking, except as the case may be in the case of experimental restocking;

☐ for the construction of new ports or new auction halls, with the exception of new landing sites;

☐ for market intervention mechanisms aiming to temporarily or permanently withdraw fishery or aquaculture products from the market with a view to reducing supply in order to prevent price decline or to drive prices up that do not comply with Articles 30 and 31 Regulation (EU) No 1379/2013 of the European Parliament and of the Council ([563]);

☐ for investments on board fishing vessels necessary to comply with the requirements under Union law in force at the time of submission of the application for aid, including requirements under the Union's obligations in the context of regional fisheries management organisations;

☐ for investments on board fishing vessels that have carried out fishing activities for less than 60 days in the two calendar years preceding the year of submission of the application for aid;

☐ for the replacement or modernisation of a main or ancillary engine of a fishing vessel.

Please note that the above types of aid measures are in principle considered to be harmful, therefore pursuant to point (135) of the Guidelines, with the exception of aid provided for explicitly in the Guidelines, the balancing test is unlikely to be positive with regard to the above types of aid measures.

([562]) As set out in Article 1(1) of Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1, ELI: http://data.europa.eu/eli/dir/2012/27/oj).

([563]) Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products (OJ L 354, 28.12.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/1379/oj).

If you marked a box relating to any of the above aid categories, please explain under which section of the Guidelines such aid is provided for:

……

2.6.12. Please confirm whether the aid measure includes the following conditions:

(a) ☐ safeguards ensuring that the applicant for State aid, or if no application is required an equivalent act, provides that the beneficiary undertaking, complies with the rules of the CFP and continue to do so throughout the period of implementation of the project ("grant period") and for a period of five years after the final payment of the aid to the undertaking;

(b) ☐ provide that a beneficiary undertaking becomes inadmissible to apply for aid where during the grant period and for a period of five years after the final payment, the beneficiary undertaking

☐ has not complied with the rules of the CFP; or

☐ where the application for aid is submitted under Articles 32 to 39 of Regulation (EU) 2022/2473: beneficiary undertaking committed one or more of the environmental offences laid down in Articles 3 and 4 of Directive 2008/99/EC of the European Parliament and of the Council ([564]), as determined by the competent national authority

If you confirmed the above conditions, please indicate whether in those cases the beneficiary must reimburse the aid in proportion to the non-compliance or offence:

☐ yes ☐ no

Please specify the criteria according to which the national authorities will establish the proportionality to the non-compliance or offence:

……

Please note that pursuant to point (136) of the Guidelines, the balancing test is unlikely to be positive with regard to aid measures that do not include the above conditions. Pursuant to point (137) of the Guidelines, only two exceptions are allowed.

In case you have not included the above conditions ((a) and (b)) for the aid measure, please confirm whether the aid meets the specific conditions for:

☐ aid to make good the damage caused by natural disasters or exceptional occurrences (set out in Part II, Chapter 1, Section 1.1 of the Guidelines);

☐ aid for the costs of prevention, control and eradication of animal diseases in aquaculture (set out in Part II, Chapter 1, Section 1.3 of the Guidelines).

2.7. **Other information**

Horizontal and other aid instruments applicable to the fishery and aquaculture sector

*To provide the information in this section, please refer to Part I, Section 2.2 (points (8), (20)-(22)) of the Guidelines.*

To all aid granted to the fishery and aquaculture sector, the Guidelines apply pursuant to point (8) thereof. This includes the components of regional aid that relate to the fishery and aquaculture sector. They also apply to all other aid that is granted to the fishery and aquaculture sector within the framework of the European Union funds.

([564]) Directive 2008/99/EC of the European Parliament and of the Council on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28, ELI: http://data.europa.eu/eli/dir/2008/99/oj).

The horizontal guidelines and other instruments include the Criteria for the analysis of the compatibility of State aid for training subject to individual notification ([565]), the Guidelines on State aid to promote risk finance investments ([566]), the Framework for State aid for research and development and innovation ([567]), Guidelines on State aid for climate, environmental protection and energy 2022 ([568]), the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty ([569]), the State aid rules for the deployment of broadband networks ([570]) and the Criteria for the compatibility analysis of State aid to disadvantaged and disabled workers subject to individual notification ([571]). The Guidelines on regional State aid for 2022-2027 ([572]) do not apply to the fishery and aquaculture sector, save where State aid is granted in that sector as part of a horizontal regional operating aid scheme.

Where aid falls under a horizontal or other aid instruments, the Commission will assess such aid on the basis of the principles set out in the relevant Sections of those horizontal and other State aid instruments jointly with the conditions set out in Part I, Chapter 3, Section 3.1.3 and Section 3.2.6, of the Guidelines. Please fill in Sections 1.3 and 2.6 of this general information sheet and, in addition, please fill in and attach to your notification the other forms applicable to those horizontal guidelines or instruments.

2.7.1. Does the aid fall within the scope of certain horizontal guidelines or other instruments adopted by the Commission?

☐ yes ☐ no

If the answer is yes, please indicate the relevant horizontal guidelines or instruments and the relevant provisions of those acts and demonstrate that the aid fulfils all the criteria set out in the relevant provisions of those acts.

……

Aid for categories of measures covered by Regulations on block exemptions

*To provide the information in this section, please refer to Part I, Section 2.3 (points (23)-(25) and (28)) of the Guidelines.*

Where aid benefitting SMEs or large enterprises is of the same kind as aid falling within a category of aid that can be considered compatible with the internal market either under Regulation (EU) 2022/2473 or under Commission Regulation (EU) No 651/2014 ([573]), please fill in all sections of Part 1 (First condition) and Part 2 (Second condition) of this general information sheet (from section 1.1 to section 2.6) in addition to this section. Please note that, pursuant to points (23) and (24) of the Guidelines, the Commission will assess such aid taking into account the compatibility assessment under Article 107(3), point (c), of the Treaty (Part I, Chapter 3 of the Guidelines) and the criteria laid down for each category of aid set out in the applicable block exemption regulation.

([565]) Communication from the Commission — Criteria for the analysis of the compatibility of State aid for training subject to individual notification (OJ C 188, 11.8.2009, p. 1).
([566]) Communication from the Commission — Guidelines on State aid to promote risk finance investments (OJ C 508, 16.12.2021, p. 1).
([567]) Communication from the Commission Framework for State aid for research and development and innovation (OJ C 414, 28.10.2022, p. 1).
([568]) Communication from the Commission- Guidelines on State aid for climate, environmental protection and energy 2022 (OJ C 80, 18.2.2022, p. 1).
([569]) Communication from the Commission — Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).
([570]) Communication from the Commission – EU Guidelines for the application of State aid rules in relation to rapid deployment of broadband networks (OJ C 25, 26.1.2013, p. 1).
([571]) Communication from the Commission — Criteria for the analysis of the compatibility of State aid for the employment of disadvantaged and disabled workers subject to individual notification (OJ C 188, 11.8.2009, p. 6).
([572]) Communication from the Commission – Guidelines on regional State aid (OJ C 153, 29.4.2021, p. 1).
([573]) Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1, ELI: http://data.europa.eu/eli/reg/2014/651/oj).

2.7.2. Is the aid of the same kind as aid falling within a category of aid that can be considered compatible with the internal market under Regulation (EU) 2022/2473?

☐ yes ☐ no

2.7.3. Is the aid the same kind that could fall under the following Regulation (EU) 2022/2473 articles?

☐ aid of the same kind as aid falling within the category of aid to make good the damage caused by natural disasters set out in Article 49 of Regulation (EU) 2022/2473;

*For this aid category, please also fill in the specific notification form related to Part II, Chapter 1, Section 1.1, of the Guidelines.*

☐ aid of the same kind as aid falling within the category of aid to make good the damage caused by adverse climatic events which can be assimilated to a natural disaster set out in Article 51 of Regulation (EU) 2022/2473;

*For this aid category, please also fill in the specific notification form related to Part II, Chapter 1, Section 1.2 of the Guidelines.*

☐ aid of the same kind as aid falling within the category of aid for the costs of prevention, control and eradication of animal diseases set out in Article 42 of Regulation (EU) 2022/2473;

*For this aid category, please also fill in the specific notification form related to Part II, Chapter 1, Section 1.3 of the Guidelines.*

☐ aid of the same kind as aid falling within the category of aid to make good the damage caused by protected animals set out in Article 53 of Regulation (EU) 2022/2473;

*For this aid category, please also fill in the specific notification form related to Part II, Chapter 1, Section 1.4 of the Guidelines.*

☐ aid of the same kind as aid falling within the category of aid to prevent and mitigate the damage caused by animal diseases, natural disasters, adverse climatic events which can be assimilated to a natural disaster and protected animals set out in Articles 43, 48, 50 and 52 of Regulation (EU) 2022/2473;

*For this aid category, please also fill in the specific notification form related to Part II, Chapter 1, Section 1.5 of the Guidelines.*

☐ aid of the same kind as aid falling within the category of aid for the first acquisition of a fishing vessel set out in Article 20 of Regulation (EU) 2022/2473.

*For this aid category, please also fill in the specific notification form related to Part II, Chapter 3, Section 3. of the Guidelines.*

2.7.4. With regard to other categories of aid under Regulation (EU) 2022/2473, does the aid fulfil all the criteria set out in the relevant article(s) of Regulation (EU) 2022/2473?

☐ yes ☐ no

If the answer is yes, please indicate the relevant article of Regulation (EU) 2022/2473 and demonstrate compliance with the applicable conditions of Regulation (EU) 2022/2473 for that category of aid:

……

If the answer is no, please indicate the article of Regulation (EU) 2022/2473 and specify which condition is not complied with and justify the reason for the derogation and demonstrate the indispensability of the aid:

……

2.7.5. Is the aid of the same kind as aid falling within a category of aid that can be considered compatible with the internal market under Regulation (EU) No 651/2014?

☐ yes ☐ no

2.7.6. Does the aid fulfil all the criteria set out in the relevant article(s) of Regulation (EU) No 651/2014?

☐ yes ☐ no

If the answer is yes, please indicate the relevant article of Regulation (EU) No 651/2014 and demonstrate compliance with the applicable conditions of Regulation (EU) No 651/2014 for that category of aid.

……

If the answer is no, please indicate the article of Regulation (EU) No 651/2014 and specify which condition is not complied with and justify the reason for the derogation and demonstrate the indispensability of the aid.

……

Aid for other measures

*To provide the information in this section, please refer to Part I, Section 2.1.2 (point (13)) of the Guidelines.*

2.7.7. Does the aid correspond to one of the types of aid referred to in Part II, Chapters 1, 2 or 3, and Part I, Chapter 2, Sections 2.2 and 2.3, of the Guidelines?

☐ yes ☐ no

If the answer is yes, please note that the Commission assesses the aid according to the applicable compatibility criteria for that category of aid.

If the answer is no, the aid in principle is not compatible with the internal market. If a Member State nevertheless intends to provide such aid or provides such aid, the Commission will assess it on a case-by-case basis directly on the basis of Article 107(3) of the Treaty, taking into account the rules laid down in Articles 107, 108 and 109 of the Treaty, and by analogy the Guidelines.

To demonstrate that such aid complies with the principles set out in Part I, Chapter 3 of the Guidelines, please fill in all sections of Part 1 (First condition) and Part 2 (Second condition) of this general information sheet (from Section 1.1 to Section 2.6) in addition to this section.

In addition, please provide any other information which clearly demonstrates that the positive effect of the aid outweighs the identified negative effect on competition and trade:

……

Aid for Northern Ireland

2.7.8. Is the aid to be granted in Northern Ireland?

☐ yes ☐ no

If the answer is yes, please note that pursuant to point (12) of the Guidelines, for aid to be granted in Northern Ireland, where a measure requires compliance with conditions laid down in Regulation (EU) No 1380/2013 or Regulation (EU) 2021/1139, equivalent information must be provided in the notification to the Commission pursuant to Article 108(3) of the Treaty.

*Please include such information in the specific notification form for the concerned aid category.*

Aid in favour of undertakings in difficulty

Pursuant to point (10) of the Guidelines, the Commission considers that when an undertaking is in financial difficulty, given that its very existence is in danger, it cannot be considered an appropriate vehicle for promoting other public policy objectives until such time as its viability is assured.

2.7.9. Is the beneficiary/Are beneficiaries undertakings in difficulty?

☐ yes ☐ no

If the answer is yes, please note that where the beneficiary of the aid is undertaking in difficulty as defined in point (31)(bb) of the Guidelines, the aid will be assessed in accordance with the Guidelines on State aid for rescuing and restructuring firms in difficulty ([574]).

If the answer is no, please provide the reference to the national legal basis concerning this point:

……

2.7.10. Point (10) of the Guidelines provides certain exceptions from the principle of not providing State aid to undertakings in financial difficulties. Please indicate in the box if any of the exceptions apply to the notified aid:

☐ aid to compensate for loss or damage caused by natural disasters and exceptional occurrences referred to in Part II, Chapter 1, Section 1.1, of the Guidelines, provided that the aid is compatible with the internal market under Article 107(2), point (b), of the Treaty;

☐ aid to compensate for loss or damage caused by adverse climatic events which can be assimilated to a natural disaster, animal diseases and infestations by invasive alien species and protected animals referred to in Part II, Chapter 1, Section 1.2, 1.3 or 1.4, of the Guidelines, where the financial difficulty of an undertaking active in the fishery and aquaculture sector was caused by those events, provided that aid is compatible with the internal market under Article 107(3), point (c), of the Treaty;

☐ aid for the prevention, control and eradication of animal diseases in aquaculture referred to in point (188)(a) to (c) and (e) to (h) of Part II, Chapter 1, Section 1.3, of the Guidelines, where the economic situation of the undertaking should not be taken into consideration due to an emergency situation and the need to protect public health, provided that the aid is compatible with the internal market under Article 107(3), point (c), of the Treaty;

☐ aid relating to information actions and for promotion measures which are generic in character, provided that they fall under Part I, Chapter 2, Section 2.3, of the Guidelines.

Aid granted to an undertaking which is subject to an outstanding recovery order

2.7.11. Is the aid granted to an undertaking, which is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market?

☐ yes ☐ no

If the answer is yes, please note that such aid cannot be declared compatible with the internal market, unless one of the exceptions set out below apply.

If the answer is no, please provide the reference to the national legal basis concerning this point:

……

2.7.12. Please indicate in the box if any of the exceptions apply to the notified aid:

☐ aid to make good the damage caused by natural disasters and exceptional occurrences under Article 107(2), point (b), of the Treaty(Part II, Chapter 1, Section 1.1, of the Guidelines);

☐ aid for the costs of prevention, control and eradication of animal diseases in aquaculture under point (188)(a) to (c) and (e) to (h) of Part II, Chapter 1, Section 1.3, of the Guidelines.

([574]) Communication from the Commission — Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).

Any other information

2.7.13. Please provide any other information which you deem important/necessary for the due assessment of the notified aid measure:

.....

1.1. **SUPPLEMENTARY INFORMATION SHEET ON AID TO MAKE GOOD THE DAMAGE CAUSED BY NATURAL DISASTERS OR EXCEPTIONAL OCCURRENCES**

*This form must be used by Member States for the notification of any State aid to make good the damage caused by natural disasters or exceptional occurrences as described in Section 1.1 of Chapter 1 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([575]) *('the Guidelines').*

1. Is the measure an *ex ante* framework scheme to compensate for the damage caused by natural disasters?

☐ yes ☐ no

If the answer is yes, please disregard questions 10 and 11.

Please note that aid granted to compensate damage caused by natural disasters other than those mentioned in point (141) of the Guidelines, and damage caused by exceptional occurrences cannot be notified as part of an ex ante framework and must always be separately notified to the Commission. Please also note that, pursuant to point (147) of the Guidelines, measures derogating from the general rules concerning the time of establishment of schemes and payment of aid must be notified separately.

2. In the case of *ex ante* framework schemes, please confirm that the Member State will comply with the reporting obligation set out in point (345) of the Guidelines.

☐ yes ☐ no

3. Please identify the type of natural disaster or exceptional occurrence that caused – or, in the case of an *ex ante* framework scheme, could cause – the damage for which compensation is provided for?

(a) natural disasters:

☐ severe storms

☐ severe floods

☐ earthquakes

☐ avalanches

☐ landslides

☐ tornadoes

☐ hurricanes

☐ volcanic eruptions

☐ wild fires of natural origin

☐ other natural disasters,

(b) exceptional occurrences:

☐ war

☐ internal disturbances

☐ strikes

☐ major industrial accidents

☐ major nuclear accidents

☐ fires resulting in widespread loss

☐ other exceptional occurrences.

([575]) OJ C 107, 23.3.2023, p. 1.

Please note that the outbreak of an animal disease or a plant pest does not, in principle, constitute an exceptional occurrence.

3.1. Please describe in detail the natural disaster or exceptional occurrence.

……

4. Please confirm that the competent authority(ies) of the Member State formally recognised the character of the event as a natural disaster or as an exceptional occurrence?

☐ yes ☐ no

4.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

5. If the notifying Member States established in advance criteria on the basis of which the formal recognition referred to in question 4 is deemed to be granted, please provide those criteria and identify as the national legislation setting them out.

……

6. Please confirm that the measure prescribes that there is a direct causal link between the natural disaster or the exceptional occurrence and the damage suffered by the undertaking.

☐ yes ☐ no

6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

7. Please demonstrate the direct causal link between the natural disaster or the exceptional occurrence and the damage suffered by the undertakings:

……

8. Please confirm that the aid must be paid directly to:

(a) ☐ the undertaking concerned,

(b) ☐ a producer group or organisation of which that undertaking is a member.

9. Where the aid is paid to a producer group and organisation, please confirm that the amount of aid must not exceed the amount of aid to which that undertaking is eligible.

☐ yes ☐ no

9.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

10. Please explain when the event occurred, including its starting and ending dates (as applicable).

……

11. Please confirm that the measure is established within three years from the date of the occurrence of the event.

☐ yes ☐ no

11.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

12. Please confirm that the measure prescribes that aid will be paid out within four years of the date of the occurrence of the event?

☐ yes ☐ no

12.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

13. Please note that, for a specific natural disaster or exceptional occurrence, the Commission will authorise separately notified aid that derogates from the rule set out in point (147) of the Guidelines in duly justified cases (for example, due to the nature and/or extent of the event or delayed or continuing nature of the damage).

13.1. If that is the case, please provide a detailed justification as to why a derogation from the rule on the time of establishment of schemes and/or payment of aid is warranted.

……

14. Please confirm that the eligible costs are the costs of the damage incurred as a direct consequence of the natural disaster or exceptional occurrence.

☐ yes ☐ no

14.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

15. Please confirm that the damage will be assessed by:

(a) ☐ a public authority

(b) ☐ an independent expert recognised by the granting authority

(c) ☐ an insurance undertaking

15.1. Please identify the body(ies) assessing the damage.

……

16. Please confirm whether the damage includes:

(a) ☐ material damage to assets (such as buildings, equipment, machinery, stocks, and means of production)

(b) ☐ loss of income due to the full or partial destruction of fishery or aquaculture production or the means of such production

(c) ☐ both, i.e., the damage includes (a) and (b)

16.1. Please identify the provision(s) of the legal basis that reflect the damage. ……

17. Please submit an assessment as precise as possible of the type and extent of damage incurred – or that might be incurred in case of *ex ante* framework schemes – by undertakings.

……

18. Please confirm that the measure prescribes that the damage is calculated at the level of the individual beneficiary.

☐ yes ☐ no

18.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

19. In case the eligible costs include material damage to assets, please confirm that the calculation of the material damage is based on the repair cost or economic value of the affected asset before the natural disaster or exceptional occurrence.

☐ yes ☐ no

19.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

20. In case the eligible costs include material damage to assets, please confirm that the calculation of the material damage must not exceed the repair cost or the decrease in fair market value caused by the natural disaster or the exceptional occurrence, that is to say the difference between the asset's value immediately before and immediately after the natural disaster or exceptional occurrence.

☐ yes ☐ no

20.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

21. In case the eligible costs include loss of income, please confirm that is it calculated pursuant to point (154) of the Guidelines, that is by subtracting: (a) the result of multiplying the quantity of the fishery and aquaculture products produced in the year of the natural disaster or exceptional occurrence, or in each following year affected by the full or partial destruction of the means of production, by the average selling price obtained during that year, from (b) the result of multiplying the average annual quantity of fishery and aquaculture products produced in the three-year period preceding the natural disaster or exceptional occurrence, or a three-year average based on the five-year period preceding the natural disaster or exceptional occurrence, excluding the highest and lowest entry, by the average selling price obtained.

☐ yes ☐ no

21.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

22. Please confirm whether the amount of the compensation may be increased by other costs incurred by the beneficiary undertaking due to the natural disaster or exceptional occurrence.

☐ yes ☐ no

22.1. If the answer is 'yes', please identify the relevant costs.

……

22.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

23. Please confirm that the amount of the compensation must be reduced by any costs not incurred because of the natural disaster or the exceptional occurrence which would otherwise have been incurred by the beneficiary undertaking.

☐ yes ☐ no

23.1. If the answer is 'yes', please identify the relevant costs.

……

23.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

24. Please note that the Commission may accept other calculation methods provided that those are representative, not based on abnormally high catches or yields and do not result in the overcompensation of any beneficiary undertaking.

If the notifying Member State intends to propose an alternative calculation method, please provide the reasons as to why the method set out in the Guidelines is not appropriate in the case at hand and explain how the alternative calculation method addresses better the identified needs

……

*Please submit as an annex to the notification the alternative methodology proposed, together with a demonstration that it is representative, not based on abnormally high catches/yields and do not result in overcompensation of any beneficiary.*

……

25. Please confirm whether the measure provides that, where an SME was set up less than three years from the date of the occurrence of the event, the reference to the three or five-year periods in point (154)(b) must be understood as referring to the quantity produced and sold by an average undertaking of the same size as the applicant, namely a micro enterprise or a small enterprise or a medium enterprise, respectively, in the national or regional sector affected by the natural disaster or exceptional occurrence.

☐ yes ☐ no

25.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

26. Please confirm that the measure prescribes that the aid and any other payments received to compensate the damage, including payments under insurance policies, must be limited to 100 % of the eligible costs.

☐ yes ☐ no

26.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

26.2. Please identify the provision(s) of the legal basis setting out the 100 % limit and the maximum aid intensity(ies) under the measure.

……

OTHER INFORMATION

27. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

1.2. **SUPPLEMENTARY INFORMATION SHEET ON AID TO MAKE GOOD THE DAMAGE CAUSED BY ADVERSE CLIMATIC EVENTS WHICH CAN BE ASSIMILATED TO A NATURAL DISASTE**

*This form must be used by Member States for the notification of any State aid to make good the damage caused by adverse climatic events which can be assimilated to a natural disaster as described in Section 1.2 of Chapter 1 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([576]) *('the Guidelines').*

([576]) OJ C 107, 23.3.2023, p. 1.

1. Is the measure an *ex ante* framework scheme to compensate for the damage caused by adverse climatic events which can be assimilated to a natural disaster?

☐ yes ☐ no

If the answer is yes, please disregard questions 10 and 11.

Please note that pursuant to point 167 of the Guidelines aid granted to compensate the damage caused by other types of adverse climatic events which can be assimilated to a natural disaster not mentioned in point (161) of the Guidelines must be separately notified to the Commission.

2. In the case of *ex* ante framework schemes, please confirm that the Member State will comply with the reporting obligation set out in point (345) of the Guidelines.

☐ yes ☐ no

3. Please identify the type of adverse climatic event which can be assimilated to a natural disaster that caused – or, in the case of an *ex ante* framework scheme, could cause – the damage for which compensation is provided for?

(a) ☐ storms

(b) ☐ gusts of wind causing exceptionally high waves

(c) ☐ heavy and persistent rainfall

(d) ☐ floods

(e) ☐ exceptionally elevated water temperatures over a longer period

(f) ☐ frost

(g) ☐ hail

(h) ☐ ice

(i) ☐ severe droughts

(j) ☐ other adverse climatic events which can be assimilated to a natural disaster

3.1. Please describe in detail the adverse climatic event in question.

……

4. Please confirm that the measure prescribes that the damage caused by the adverse climatic event which can be assimilated to a natural disaster must amount to more than 30 % of the average annual production, calculated on the basis of the preceding three calendar years, or a three-year average based on the five-year period preceding the adverse climatic event which can be assimilated to a natural disaster, excluding the highest and lowest entry

☐ yes ☐ no

4.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

5. Please confirm that the measure prescribes that there must be a direct causal link between the adverse climatic event which can be assimilated to a natural disaster and the damage suffered by the undertaking.

☐ yes ☐ no

5.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

6. Please demonstrate the direct causal link between the adverse climatic event which can be assimilated to a natural disaster and the damage suffered by the undertaking.

……

7. In the case of losses caused by adverse climatic events which can be assimilated to a natural disaster that could be covered under mutual funds financed through Regulation (EU) 2021/1139, please justify why it is intended to grant aid rather than financial compensation being paid through such mutual funds.

……

8. Please confirm that the aid must be paid directly to:

(a) ☐ the undertaking concerned

(b) ☐ a producer group or organisation of which that undertaking is a member.

9. Where the aid is paid to a producer group and organisation, please confirm that the amount of aid must not exceed the amount of aid to which that undertaking is eligible.

☐ yes ☐ no

9.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

10. Please explain when the event occurred, including its starting and ending dates (as applicable).

……

11. Please confirm that the measure is established within three years from the date of the occurrence of the event?

☐ yes ☐ no

11.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

12. Please confirm that the measure prescribes that aid will be paid out within four years of the date of the occurrence of the event.

☐ yes ☐ no

12.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

13. Please confirm that the eligible costs are the costs of the damage incurred as a direct consequence of the adverse climatic event which can be assimilated to a natural disaster.

☐ yes ☐ no

13.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

14. Please confirm that the damage will be assessed by:

(a) ☐ a public authority

(b) ☐ an independent expert recognised by the granting authority

(c) ☐ an insurance undertaking

14.1. Please identify the body(ies) assessing the damage.

……

14.2. Please confirm whether the damage includes:

(a) ☐ material damage to assets (such as buildings, vessels, equipment, machinery, stocks, and means of production)

(b) ☐ loss of income due to the full or partial destruction of fishery or aquaculture production or the means of such production

(c) ☐ both, i.e., the damage includes (a) and (b).

14.3. Please identify the provision(s) of the legal basis that reflect the box selected in response to the question.

……

15. Please submit an assessment as precise as possible of the type and extent of damage incurred – or that might be incurred in case of *ex ante* framework schemes – by the undertakings.

……

16. Please confirm that the measure prescribes that the damage is calculated at the level of the individual beneficiary.

☐ yes ☐ no

16.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

17. In case the eligible costs include material damage to assets, please confirm that the measure prescribes that the damage must have resulted in a loss of more than 30 % of the average annual production, calculated on the basis of the preceding three calendar years, or a three-year average based on the five-year period preceding the adverse climatic event which can be assimilated to a natural disaster, excluding the highest and lowest entry.

☐ yes ☐ no

17.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

18. In case the eligible costs include material damage to assets, please confirm that the calculation of the material damage is based on the repair cost or economic value of the affected asset before the adverse climatic event which can be assimilated to a natural disaster.

☐ yes ☐ no

18.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

19. In case the eligible costs include material damage to assets, please confirm that the calculation of the material damage must not exceed the repair cost or the decrease in fair market value caused by the adverse climatic event which can be assimilated to a natural disaster, that is to say the difference between the asset's value immediately before and immediately after the adverse climatic event which can be assimilated to a natural disaster.

☐ yes ☐ no

19.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

20. In case the eligible costs include loss of income, please confirm that it is calculated pursuant to point (173) of the Guidelines, that is by subtracting: (a) the result of multiplying the quantity of the fishery and aquaculture products produced in the year of the adverse climatic event which can be assimilated to a natural disaster, or in each following year affected by the full or partial destruction of the means of production, by the average selling price obtained during that year, from (b) the result of multiplying the average annual quantity of fishery and aquaculture products produced in the three-year period preceding the adverse climatic event which can be assimilated to a natural disaster, or a three-year average based on the five-year period preceding the adverse climatic event which can be assimilated to a natural disaster, excluding the highest and lowest entry, by the average selling price obtained.

☐ yes ☐ no

20.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

21. Please confirm whether the amount of the compensation may be increased by other costs incurred by the beneficiary undertaking due to the adverse climatic event which can be assimilated to a natural disaster.

☐ yes ☐ no

21.1. If the answer is 'yes', please identify the relevant costs.

……

21.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

22. Please confirm that the amount of the compensation must be reduced by any costs not incurred because of the adverse climatic event which can be assimilated to a natural disaster, that would otherwise have been incurred by the beneficiary undertaking.

☐ yes ☐ no

22.1. If the answer is 'yes', please identify the relevant costs.

……

22.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

23. Please note that pursuant to point 175 of the Guidelines the Commission may accept other calculation methods provided that those are representative, not based on abnormally high catches or yields and do not result in the overcompensation of any beneficiary undertaking.

If the notifying Member State intends to propose an alternative calculation method, please provide the reasons as to why the method set out in the Guidelines is not appropriate in the case at hand and explain how the alternative calculation method addresses better the identified needs

……

*Please submit as an annex to the notification the alternative methodology proposed, together with a demonstration that it is representative, not based on abnormally high catches/yields and do not result in overcompensation of any beneficiary.*

……

24. Please confirm whether the measure provides that, where an SME was set up less than three years from the date of the occurrence of the adverse climatic event which can be assimilated to a natural disaster, the reference to the three or five-year periods in points (163)(a), (171) and (173)(b) must be understood as referring to the quantity produced and sold by an average undertaking of the same size as the applicant, namely a micro enterprise or a small enterprise or a medium enterprise, respectively, in the national or regional sector affected by the adverse climatic event which can be assimilated to a natural disaster.

☐ yes ☐ no

24.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

25. Please confirm that the measure prescribes that the aid and any other payments received to compensate the damage, including payments under insurance policies, must be limited to 100 % of the eligible costs.

☐ yes ☐ no

25.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

25.2. Please identify the provision(s) of the legal basis setting out the 100 % limit and the maximum aid intensity(ies) under the measure.

……

OTHER INFORMATION

26. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

1.3. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE COSTS OF PREVENTION, CONTROL AND ERADICATION OF ANIMAL DISEASES IN AQUACULTURE AND OF INFESTATIONS BY INVASIVE ALIEN SPECIES, AND AID TO MAKE GOOD THE DAMAGE CAUSED BY THOSE ANIMAL DISEASES AND INFESTATIONS**

*This form must be used by Member States for the notification of any aid for the costs of prevention, control and eradication of animal diseases in aquaculture and of infestations by invasive alien species, and aid to make good the damage caused by those animal diseases and infestations as described in Section 1.3 of Chapter 1 of Part II of the Guidelines for State aid in the fishery and aquaculture sector ([577]) ('the Guidelines').*

1. Is the measure an *ex ante* framework scheme to support costs relating to the prevention, control and eradication of animal diseases in aquaculture and infestations by invasive alien species?

☐ yes ☐ no

If the answer is yes, please disregard questions 10 and 12.

2. In the case of *ex ante* framework schemes, please confirm that the Member State will comply with the reporting obligation set out in point (345) of the Guidelines.

☐ yes ☐ no

([577]) OJ C 107, 23.3.2023, p. 1.

3. Please confirm that the aid is granted in respect of animal diseases and/or infestations by invasive alien species for which Union or national rules exist, whether laid down by law, regulation or administrative action?

☐ yes ☐ no

3.1. If the answer is 'yes', please identify the relevant Union or national rules.

……

3.2. If the answer is 'yes', please identify the disease(s) and/or infestation(s) that the measure is targeting and provide a detailed description of the causes and spread of the disease or infestation.

……

4. Please confirm that the aid is granted as part of:

☐ public programme at Union, national, or regional level for the prevention, control or eradication of animal diseases

☐ emergency measures imposed by the competent national authority

☐ measures to eradicate or contain an invasive alien species implemented in accordance with Regulation (EU) No 1143/2014

4.1. Please identify the relevant programme(s) or measure(s) according to the box selected in response to the question.

……

5. Please confirm that the relevant programme(s) or measure(s) contain a description of the prevention, control and eradication measures concerned.

☐ yes ☐ no

5.1. Please identify the relevant provisions in the programme(s) and measure(s).

……

6. Please confirm that the aid does not relate to measures in respect of which Union legislation provides that the cost of such measures is to be borne by the beneficiary undertaking, unless the cost of such aid measures is entirely offset by compulsory charges on the beneficiary undertakings.

☐ yes ☐ no

7. Please confirm that the aid must be paid directly to:

(a) ☐ the undertaking concerned,

(b) ☐ a producer group or organisation of which that undertaking is a member.

8. Where the aid is paid to a producer group and organisation, please confirm that the amount of aid must not exceed the amount of aid to which that undertaking is eligible.

☐ yes ☐ no

8.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

9. Please confirm that the measure prescribes that no individual aid will be granted where it is established that the animal disease or infestation by invasive alien species was caused deliberately or by the negligence of the beneficiary undertaking.

☐ yes ☐ no

9.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

10. Please identify the appropriate category(ies) in respect of which the aid may be granted:

(a) ☐ aquatic animal diseases listed in Article 5(1) of Regulation (EU) 2016/429 of the European Parliament and of the Council ([578]), or included in the list of animal diseases of the Aquatic Animal Health Code of the World Organization for Animal Health ([579])

(b) ☐ zoonoses of aquatic animals listed in Annex III, Point 2, to Regulation (EU) 2021/690 of the European Parliament and of the Council ([580])

(c) ☐ emerging diseases, which meet the conditions set out in Article 6(2) of Regulation (EU) 2016/429

(d) ☐ diseases other than a listed disease as referred to in Article 9(1), point (d), of Regulation (EU) 2016/429, and which meet the criteria laid down in Article 226 of that Regulation.

10.1. Please identify the relevant category of disease/zoonosis.

……

11. Please explain when the animal disease or infestation took place, including its starting and ending dates (as applicable).

……

*If the measure has preventive purposes, the question is not applicable.*

12. Please confirm that the aid scheme is established within three years from the date of the occurrence of the costs or damage caused by the animal disease or infestation by invasive alien species.

☐ yes ☐ no

Please note that this condition does not apply to costs incurred for preventive purposes as indicated in point (188) of the Guidelines.

12.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

13. Please confirm that the measure prescribes that aid must be paid out within four years from the date of the occurrence of the costs or damage caused by the animal disease or infestation by invasive alien species.

☐ yes ☐ no

13.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

Please note that this condition does not apply to costs incurred for preventive purposes as indicated in point (188) of the Guidelines.

([578]) Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.3.2016, p. 1).

([579]) See https://www.oie.int/en/what-we-do/standards/codes-and-manuals/aquatic-code-online-access/.

([580]) Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014 (OJ L 153, 3.5.2021, p. 1).

14. Please submit an assessment as precise as possible of the type and extent of damage incurred – or that might be incurred in case of *ex ante* framework schemes – by undertakings.

……

15. Please identify the eligible costs covered by the measure:

(a) ☐ health checks, analyses, tests, and other screening measures

(b) ☐ the improvement of biosecurity measures

(c) ☐ the purchase, storage, administration or distribution of vaccines, medicines, and substances for the treatment of animals

(d) ☐ the purchase, storage, deployment and distribution of protection products or equipment to address infestations by invasive alien species

(e) ☐ the slaughtering, culling, and destruction of animals

(f) ☐ the destruction of animal products and of products linked to them

(g) ☐ the cleaning and disinfection of the holding or equipment

(h) ☐ the damage incurred due to the slaughtering, culling or destruction of animals, animal products, and products linked to them

(i) ☐ other costs incurred due to animal diseases in aquaculture or infestations by invasive alien species. Please specify it:

……

15.1. Please identify the provision(s) of the legal basis that reflect the eligible costs:

……

16. Please confirm that aid in relation to health checks, analyses, tests and other screening measures is granted in kind and paid to service providers:

☐ yes ☐ no

16.1. If the answer is 'no', please confirm that the measure prescribes that beneficiary undertakings already have in-house capabilities suitable for those purposes.

☐ yes ☐ no

16.2. If the answer to question 16.1 is 'yes', please identify the relevant provision(s) in the legal basis.

……

17. In case the eligible costs include aid to make good the damage caused by animal diseases or by infestations by invasive alien species referred to in point (188)(h) of the Guidelines, please confirm that the measure prescribes that compensation must be calculated only in relation to the following:

(a) ☐ the market value of animals slaughtered or culled, or that have died, or the products destroyed:

☐ as a result of the animal disease or infestation by invasive alien species

☐ as part of a public programme or measure referred to in point (180)(b) of the Guidelines;

(b) ☐ loss of income due to quarantine obligations and difficulties in restocking.

17.1. Please identify the relevant provision(s) in the legal basis:

……

18. If you selected point (a) in response to question 17, please confirm that the measure prescribes that the market value must be established on the basis of the value of the animals immediately before any suspicion of the animal disease or the infestation by invasive alien species arose or was confirmed, and as if they had not been affected by the disease or infestation.

☐ yes ☐ no

18.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

19. Please confirm that the amount of the compensation must be reduced by any costs not directly incurred due to the animal disease or infestation by invasive alien species which would otherwise have been incurred by the beneficiary undertaking.

☐ yes ☐ no

19.1. If the answer is 'yes', please identify the relevant costs.

……

19.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

20. Please confirm that the amount of the compensation must be reduced by any revenue made by the sale of products linked to the animals slaughtered, culled or destroyed for preventive or eradication purposes.

☐ yes ☐ no

20.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

21. If the notifying Member State selected letter (i) in question 15, please provide a detailed justification why those other costs should be eligible.

……

22. Please confirm that the measure prescribes that aid and any other payments received by the beneficiary undertaking, including payments under other national or Union measures or insurance policies or mutual funds for the same eligible costs, must be limited to 100 % of the eligible costs.

☐ yes ☐ no

22.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

22.2. Please identify the provision(s) of the legal basis laying down the 100 % limit and the maximum aid intensity(ies) under the measure.

……

OTHER INFORMATION

23. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

1.4. **SUPPLEMENTARY INFORMATION SHEET ON AID TO MAKE GOOD THE DAMAGE CAUSED BY PROTECTED ANIMALS**

*This form must be used by Member States for the notification of any aid to make good the damage caused by protected animals as described in Section 1.4 of Chapter 1 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([581]) *('the Guidelines').*

1. Please confirm that 'protected animal' is defined in accordance with point 31(w) of the Guidelines.

☐ yes ☐ no

1.1. If the answer is 'yes', please identify the protected animal and the relevant provision(s) in the Union or national legislation.

……

2. Please confirm that the measure prescribes that there is a direct causal link between the damage suffered by undertakings and the behaviour of the protected animals.

☐ yes ☐ no

2.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

3. Please confirm that the eligible costs are the costs of the damage incurred as a direct consequence of the behaviour of the protected animals.

☐ yes ☐ no

3.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

3.2. Please confirm that the damage will be assessed by:

(a) ☐ a public authority

(b) ☐ an independent expert recognised by the granting authority

(c) ☐ an insurance undertaking

Please identify the body(ies) assessing the damage.

……

4. If the measure concerns the fisheries sector, please confirm that the aid only concerns damage to catches, irrespective of any impact of protected animals on the overall wild population.

☐ yes ☐ no

4.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

5. Please confirm that the aid must be paid directly to:

(a) ☐ the undertaking concerned

(b) ☐ a producer group or organisation of which that undertaking is a member

([581]) OJ C 107, 23.3.2023, p. 1.

6. Where the aid is paid to a producer group and organisation, please confirm that the amount of aid must not exceed the amount of aid to which that undertaking is eligible.

☐ yes ☐ no

6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

7. Please explain when the damage occurred, including its starting and ending dates (as applicable).

……

8. Please confirm that the scheme is established within three years from the date of the occurrence of the damage.

☐ yes ☐ no

8.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

9. Please confirm that the measure prescribes that aid will be paid out within four years of the date of the occurrence of the damage.

☐ yes ☐ no

9.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

10. Please confirm the eligible costs:

(a) ☐ the market value of the animals damaged or killed by the protected animals

(b) ☐ the material damage to the following assets: equipment, machinery and property

(c) ☐ both, i.e., eligible costs include (a) and (b).

10.1. Please identify the provision(s) of the legal basis that reflect(s) the eligible costs.

……

11. Please submit an assessment as precise as possible of the type and extent of damage incurred by undertakings.

……

12. In case the eligible costs include the market value of animals damaged or killed, please confirm that the measure prescribes that the market value must be established on the basis of the value of the animals immediately before the damage occurred, and as if they had not been affected by the behaviour of the protected animals.

☐ yes ☐ no

12.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

13. In case the eligible costs include the material damage to assets, please confirm that the measure prescribes that the calculation of the material damage must be based on the repair cost or economic value of the affected asset before the damage occurred.

☐ yes ☐ no

13.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

14. In case the eligible costs include the material damage to assets, please confirm that the measure prescribes that the calculation of the material damage must not exceed the repair cost or the decrease in fair market value caused by the behaviour of the protected animals, that is to say the difference between the asset's value immediately before and immediately after the damage occurred.

☐ yes ☐ no

14.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

15. Please confirm whether the amount of the compensation may be increased by other costs incurred by the beneficiary undertaking due to the behaviour of the protected animals.

☐ yes ☐ no

15.1. If the answer is 'yes', please identify the relevant costs.

……

15.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

16. Please confirm that the amount of the compensation must be reduced by any costs not directly incurred due to the behaviour of the protected animals which would otherwise have been incurred by the beneficiary undertaking.

☐ yes ☐ no

16.1. If the answer is 'yes', please identify the relevant costs.

……

16.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

17. Please confirm that the measure prescribes that the amount of the compensation must be reduced by any revenue made by the sale of products linked to the animals damaged or killed.

☐ yes ☐ no

17.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

18. Please note that the Commission may accept other calculation methods provided that those are representative, not based on abnormally high catches or yields and do not result in the overcompensation of any beneficiary undertaking.

18.1. If the notifying Member State intends to propose an alternative calculation method, please provide the reasons as to why the method set out in the Guidelines is not appropriate in the case at hand and explain how the alternative calculation method addresses better the identified needs:

……

18.2. Please submit as an annex to the notification the alternative methodology proposed, together with a demonstration that it is representative, not based on abnormally high catches/yields and do not result in overcompensation of any beneficiary.

……

19. Please confirm that the aid measure prescribes that, save for first attacks by protected animals, a reasonable effort from the beneficiary undertaking is required in the form of preventive measures, such as safety fences, which are proportionate to the risk of damage caused by protected animals in the area concerned.

☐ yes ☐ no

19.1. If the answer is 'yes', please list the preventive measures required/recommended in the area concerned.

……

19.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

19.3. If the answer is 'no', please demonstrate why preventive measures are not reasonably possible and provide appropriate evidence.

……

20. Please confirm that the measure prescribes that the aid and any other payments received to compensate the damage, including payments under insurance policies, must be limited to 100 % of the eligible costs.

☐ yes ☐ no

20.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

20.2. Please identify the provision(s) of the legal basis setting out the 100 % limit and the maximum aid intensity(ies) under the measure.

……

OTHER INFORMATION

21. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

1.5. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR INVESTMENTS TO PREVENT AND MITIGATE THE DAMAGE CAUSED BY RISK EVENTS**

*This form must be used by Member States for the notification of any aid for investments to prevent and mitigate the damage caused by risk events, as described in Section 1.5 of Chapter 1 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([582]) *('the Guidelines').*

([582]) OJ C 107, 23.3.2023, p. 1.

1. Please confirm that the measure prescribes that the investment must primarily pursue the aim of preventing and mitigating damage caused by risk events and, more specifically for the fisheries sector, that the investment must aim at preventing and mitigating depredation or damage to fishing gear or other equipment.

☐ yes ☐ no

1.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

2. If the investment requires an environmental impact assessment under Directive 2011/92/EU of the European Parliament and of the Council ([583]), please confirm that the measure renders the aid conditional upon such an assessment being carried out and the development consent being granted for the investment project concerned before the date of granting the individual aid.

☐ yes ☐ no

2.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

3. Please confirm that the measure only includes eligible costs that are direct and specific for preventive measures.

☐ yes ☐ no

3.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

4. Please confirm whether the eligible costs include:

(a) ☐ the construction, acquisition, including leasing, or improvement of immovable property

(b) ☐ the purchase or lease purchase of machinery and equipment up to the market value of the asset

(c) ☐ both, i.e., eligible costs include (a) and (b)

4.1. Please identify the provision(s) of the legal basis that reflect the eligible costs.

……

4.2. Please provide a detailed description of the costs that are eligible under the measure.

……

5. Please confirm that the measure prescribes that the maximum aid intensity does not exceed 100 % of the eligible costs.

☐ yes ☐ no

5.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

5.2. Please identify the provision(s) of the legal basis setting out the maximum aid intensity(ies) under the measure.

……

([583]) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment Text with EEA relevance (OJ L 26, 28.1.2012, p. 1).

OTHER INFORMATION

6. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

2.1. **SUPPLEMENTARY INFORMATION SHEET ON OPERATING AID IN OUTERMOST REGIONS**

*This form must be used by Member States for the notification of operating aid in outermost regions as described in Section 2.1 of Chapter 2 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([584]) *('the Guidelines'). Please note that, pursuant to point 216 of the Guidelines, aid must not go beyond what is necessary to alleviate the specific constraints in the outermost regions resulting from the isolation, insularity, and extreme remoteness.*

1. Please identify the outermost region(s) referred to in Article 349 of the Treatyconcerned by the measure.

……

2. Please provide a detailed description of the specific constraints faced by the outermost region(s) concerned (isolation, insularity, extreme remoteness) and explain how the measure tackles those constraints.

……

3. Please provide a detailed description of the type of operating aid provided and list the costs eligible under the measure.

……

4. Please confirm that the measure prescribes that eligible costs must result from the specific constraints suffered by the outermost regions concerned.

☐ yes ☐ no

4.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

5. Please confirm that the measure prescribes that aid must not go beyond what is necessary to alleviate the specific constraints suffered by the outermost regions concerned.

☐ yes ☐ no

5.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

6. Please confirm that the measure prescribes that the eligible costs must be calculated in accordance with the criteria laid down in Commission Delegated Regulation (EU) 2021/1972 ([585]).

☐ yes ☐ no

6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

([584]) OJ C 107, 23.3.2023, p. 1.

([585]) Commission Delegated Regulation (EU) 2021/1972 of 11 August 2021 supplementing Regulation (EU) 2021/1139 of the European Parliament and of the Council establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 by laying down the criteria for the calculation of the additional costs incurred by operators in the fishing, farming, processing and marketing of certain fishery and aquaculture products from the outermost regions (OJ L 402, 15.11.2021, p. 1).

7. Please describe in detail the calculation method used under the measure.

……

8. Please confirm that the measure takes into account other types of public intervention, including, if applicable, the compensation of additional costs incurred by operators in the fishing, farming, processing and marketing of certain fishery and aquaculture products from the outermost regions paid pursuant to Articles 24 and 35 to 37 of Regulation (EU) 2021/1139, to avoid overcompensation.

☐ yes ☐ no

8.1. If the answer is 'yes', please describe the control mechanisms designed to avoid overcompensation.

……

8.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

9. Please confirm that the measure prescribes that the aid, and any other payments received by the beneficiary undertaking for the same eligible costs, must be limited to 100 % of the eligible costs.

☐ yes ☐ no

9.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

9.2. Please identify the provision(s) of the legal basis setting out the 100 % limit and the maximum aid intensity(ies) under the measure.

……

OTHER INFORMATION

10. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

2.2. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR THE RENEWAL OF THE FISHING FLEET IN OUTERMOST REGIONS**

*This form must be used by Member States for the notification of aid for the renewal of the fishing fleet in outermost regions, as described in Section 2.2 of Chapter 2 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([586]) *('the Guidelines').*

1. Please identify the outermost region(s) referred to in Article 349 of the Treatyconcerned by the measure.

……

2. Please confirm that the measure prescribes that new fishing vessels acquired with the aid must comply with Union and national rules on hygiene, health, safety, and working conditions for work on board of fishing vessels and characteristics of fishing vessels.

☐ yes ☐ no

2.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

([586]) OJ C 107, 23.3.2023, p. 1.

3. Please confirm that the measure prescribes that, at the date of applying for the aid, the beneficiary undertaking must have its main place of registration in the outermost region where the new vessel will be registered.

☐ yes ☐ no

3.1. If the answer is 'yes', please specify the main place of registration:

……

4. Pursuant to point (223) of the Guidelines, at the date of granting the aid, the report prepared in accordance with Article 22(2) and (3) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([587]) before that date must demonstrate that there is a balance between the fishing capacity and fishing opportunities in the fleet segment of the outermost region to which the new vessel will belong (the 'national report'). Against this background, please reply to the following questions:

4.1. When was the latest national report prepared before the date of granting the aid?

……

4.1.1. Please provide the link to the latest national report or enclose it to the notification.

……

4.2. Pursuant to point (225) of the Guidelines, please confirm that the following conditions are fulfilled for all aid to be granted:

4.2.1. Was the national report submitted by 31 May of year N ([588])?

☐ yes ☐ no

4.2.2. Please confirm that the national report submitted in year N, and in particular the assessment of the balance contained therein, has been prepared on the basis of the biological, economic and vessel use indicators set out in the common guidelines ([589])

☐ yes ☐ no

Please note that pursuant to point (224) of the Guidelines, no aid may be granted if the national report, and in particular the assessment of the balance contained therein, has not been prepared on the basis of the biological, economic and vessel use indicators set out in the common guidelines referred to in Article 22(2) of Regulation (EU) No 1380/2013.

4.2.3. Does that national report submitted in year N demonstrate that there is a balance between fishing capacity and fishing opportunities in the fleet segment to which the new vessel will belong?

☐ yes ☐ no

([587]) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

([588]) Please refer to points (225) - (227) of the Guidelines describing the sequences of the national report of year N and the Commission's action by 31 March of year N+1 and the period to grant aid.

([589]) Communication from the Commission to the European Parliament and the Council: Guidelines for the analysis of the balance between fishing capacity and fishing opportunities according to Art 22 of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy (COM(2014) 545 final).

4.2.4. Please explain how the national report was taken into account when designing the measure and how the balance is achieved.

……

4.2.5. Pursuant to point (226) of the Guidelines, please confirm that the Commission has not called into question by 31 March of year N+1:

(a) ☐ the conclusion of the national report submitted in year N

(b) ☐ the assessment of the balance contained in the national report submitted in year N

4.2.6. Please confirm that the measure prescribes that the aid may be granted on the basis of the national report submitted in year N only until 31 December of year N+1, i.e., the year following the year of the submission of the report.

☐ yes ☐ no

4.2.6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

5. Please confirm that the fishing capacity ceilings of each Member State and of each fleet segment of the outermost regions set out in Annex II to Regulation (EU) No 1380/2013, taking into account any possible reduction of those ceilings under Article 22(6) of that Regulation, will not be exceeded at any time.

☐ yes ☐ no

5.1. Please explain how this condition will be ensured.

……

Please note that the entry into the fleet of new capacity acquired with aid must be carried out in full respect of these capacity ceilings and must not lead to a situation in which these ceiling are exceeded.

6. Please confirm that the measure prescribes that the aid must not be made conditional on the acquisition of the new vessel from a specific shipyard.

☐ yes ☐ no

6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

7. Please provide a detailed description of the costs that are eligible under the measure.

……

8. Please confirm that the measure prescribes that the maximum aid intensity for the vessels must not be:

(a) more than 60 % of the total eligible costs in the case of vessels with an overall length of less than 12 metres

☐ yes ☐ no

(b) more than 50 % of the total eligible costs in the case of vessels with an overall length of 12 metres or more and less than 24 metres

☐ yes ☐ no

(c) more than 25 % of the total eligible costs in the case of vessels with an overall length of 24 metres and more

☐ yes ☐ no

8.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

8.2. Please identify the provision(s) of the legal basis setting out the maximum aid intensity(ies) under the measure.

……

9. Please confirm that the vessel acquired with aid must remain registered in the outermost region for at least 15 years from the date of granting the aid and must during that time land all of its catches in an outermost region:

☐ yes ☐ no

9.1. Please confirm that in case this condition is not complied with, the aid must be reimbursed by the beneficiary undertaking in an amount that is proportionate to the period or extent of non-compliance.

☐ yes ☐ no

9.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

OTHER INFORMATION

10. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

2.3. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR INVESTMENTS IN EQUIPMENT THAT CONTRIBUTES TO INCREASING SAFETY, INCLUDING EQUIPMENT ENABLING VESSELS TO EXTEND THEIR FISHING ZONES, FOR SMALL-SCALE COASTAL FISHING IN OUTERMOST REGIONS**

*This form must be used by Member States for the notification of any aid for investments in equipment that contributes to increasing safety, including equipment enabling vessels to extend their fishing zones, for small-scale coastal fishing in outermost regions, as described in Section 2.3 of Chapter 2 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([590]) *('the Guidelines').*

1. Please identify the outermost region(s) referred to in Article 349 of the Treatyconcerned by the measure.

……

2. Please explain how the measure contributes to strengthening economically, socially and environmentally sustainable fishing activities, improving safety and working conditions on board and, where applicable, enabling fishing vessels to extend their fishing zones up to 20 miles from the coast, for small-scale coastal fishing.

……

3. Please confirm whether, by way of derogation from point (47) of the Guidelines, aid can be granted to meet mandatory Union or national requirements:

☐ yes ☐ no

3.1. Please describe the mandatory Union or national requirements concerned and provide a justification as to why such a derogation is necessary.

……

4. Please confirm that the measure does *not* entails:

☐ the replacement or modernisation of a main or ancillary engine of a fishing vessel

☐ an increase in the gross tonnage of a fishing vessel.

([590]) OJ C 107, 23.3.2023, p. 1.

Please note that pursuant to points 235 and 236 of the Guidelines, aid for investments entailing the replacement or modernisation of a main or ancillary engine of a fishing vessel may only be eligible pursuant to Article 18 of Regulation (EU) 2021/1139 or under Part II, Chapter 3, Section 3.2, of the Guidelines; and aid for investments leading to an increase in the gross tonnage of a fishing vessel may only be eligible pursuant to Article 19 of Regulation (EU) 2021/1139 or under Part II, Chapter 3, Section 3.3, of the Guidelines.

5. Please provide a detailed description of the costs that are eligible under the measure.

……

6. Please confirm that the measure prescribes that the maximum aid intensity does not exceed 100 % of the eligible costs.

……

6.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

6.2. lease identify the provision(s) of the legal basis setting out the maximum aid intensity(ies) under the measure.

……

OTHER INFORMATION

7. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

3.1. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR FIRST ACQUISITION OF A FISHING VESSEL**

*This form must be used by Member States for the notification of any aid for the first acquisition of a fishing vessel as described in Section 3.1 of Chapter 3 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([591]) *('the Guidelines').*

1. Please confirm that the measure prescribes that the Union fishing vessels in respect of which aid is granted will not be transferred or reflagged outside the Union during at least five years from the final payment of the aid.

☐ yes ☐ no

1.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

2. Please confirm to whom aid may be granted under the measure:

(a) ☐ a natural person who is no more than 40 years of age at the date of submission of the aid application and has worked at least five years as fisher or has acquired adequate qualification

(b) ☐ legal entities wholly owned by one or more natural persons who each fulfil the conditions set out in point (a)

(c) ☐ in case of joint first acquisition of a fishing vessel, several natural persons who each fulfil the conditions set out in point (a)

([591]) OJ C 107, 23.3.2023, p. 1.

(d) ☐ in case of acquisition of partial ownership of a fishing vessel, a natural person who fulfils the conditions set out in point (a) and who is deemed to have controlling rights on that vessel through ownership of at least of 33 % of the vessel or of the shares in the vessel or a legal entity which fulfils the conditions set out in point (b) and which is deemed to have controlling rights on that vessel through ownership of at least of 33 % of the vessel or of the shares in the vessel

2.1. Please identify the provision(s) of the legal basis that reflect the box selected in response to the question.

……

3. Pursuant to points (245)(a) of the Guidelines, fishing vessels must belong to a fleet segment for which the latest report on fishing capacity, referred to in Article 22(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([592]), has shown a balance with the fishing opportunities available to that segment (hereafter 'national report'). Pursuant to point (226) of the Guidelines, the procedure and conditions set out in points (225) to (227) of Part II, Chapter 2, Section 2.2 of the Guidelines apply for the purpose of point (245)(a). Against that background, please reply to the following questions:

*If the measure concerns inland fishing, questions 3.1-3.2.6.1 do not need to be replied.*

3.1. When was the latest national report prepared before the date of granting the aid?

……

3.1.1. Please provide the link to the latest national report or enclose it to the notification.

……

3.2. Please confirm that the following conditions are fulfilled for all aid to be granted:

3.2.1. Was the national report submitted by 31 May of year N ([593])?

☐ yes ☐ no

3.2.2. Please confirm that the national report submitted in year N, and in particular the assessment of the balance contained therein, has been prepared on the basis of the biological, economic and vessel use indicators set out in the common guidelines ([594]) referred to in Article 22(2) of Regulation (EU) No 1380/2013.

☐ yes ☐ no

Please note that no aid may be granted if the national report, and in particular the assessment of the balance contained therein, has not been prepared on the basis of the biological, economic and vessel use indicators set out in the common guidelines referred to in Article 22(2) of Regulation (EU) No 1380/2013.

([592]) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

([593]) Please refer to points 225 and 226 of the Guidelines describing the sequences of the national report submitted in year N and the Commission's action by 31 March of year N+1.

([594]) Communication from the Commission to the European Parliament and the Council: Guidelines for the analysis of the balance between fishing capacity and fishing opportunities according to Art 22 of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy (COM(2014) 545 final).

3.2.3. Does that national report submitted in year N demonstrate that there is a balance between fishing capacity and fishing opportunities in the fleet segment to which the new vessel will belong?

☐ yes ☐ no

3.2.4. Please explain how the national report was taken into account when designing the measure and how the balance is achieved.

……

3.2.5. Please confirm that the Commission has not called into question by 31 March of year N+1

(a) ☐ the conclusion of the national report submitted in year N

(b) ☐ the assessment of the balance contained in the national report submitted in year N

3.2.6. Please confirm that the measure prescribes that the aid may be granted on the basis of the national report submitted in year N only until 31 December of year N+1, i.e., the year following the year of the submission of the report.

☐ yes ☐ no

3.2.6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

4. Please confirm that the measure prescribes that fishing vessels must be equipped for fishing activities and not be longer than 24 metres in overall length.

☐ yes ☐ no

4.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

5. Please confirm that the measure prescribes that aid may only be granted in respect of a fishing vessel that has been registered in the Union fleet register for at least three calendar years preceding the year of submission of the aid application in the case of a small-scale coastal fishing vessel, and for at least five calendar years in the case of another type of vessel.

☐ yes ☐ no

5.1. If the measure concerns inland fishing, please confirm that the measure prescribes that aid may only be granted in respect of a fishing vessel that has entered into service, in accordance with national law, for at least three calendar years preceding the year of submission of the aid application in the case of a small-scale coastal fishing vessel, and for at least five calendar years in the case of another type of vessel.

☐ yes ☐ no

5.2. If the answer to the question 5 or question 5.1 is 'yes', please identify the relevant provision(s) in the legal basis.

……

6. Please confirm that the measure prescribes that aid may only be granted in respect of a fishing vessel that has been registered in the Union fleet register for a maximum of 30 calendar years preceding the year of submission of the aid application.

☐ yes ☐ no

6.1. If the measure concerns inland fishing, please confirm that the measure prescribes that aid may only be granted in respect of a fishing vessel that has entered into service, in accordance with national law, for a maximum of 30 calendar years preceding the year of submission of the aid application.

☐ yes ☐ no

6.2. If the answer to the questions 6 or 6.1 is 'yes', please identify the relevant provision(s) in the legal basis.

……

7. Please confirm that the eligible costs only include the direct and indirect costs related to the first acquisition of a fishing vessel.

☐ yes ☐ no

7.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

7.2. Please provide a detailed description of the costs that are eligible under the measure.

……

8. Please confirm that the measure prescribes that the maximum aid intensity does not exceed 40 % of the eligible costs.

☐ yes ☐ no

8.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

8.2. Please identify the provision(s) of the legal basis setting out the maximum aid intensity(ies) under the measure.

……

OTHER INFORMATION

9. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

3.2. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR REPLACEMENT OR MODERNISATION OF A MAIN OR ANCILLARY ENGINE**

*This form must be used by Member States for the notification of any aid for the replacement or modernisation of a main or ancillary engine of fishing vessels, as described in Section 3.2 of Chapter 3 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([595]) *('the Guidelines').*

1. Please confirm that the measure prescribes that the Union fishing vessels in respect of which aid is granted will not be transferred or reflagged outside the Union during at least five years from the final payment of the aid.

☐ yes ☐ no

1.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

([595]) OJ C 107, 23.3.2023, p. 1.

2. Please confirm that aid will only be granted for the replacement or modernisation of a main or ancillary engine of a fishing vessel up to 24 meters in overall length.

☐ yes ☐ no

2.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

3. Pursuant to point (253)(a) of the Guidelines, fishing vessels must belong to a fleet segment for which the latest report on fishing capacity, referred to in Article 22(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([596]), has shown a balance with the fishing opportunities available to that segment (hereafter 'national report'). Pursuant to point (254) of the Guidelines, the procedure and conditions set out in points (225) to (227) of Part II, Chapter 2, Section 2.2 apply for the purpose of point (253)(a). Against that background, please address the following:

*If the measure concerns inland fishing, questions 3.1-3.2.6.1 do not need to be replied.*

3.1. When was the latest national report prepared before the date of granting the aid?

……

3.1.1. Please provide the link to the latest national report or enclose it to the notification.

……

3.2. Please confirm that the following conditions are fulfilled for all aid to be granted:

3.2.1. Was the national report submitted by 31 May of year N ([597])?

☐ yes ☐ no

3.2.2. Please confirm that the national report submitted in year N, and in particular the assessment of the balance contained therein, has been prepared on the basis of the biological, economic and vessel use indicators set out in the common guidelines ([598]) referred to in Article 22(2) of Regulation (EU) No 1380/2013.

☐ yes ☐ no

Please note that no aid may be granted if the national report, and in particular the assessment of the balance contained therein, has not been prepared on the basis of the biological, economic and vessel use indicators set out in the common guidelines referred to in Article 22(2) of Regulation (EU) No 1380/2013.

3.2.3. Does that national report submitted in year N demonstrate that there is a balance between fishing capacity and fishing opportunities in the fleet segment to which the vessel belongs?

☐ yes ☐ no

([596]) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

([597]) Please refer to points 225 and 226 of the Guidelines describing the sequences of the national report submitted in year N and the Commission's action by 31 March of year N+1.

([598]) Communication from the Commission to the European Parliament and the Council: Guidelines for the analysis of the balance between fishing capacity and fishing opportunities according to Art 22 of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy (COM(2014) 545 final).

3.2.4. Please explain how the national report was taken into account when designing the measure and how the balance is achieved.

……

3.2.5. Please confirm that the Commission has not called into question by 31 March of year N+1:

(a) ☐ the conclusion of the national report submitted in year N

(b) ☐ the assessment of the balance contained in the national report submitted in year N

3.2.6. Please confirm that the measure prescribes that the aid may be granted on the basis of the national report submitted in year N only until 31 December of year N+1, i.e., the year following the year of the submission of the report.

☐ yes ☐ no

3.2.6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

4. Please confirm that the measure prescribes that fishing vessels must have been registered in the Union fleet register for at least five calendar years preceding the year of submission of the aid application.

☐ yes ☐ no

4.1. If the measure concerns inland fishing, please confirm that the measure prescribes that aid may only be granted in respect of a fishing vessel that has entered into service, in accordance with national law, for at least five calendar years preceding the year of submission of the aid application.

☐ yes ☐ no

4.2. If the answer to question 4 or 4.1 is 'yes', please identify the relevant provision(s) in the legal basis.

……

5. For small-scale coastal fishing vessels and vessels used for inland fishing, please confirm that the measure prescribes that the new or modernised engine does not have more power in kW than that of the current engine.

☐ yes ☐ no

5.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

6. For other vessels up to 24 metres in overall length, please confirm that the measure prescribes that the new or modernised engine does not have more power in kW than that of the current engine and emits at least 20 % less $CO_2$ compared to the current engine.

☐ yes ☐ no

6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

7. Please confirm that the measure prescribes that the fishing capacity withdrawn due to the replacement or modernisation of a main or ancillary engine must not be replaced.

☐ yes ☐ no

7.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

8. Please describe in detail the control and enforcement mechanisms in place to guarantee the fulfilment of the conditions laid down in Section 3.2 of Chapter 3, Part II of the Guidelines.

……

9. Please confirm that the measure prescribes that all replaced or modernised engines must be subject to a physical verification.

☐ yes ☐ no

9.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

10. Please confirm how the reduction of $CO_2$ emission mentioned in question 6 will be met under the measure:

(a) ☐ through relevant information certified by the manufacturer of the engine concerned as part of a type approval or product certificate indicates that the new engine emits 20 % less $CO_2$ than the engine being replaced

(b) ☐ through relevant information certified by the manufacturer of the engine concerned as part of a type approval or product certificate indicates that the new engine uses 20 % less fuel than the engine being replaced

10.1. Please describe your selection in details.

……

10.2. Please identify the provision(s) of the legal basis that reflect the box ticked in response to the previous question.

……

11. Where the relevant information certified by the manufacturer of the engine concerned as part of a type approval or product certificate for one or both of the engines does not permit a comparison of the $CO_2$ emission or fuel consumption, please confirm how the reduction of $CO_2$ emission mentioned in question 6 will be considered to be met under the measure:

(a) ☐ the new engine uses an energy-efficient technology and the age difference between the new engine and the engine being replaced is at least seven years

(b) ☐ the new engine uses a type of fuel or a propulsion system which is considered to emit less $CO_2$ than the engine being replaced

(c) ☐ the Member State concerned measures that the new engine emits 20 % less $CO_2$ or uses 20 % less fuel than the engine being replaced under the normal fishing effort of the vessel concerned.

11.1. Please identify the provision(s) of the legal basis that reflect your selection.

……

11.2. Pursuant to point (260) of the Guidelines, please confirm that you apply Commission Implementing Regulation (EU) 2022/46 ([599]) to identify the energy-efficient technologies referred to in point (259)(a) of the Guidelines and to further specify the methodology elements for the implementation of point (259)(c) thereof.

☐ yes ☐ no

11.3. Please describe how the measure applies those requirements.

……

([599]) Commission Implementing Regulation (EU) 2022/46 of 13 January 2022 implementing Regulation (EU) 2021/1139 of the European Parliament and of the Council establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 as regards the identification of energy-efficient technologies and the specification of methodology elements to determine the normal fishing effort of fishing vessels (OJ L 9, 14.1.2022, p. 27).

12. Please confirm that the eligible costs only include the direct and indirect costs related to the replacement or modernisation of a main or ancillary engine.

☐ yes ☐ no

12.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

12.2. Please provide a detailed description of the costs that are eligible under the measure.

……

13. Please confirm that the measure prescribes that the maximum aid intensity does not exceed 40 % of the eligible costs.

☐ yes ☐ no

13.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

13.2. Please identify the provision(s) of the legal basis setting out the maximum aid intensity(ies) under the measure.

……

OTHER INFORMATION

14. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

3.3. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR INCREASE IN THE GROSS TONNAGE OF A FISHING VESSEL FOR THE PURPOSES OF IMPROVING SAFETY, WORKING CONDITIONS OR ENERGY EFFICIENCY**

*This form must be used by Member States for the notification of any aid for the for the increase in the gross tonnage of a fishing vessel for the purposes of improving safety, working conditions or energy efficiency, as described in Section 3.3 of Chapter 3 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([600]) *('the Guidelines').*

1. Please confirm that the measure prescribes that the Union fishing vessels in respect of which aid is granted will not be transferred or reflagged outside the Union during at least five years from the final payment of the aid.

☐ yes ☐ no

([600]) OJ C 107, 23.3.2023, p. 1.

1.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

2. Pursuant to point (265)(a) of the Guidelines, fishing vessels must belong to a fleet segment for which the latest report on fishing capacity, referred to in Article 22(2) of Regulation (EU) No 1380/2013, has shown a balance with the fishing opportunities available to that segment (hereafter 'national report'). Pursuant to point (266) of the Guidelines, the procedure and conditions set out in points (225) to (227) of Part II, Chapter 2, Section 2.2 apply for the purpose of point (265)(a). Against that background, please confirm the following:

*If the measure concerns inland fishing, questions 2.1-2.2.6.1 do not need to be replied.*

2.1. When was the latest national report prepared before the date of granting the aid?

……

2.1.1. Please provide the link to the latest national report or enclose it to the notification.

……

2.2. Please confirm that the following conditions are fulfilled for all aid to be granted:

2.2.1. Was the national report submitted by 31 May of year N ([601])?

☐ yes ☐ no

2.2.2. Please confirm that the national report submitted in year N, and in particular the assessment of the balance contained therein, has been prepared on the basis of the biological, economic and vessel use indicators set out in the common guidelines ([602]) referred to in Article 22(2) of Regulation (EU) No 1380/2013.

☐ yes ☐ no

Please note that no aid may be granted if the national report, and in particular the assessment of the balance contained therein, has not been prepared on the basis of the biological, economic and vessel use indicators set out in the common guidelines referred to in Article 22(2) of Regulation (EU) No 1380/2013.

2.2.3. Does that national report submitted in year N demonstrate that there is a balance between fishing capacity and fishing opportunities in the fleet segment to which the vessel belongs?

☐ yes ☐ no

2.2.4. Please explain how the national report was taken into account when designing the measure and how the balance is achieved.

……

([601]) Please refer to points 225 and 226 of the Guidelines describing the sequences of the national report submitted in year N and the Commission's action by 31 March of year N+1.

([602]) Communication from the Commission to the European Parliament and the Council: Guidelines for the analysis of the balance between fishing capacity and fishing opportunities according to Art 22 of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy (COM(2014) 545 final).

2.2.5. Please confirm that the Commission has not called into question by 31 March of year N+1:

(a) ☐ the conclusion of the national report submitted in year N

(b) ☐ the assessment of the balance contained in the national report submitted in year N

2.2.6. Please confirm that the measure prescribes that the aid may be granted on the basis of the national report submitted in year N only until 31 December of year N+1, i.e., the year following the year of the submission of the report.

☐ yes ☐ no

2.2.6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

3. Please confirm that the measure prescribes that fishing vessels must not be longer than 24 metres in overall length.

☐ yes ☐ no

3.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

4. Please confirm that the measure prescribes that fishing vessels must have been registered in the Union fleet register for at least the 10 calendar years preceding the year of submission of the aid application.

☐ yes ☐ no

4.1. If the measure concerns inland fishing, please confirm that the measure prescribes that aid may only be granted in respect of a fishing vessel that has entered into service, in accordance with national law, for at least 10 calendar years preceding the year of submission of the aid application.

☐ yes ☐ no

4.2. If the answer to question 4 or 4.1 is 'yes', please identify the relevant provision(s) in the legal basis.

……

5. Please confirm that the entry into the fishing fleet of new fishing capacity generated by the operation is compensated for by the prior withdrawal of at least the same amount of fishing capacity without public aid from the same fleet segment or from a fleet segment for which the latest national report, referred to in Article 22(2) of Regulation (EU) No 1380/2013, has shown that the fishing capacity is not in balance with the fishing opportunities available to that segment.

☐ yes ☐ no

5.1. If the answer to the previous question is 'yes', please identify the relevant provision(s) in the legal basis.

……

*If the measure concerns inland fishing, this question does not apply.*

6. Please confirm the eligible costs:

(a) ☐ the increase in gross tonnage necessary for the subsequent installation or renovation of accommodation facilities dedicated to the exclusive use of the crew, including sanitary facilities, common areas, kitchen facilities and shelter deck structures

(b) ☐ the increase in gross tonnage necessary for the subsequent improvement or installation of on-board fire prevention systems, safety and alarm systems or noise-reduction systems

(c) ☐ the increase in gross tonnage necessary for the subsequent installation of integrated bridge systems to improve navigation or engine control

(d) ☐ the increase in gross tonnage necessary for the subsequent installation or renovation of an engine or a propulsion system that demonstrates a better energy efficiency or lower $CO_2$ emissions compared to the previous situation, which does not have a power exceeding the fishing vessel's previously certified engine power pursuant to Article 40(1) of Council Regulation (EC) No 1224/2009 ([603]), and whose maximum power output is certified by the manufacturer for that engine or propulsion system model;

(e) ☐ the replacement or renovation of the bulbous bow provided that it improves the overall energy efficiency of the fishing vessel.

6.1. Please identify the provision(s) of the legal basis that reflect your selection.

……

6.2. Please confirm that the eligible costs only include the direct and indirect costs related to the investment aid for improving safety, working conditions or energy efficiency leading to the increase in the gross tonnage of a fishing vessel.

☐ yes ☐ no

6.3. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

6.4. Please provide a detailed description of the costs that are eligible under the measure. Please describe which costs relate to improving safety, working conditions or energy efficiency, respectively.

……

7. Please describe in detail the control and enforcement mechanisms in place to guarantee the fulfilment of the conditions laid down in Section 3.3 of Chapter 3 of Part II of the Guidelines.

……

8. Please provide a detailed description of the characteristics of the measure, including the amount of the fishing capacity increased and the purpose of that increase.

……

*If the answer was already provided in response to a previous question or section, please refer to that answer.*

9. Please confirm that the measure prescribes that the maximum aid intensity does not exceed 40 % of the eligible costs.

☐ yes ☐ no

9.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

9.2. Please identify the provision(s) of the legal basis setting out the maximum aid intensity(ies) under the measure.

……

([603]) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

OTHER INFORMATION

10. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

3.4. **SUPPLEMENTARY INFORMATION SHEET ONAID FOR PERMANENT CESSATION OF FISHING ACTIVITIES**

*This form must be used by Member States for the notification of any State aid for the permanent cessation of fishing activities, as described in Section 3.4 of Chapter 3 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([604]) *('the Guidelines').*

1. Please confirm that the measure prescribes that the Union fishing vessels in respect of which aid is granted will not be transferred or reflagged outside the Union during at least five years from the final payment of the aid.

☐ yes ☐ no

1.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

*If the measure only entails the scrapping of fishing vessels, this question does not apply.*

2. Please confirm that the cessation is foreseen as a tool of an action plan referred to in Article 22(4) of Regulation (EU) No 1380/2013.

☐ yes ☐ no

*If the measure pursues considerations of an economic nature or other considerations related to conservation of marine biological resources pursuant to point (277) of the Guidelines, this question does not apply. Equally, if the measure concerns inland fishing, this question does not apply.*

3. Please confirm that the permanent cessation of fishing activities will be achieved through:

(a) ☐ scrapping of the fishing vessel;

(b) ☐ decommissioning and retrofitting of fishing vessels for activities other than commercial fishing;

(c) ☐ both, i.e., the permanent cessation will be achieved through scrapping and decommissioning and retrofitting the fishing vessel

3.1. Please identify the provision(s) of the legal basis that reflect your selection.

……

4. Please confirm that the measure prescribes that fishing vessels must be registered as active and have carried out fishing activities for at least 90 days per year during the last two calendar years preceding the date of submission of the aid application.

☐ yes ☐ no

4.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

([604]) OJ C 107, 23.3.2023, p. 1.

4.2. If the fishing activity in question is of a nature that it cannot be carried out throughout the whole calendar year, the minimum requirement of fishing activity, as set out in point (275)(c) of the Guidelines, may be reduced so long as the ratio between the number of days of activity and the number of fishable days is the same as the ratio between the number of days of activity and the number of calendar days per year for beneficiary undertakings which fish throughout the year.

4.2.1. In such a case, please describe in detail the nature of the fishing activity concerned by the measure, explain how the minimum requirement of fishing activity was calculated and identify the relevant provision(s) in the legal basis.

……

4.3. If the measure concerns inland fishing and fishing vessels are active in the catch of multiple species for which different numbers of fishable days are allowed in inland waters, the number of fishable days to calculate the ratio, as set out in point (276) of the Guidelines, is the average of the number of fishable days allowed for the catches of that vessel. Please note, however, that the minimum number of days of fishing activities resulting from such an adjustment must in no case be below 30 days or above 90 days.

4.3.1. In such a case, please describe in detail the legal and/or administrative framework applicable to the inland fishing concerned, explain how the minimum requirement of fishing activity was calculated and identify the relevant provision(s) in the legal basis.

……

5. Please confirm that the measure prescribes that equivalent fishing capacity will be permanently removed from the Union fishing fleet register, and that such capacity will not be replaced.

☐ yes ☐ no

5.1. If the measure concerns inland fishing, please confirm that the condition applies by reference to the relevant national fleet register, if available under national law, instead of the Union fleet register.

☐ yes ☐ no

5.2. If the answer to question 5 or 5.1 is 'yes', please identify the relevant provision(s) in the legal basis.

……

6. Please confirm that the measure prescribes that the respective fishing licences and the fishing authorisations will be permanently withdrawn.

☐ yes ☐ no

6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

7. Please confirm that the measure prescribes that beneficiary undertakings do not register any fishing vessel within five years following the receipt of aid.

☐ yes ☐ no

7.1. If the measure concerns inland fishing, please confirm that the condition applies by reference to the relevant national fleet register, if available under national law, instead of the Union fleet register.

☐ yes ☐ no

7.2. If the answer to question 7 or 7.1 is 'yes', please identify the relevant provision(s) in the legal basis.

……

8. If the measure pursues considerations of an economic nature or other considerations related to conservation of marine biological resources pursuant to point (277) of the Guidelines, or if the measure concerns inland fishing pursuant to point (280) thereof, please address the following:

8.1. Please explain in detail the circumstances justifying the permanent cessation, setting out for example the economic or environmental considerations pursued.

……

8.2. Please identify the objective of the measure:

☐ conservation measures supported by scientific evidence

☐ considerations of an economic nature

8.2.1. In case of conservation measures, please provide a summary of the scientific evidence supporting the measure.

……

8.2.2. In case of considerations of an economic nature, please explain in detail the economic rationale of the permanent cessation (unless it is already described in response to question 8.1).

……

8.3. With regard to inland fishing, please confirm that aid under the measure can only be granted to beneficiary undertakings operating exclusively in inland waters.

☐ yes ☐ no

8.3.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

8.4. Please confirm that the measure prescribes that beneficiary undertakings commit not to increase their active fishing capacity from the time of the aid application until five years after the payment of the aid.

☐ yes ☐ no

8.4.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

8.5. Please confirm that the measure prescribes that beneficiary undertakings also commit not to use the aid to replace or modernise their engines, unless the conditions set out in Article 18 of Regulation (EU) 2021/1139 of the European Parliament and of the Council ([605]) are fulfilled.

☐ yes ☐ no

8.5.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

([605]) Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (OJ L 247, 13.7.2021, p. 1).

8.6. If one year prior to the notification, the notifying Member State granted any aid or implemented operations under the European Maritime Fisheries Fund (EMFF) or the European Maritime, Fisheries and Aquaculture Fund (EMFAF) leading to an increase of fishing capacity in a sea basin, or where it included such operations in the national EMFAF programme, please explain in detail to which extent aid for permanent cessation in that same sea basin is compatible with such an increase of fishing capacity and demonstrate the justification for and the indispensability of the aid.

*If the measure concerns inland fishing, this question does not apply.*

……

9. Please confirm the beneficiaries of the aid:

(a) ☐ owners of Union fishing vessels concerned by the permanent cessation

(b) ☐ fishers who have worked on board a Union fishing vessel concerned by the permanent cessation for at least 90 days per year during the last two calendar years preceding the year of submission of the aid application

(c) ☐ both, i.e., the categories of beneficiaries include (a) and (b)

9.1. Please identify the provision(s) of the legal basis that reflect your selection.

……

9.2. Please explain how the minimum number of 90 days set out above for fishers was calculated, in case any adjustments were applicable to the respective fishing vessels, taking into account points (283)(276) and (281) of the Guidelines.

……

9.3. Please confirm that the measure prescribes that fishers cease all fishing activities for five years following the receipt of aid, and that – if a fisher returns to fishing activities within that period – sums unduly paid in respect of the aid will be recovered in an amount proportionate to the period during which that condition has not been fulfilled.

☐ yes ☐ no

9.3.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

10. Please describe in detail the control and enforcement mechanisms in place to guarantee compliance with the conditions attached to the permanent cessation, including to ensure that capacity is permanently withdrawn, and that the vessel or fishers concerned have ceased any fishing activities following the measure. Please note that, in the absence of a national fleet register applicable to inland waters, Member States must also demonstrate that such control and enforcement mechanisms ensure a management of capacity comparable to that applicable to sea fisheries.

……

11. Please confirm that the eligible costs must be calculated at the level of the individual beneficiary.

☐ yes ☐ no

11.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

12. Please confirm the eligible costs:

☐ in case of scrapping of fishing vessels:

☐ the costs of scrapping the fishing vessels

☐ compensation for the losses of value of the scrapped fishing vessels measured as its current selling value

☐ in case of decommissioning and retrofitting for activities other than commercial fishing: the investment costs related to converting the fishing vessel for the purposes of other economic activities

☐ costs related to the fishers, which can also include the obligatory social costs resulting from the implementation of the permanent cessation insofar as not covered by other national provisions in case of cessation of a business activity

12.1. Please identify the provision(s) of the legal basis that reflect your selection.

……

12.2. Please describe in detail the eligible costs.

……

12.3. Please confirm that the eligible costs must be reduced by any costs not incurred because of the permanent cessation of fishing activities which would otherwise have been incurred by the beneficiary undertaking.

☐ yes ☐ no

12.3.1. If the answer 'yes', please identify the relevant costs.

……

12.3.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

13. Please confirm that the measure prescribes that the maximum aid intensity does not exceed 100 % of the eligible costs.

☐ yes ☐ no

13.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

13.2. Please identify the provision(s) of the legal basis setting out the maximum aid intensity(ies) under the measure.

……

14. Please note that the Commission may accept other calculation methods provided that it is satisfied that they are based on objective criteria and do not result in overcompensation of any beneficiary undertaking.

If the notifying Member State intends to propose other calculation method, please provide the reasons as to why the method set out in the Guidelines is not appropriate in the case at hand and explain how the other calculation method addresses better the identified needs.

……

Please submit as an annex to the notification the other methodology proposed, together with a demonstration that it is based on objective criteria and do not result in overcompensation of any beneficiary.

OTHER INFORMATION

15. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

3.5. **SUPPLEMENTARY INFORMATION SHEET ON AID FOR TEMPORARY CESSATION OF FISHING ACTIVITIES**

*This form must be used by Member States for the notification of any State aid for the for temporary cessation of fishing activities, as described in Section 3.5 of Chapter 3 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([606]) *('the Guidelines').*

1. Please confirm that the measure prescribes that the Union fishing vessels in respect of which aid is granted will not be transferred or reflagged outside the Union during at least five years from the final payment of the aid.

☐ yes ☐ no

1.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

2. Please identify the case for which aid for temporary cessation of fishing activities is granted:

(a) ☐ conservation measures, as referred to in Article 7(1), points (a), (b), (c), (i) and (j), of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([607]) or, where applicable to the Union, equivalent conservation measures adopted by regional fisheries management organisations, provided that a reduction of fishing effort is needed, based on scientific advice, in order to achieve the objectives of the CFP, a set out in Article 2(2) and Article 2(5), point (a), of Regulation (EU) No 1380/2013

(b) ☐ Commission measures in case of a serious threat to marine biological resources, as referred to in Article 12 of Regulation (EU) No 1380/2013

(c) ☐ Member State emergency measures pursuant to Article 13 of Regulation (EU) No 1380/2013

(d) ☐ the interruption, due to reasons of force majeure, of the application of a sustainable fisheries partnership agreement or protocol thereto

(e) ☐ environmental incidents or health crises, as formally recognised by the competent authorities of the relevant Member State.

2.1. Please provide a detailed description of the measures, incidents or crises in question and, if applicable, identify the relevant provision(s) in the legal basis formally recognising those events.

……

*If the measure concerns inland fishing, this question does not apply, see instead question 5.2.*

3. Please confirm that the measure prescribes that aid may only be granted where the fishing activities of the vessel or fisher concerned are stopped during at least 30 days in a given calendar year.

☐ yes ☐ no

3.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

([606]) OJ C 107, 23.3.2023, p. 1.

([607]) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

4. Please confirm the beneficiaries of the aid:

(a) ☐ owners or operators of Union fishing vessels which are registered as active and which have carried out fishing activities for at least 120 days during the last two calendar years preceding the year of submission of the aid application

(b) ☐ with regard to inland fishing: owners or operators of fishing vessels which are registered in the national fleet register (if applicable under national law) as active and which have carried out fishing activities for at least 120 days during the last two calendar years preceding the year of submission of the aid application

(c) ☐ fishers who have worked on board a Union fishing vessel concerned by the temporary cessation for at least 120 days during the last two calendar years preceding the year of submission of the aid application

(d) ☐ fishers on foot who have carried out fishing activities for at least 120 days during the last two calendar years preceding the year of submission of the aid application

4.1. Please identify the provision(s) of the legal basis that reflect your selection.

……

4.2. If the fishing activity in question is of a nature that it cannot be carried out throughout the whole calendar year, the minimum requirement of fishing activity, as set out in point (295) of the Guidelines, may be reduced as long as the ratio between the number of days of activity and the number of fishable days is the same as the ratio between the number of days of activity and the number of calendar days per year for beneficiary undertakings which fish throughout the year.

4.2.1. In such a case, please describe in detail the nature of the fishing activity concerned by the measure, explain how the minimum requirement of fishing activity was calculated and identify the relevant provision(s) in the legal basis.

……

4.3. If the measure concerns inland fishing and fishing vessels or fishers are active in the catch of multiple species for which different numbers of fishable days are allowed in inland waters, the number of fishable days to calculate the ratio, as set out in point (296) of the Guidelines, is the average of the number of fishable days allowed for the catches of that vessel or fisher. Please note, however, that the minimum number of days of fishing activities resulting from such an adjustment must in no case be below 40 days or above 120 days.

4.3.1. In such a case, please describe in detail the legal and/or administrative framework applicable to the inland fishing concerned, explain how the minimum requirement of fishing activity was calculated and identify the relevant provision(s) in the legal basis.

……

5. If the measure concerns inland fishing, please address the following:

5.1. Please confirm that aid under the measure can only be granted to beneficiary undertakings operating exclusively in inland waters.

☐ yes ☐ no

5.1.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

……

5.2. Please identify the objective of the measure:

(a) ☐ conservation measures supported by scientific evidence

(b) ☐ environmental incidents or health crises, as formally recognised by the competent authorities of the relevant Member State

5.2.1. In case of conservation measures, please provide a summary of the scientific evidence supporting measure.

……

5.2.2. In case of incidents or crises, please provide a detailed description of the incidents or crises in question and identify the relevant provision(s) in the legal basis formally recognising those events.

……

6. Please confirm that aid may be granted for a maximum duration of 12 months per vessel or per fisher during the programming period under the European Maritime, Fisheries and Aquaculture Fund, irrespective of the source of funding, whether nationally financed or co-financed pursuant to Article 21 of Regulation (EU) 2021/1139 of the European Parliament and of the Council ([608]).

☐ yes ☐ no

6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

6.2. Please confirm that the notifying Member States will comply with the reporting obligation set out in point (346) of the Guidelines.

☐ yes ☐ no

7. Please confirm that the measure prescribes that all fishing activities carried out by the vessels or fishers concerned must be effectively suspended during the period concerned by the temporary cessation of fishing activities.

☐ yes ☐ no

7.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

8. Please describe in detail the control and enforcement mechanisms in place to guarantee compliance with the conditions attached to the temporary cessation, including to ensure that the vessel or fisher concerned has ceased any fishing activities during the period concerned by the measure.

……

9. Please confirm the eligible costs:

(a) ☐ loss of income due to the temporary cessation of fishing activities

(b) ☐ other costs related to the maintenance, upkeep and preservation of unutilised assets during temporary cessation of fishing activities

(c) ☐ both, i.e., the eligible costs include (a) and (b)

9.1. Please identify the provision(s) of the legal basis that reflect your selection.

……

([608]) Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (OJ L 247, 13.7.2021, p. 1).

9.2. Please confirm that the eligible costs must be calculated at the level of the individual beneficiary.

☐ yes ☐ no

9.2.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

9.3. Please confirm that the loss of income must be calculated pursuant to point (304) of the Guidelines, that is by subtracting: (a) the result of multiplying the quantity of the fishery products produced in the year of the temporary cessation of fishing activities, by the average selling price obtained during that year, from (b)the result of multiplying the average annual quantity of fishery products produced in the three-year period preceding the temporary cessation of fishing activities, or a three-year average based on the five-year period preceding the temporary cessation of fishing activities, excluding the highest and lowest entry, by the average selling price obtained.

☐ yes ☐ no

9.3.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

9.4. Please confirm that costs related to the maintenance, upkeep and preservation of unutilised assets during temporary cessation of fishing activities must be calculated based on an average of the costs incurred over the three-year period preceding the temporary cessation of fishing activities, or on a three-year average over the five-year period preceding the temporary cessation of fishing activities, excluding the highest and lowest entry.

☐ yes ☐ no

9.4.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

9.5. Please explain whether the eligible costs may include other costs incurred by the beneficiary undertaking due to the temporary cessation of fishing activities.

☐ yes ☐ no

9.5.1. If the answer is 'yes', please identify the relevant costs.

……

9.5.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

9.6. Please confirm that the eligible costs must be reduced by any costs not incurred because of the temporary cessation of fishing activities, which would otherwise have been incurred by the beneficiary undertaking.

9.6.1. If the answer is 'yes', please identify the relevant costs.

……

9.6.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

9.7. Please confirm that the measure prescribes that, where a vessel is used during the temporary cessation for activities other than commercial fishing, any income must be declared and deducted from the aid granted under this Section, and no aid must be granted for other costs related to the maintenance, upkeep and preservation of unutilised assets during temporary cessation of fishing activities.

☐ yes ☐ no

9.7.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

10. Please note that the Commission may accept other calculation methods provided that it is satisfied that they are based on objective criteria and do not result in overcompensation of any beneficiary undertaking.

If the notifying Member State intends to propose an other calculation method, please provide the reasons as to why the method set out in the Guidelines is not appropriate in the case at hand and explain how the other calculation method addresses better the identified needs.

……

Please submit as an annex to the notification the other methodology proposed, together with a demonstration that it is based on objective criteria and do not result in overcompensation of any beneficiary.

……

11. Please confirm whether the measure provides that, where an SME was set up less than three years from the date of the temporary cessation of fishing activities, the reference to the three or five-year periods in points (304)(b) and (305) of the Guidelines (questions 9.3 and 9.4 above) must be understood as referring to the quantity produced and sold, or costs incurred, by an average undertaking of the same size as the applicant, namely a micro enterprise, a small enterprise or a medium enterprise, respectively, in the national or regional sector affected by the temporary cessation of fishing activities.

☐ yes ☐ no

11.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

12. Please confirm that the measure prescribes that the aid and any other payments, including payments under insurance policies, received for the purpose of temporary cessation of fishing activities must be limited to 100 % of the eligible costs

☐ yes ☐ no

12.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

12.2. Please identify the provision(s) of the legal basis setting out the 100 % limit and the maximum aid intensity(ies) under the measure.

……

OTHER INFORMATION

13. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……

3.6. **SUPPLEMENTARY INFORMATION SHEET ON LIQUIDITY AID TO FISHERS**

*This form must be used by Member States for the notification of liquidity aid to fishers, as described in Section 3.6 of Chapter 3 of Part II of the Guidelines for State aid in the fishery and aquaculture sector* ([609]) *('the Guidelines'). Aid under this Section may also be granted to undertakings active in inland fishing.*

1. Please confirm that the measure prescribes that the Union fishing vessels in respect of which aid is granted will not be transferred or reflagged outside the Union during at least five years from the final payment of the aid.

☐ yes ☐ no

1.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

2. Please explain in detail the circumstances justifying the liquidity aid and describe the exogenous events entailing a temporary restriction of fishing activities.

……

3. Please explain when the exogenous event occurred, including its starting and ending dates if applicable.

……

4. Please confirm that the measure does not concern any of the following:

(a) (the cases of temporary cessation of fishing activities listed in Section 3.5 of Part II, Chapter 3 of the Guidelines

(b) conservation measures taken in accordance with sustainable fisheries partnership agreements and of agreements on exchange or joint management

(c) the reduction or loss of fishing opportunities within EU waters in the framework of the implementation of the Common Fisheries Policy

(d) the reduction or loss of fishing opportunities with regard to non-EU waters, e.g. due to non-renewal, suspension, termination or re-negotiation of a sustainable fisheries partnership agreement and of agreements on exchange or joint management or measures on fixing and allocation of fishing opportunities taken in accordance with such agreements or under the auspice of a regional fisheries management organisation

☐ yes ☐ no

5. Please confirm that the measure prescribes that aid may only be granted where there is a direct causal link between the exogenous events and the loss of income suffered.

☐ yes ☐ no

5.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

6. Please describe in detail the control and enforcement mechanisms in place to guarantee compliance with the conditions attached to the liquidity aid to fishers.

……

([609]) OJ C 107, 23.3.2023, p. 1.

7. Please confirm that the eligible costs only cover the loss of income due to the exogenous events.

☐ yes ☐ no

7.1. If the answer to the previous question is 'yes', please identify the relevant provision(s) in the legal basis.

……

7.2. Please confirm that the eligible costs must be calculated at the level of the individual beneficiary.

☐ yes ☐ no

7.2.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

7.3. Please confirm that the loss of income must be calculated pursuant to point (319) of the Guidelines, that is by subtracting: (a) the result of multiplying the quantity of the fishery products produced in the year of the exogenous events, by the average selling price obtained during that year, from (b) the result of multiplying the average annual quantity of fishery products produced in the three-year period preceding the exogenous events, or a three-year average based on the five-year period preceding the exogenous events, excluding the highest and lowest entry, by the average selling price obtained.

☐ yes ☐ no

7.3.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

7.4. Please explain whether the eligible costs may include other costs incurred by the beneficiary undertaking due to the exogenous events.

☐ yes ☐ no

7.4.1. If the answer is 'yes', please identify the relevant costs.

……

7.4.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

7.5. Please confirm that the eligible costs must be reduced by any costs not incurred because of the exogenous events, which would otherwise have been incurred by the beneficiary undertaking.

7.5.1. If the answer is 'yes', please identify the relevant costs.

……

7.5.2. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

7.6. Please confirm that the measure prescribes that, where a vessel is used during the exogenous events for activities other than commercial fishing, any income must be declared and deducted from the aid granted under this Section.

☐ yes ☐ no

7.6.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

8. Please note that the Commission may accept other calculation methods provided that it is satisfied that they are based on objective criteria and do not result in overcompensation of any beneficiary undertaking.

If the notifying Member State intends to propose another calculation method, please provide the reasons as to why the method set out in the Guidelines is not appropriate in the case at hand and explain how the other calculation method addresses better the identified needs.

……

Please submit as an annex to the notification the other methodology proposed, together with a demonstration that it is based on objective criteria and do not result in overcompensation of any beneficiary.

9. Please confirm whether the measure provides that, where an SME was set up less than three years from the date of the exogenous events, the reference to the three or five-year periods in point (319)(b) of the Guidelines must be understood as referring to the quantity produced and sold by an average undertaking of the same size as the applicant, namely a micro enterprise, a small enterprise or a medium enterprise, respectively, in the national or regional sector affected by the exogenous events

☐ yes ☐ no

9.1. If the answer is 'yes', please identify the relevant provision(s) in the legal basis.

……

10. Please confirm that the measure prescribes that the aid and any other payments, including payments under insurance policies, must be limited to 100 % of the eligible costs.

☐ yes ☐ no

10.1. Please provide the maximum aid intensity(ies) applicable under the measure.

……

10.2. Please identify the provision(s) of the legal basis setting out the 100 % limit and the maximum aid intensity(ies) under the measure.

……

OTHER INFORMATION

11. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……'

*ANNEX II*

'*ANNEX III*

**STANDARDISED REPORTING FORMAT FOR EXISTING STATE AID**

(This format covers all sectors)

The Commission shall, by 1 March each year, send to the Member States, through a dedicated reporting tool, the State aid cases whose expenditure must be reported. Member States shall review the completeness of the cases provided by the Commission and inform the Commission of any missing cases by providing the corresponding aid numbers. The reports will be automatically generated in the dedicated reporting tool. Member States shall complete the reports with the expenditure information and validate the cases, which will be then returned to the Commission by 30 June of the year in question. This will enable the Commission to publish State aid data in year t for the reporting period t-1 ([1]).

The bulk of the information in the dedicated platform shall be pre-completed by the Commission on the basis of data provided at the time of approval of the aid. Member States shall be required to check and, where necessary, modify the details for each scheme or individual aid, and to add the annual expenditure for the latest year (t-1). In addition, Member States shall indicate which schemes have expired or for which all payments have stopped and whether or not a scheme is co-financed by Union Funds.

Information such as the objective of the aid, the sector to which the aid is directed, etc shall refer to the time at which the aid is approved and not to the final beneficiaries of the aid. For example, the primary objective of a scheme which, at the time the aid is approved, is exclusively earmarked for small and medium-sized enterprises shall be aid for small and medium-sized enterprises. However, another scheme for which all aid is ultimately awarded to small and medium-sized enterprises shall not be regarded as such if, at the time the aid is approved, the scheme is open to all enterprises.

The following information shall be included in the reports:

1. Title

2. Aid number

3. All previous aid numbers (for example, following the renewal of a scheme)

4. Expiry

   Member States should indicate those schemes which have expired or for which all payments have stopped.

5. Co-financing

   Although measures based solely on Union funding itself is excluded, total State aid for each Member State shall include aid measures that are co-financed by Union funding. In order to identify which schemes are co-financed and estimate how much such aid represents in relation to overall State aid, Member States are required to indicate whether or not the scheme is co-financed and if so the percentage of aid that is co-financed. If this is not possible, an estimate of the total amount of aid that is co-financed shall be provided.

6. Sector

   The sectoral classification shall be based largely on NACE ([2]) at the [three-digit level].

7. Primary objective

([1]) t is the year in which the data are requested.
([2]) NACE rev.2.1 is the Statistical classification of economic activities in the European Union.

8. Secondary objective

   A secondary objective is one for which, in addition to the primary objective, the aid (or a distinct part of it) was earmarked at the time the aid was approved. For example, a scheme for which the primary objective is research and development may have as a secondary objective small and medium-sized enterprises (SMEs) if the aid or part of it is earmarked exclusively for SMEs.

9. Region(s)

   Aid may, at the time of approval, be exclusively earmarked for a specific region or group of regions. Where appropriate, a distinction should be made between the Article 107(3)a regions and the Article 107(3)c regions. If the aid is earmarked for one particular region, this should be specified at NUTS ([3]) level II.

10. Aid instrument

11. Type of aid

    A distinction shall be made between three categories: Scheme, Individual application of a scheme, Individual aid awarded outside of a scheme (ad hoc aid).

12. Expenditure

    Information referred to in points 1, 2, 3 and 6 to 11 shall be pre-completed by the Commission and checked by the Member States. Points 4, 5 and 12 shall be completed by the Member States.

    As a general rule, figures should be expressed in terms of actual expenditure (or actual revenue foregone in the case of tax =measures). Where payments are not available, commitments or budget appropriations shall be provided and flagged accordingly. Separate figures shall be provided for each aid instrument within a scheme or individual aid (e.g. grant, soft loans, etc.). Figures shall be expressed in the national currency in application at the time of the reporting period. Expenditure shall be provided for t-1. Additionally, expenditure reported in the previous years can be updated up to 6 years in the past.'

([3]) NUTS is the nomenclature of territorial units for statistical purposes in the European Union.

*ANNEX III*

*'ANNEX IV*

**FORM FOR THE SUBMISSION OF COMPLAINTS CONCERNING ALLEGED UNLAWFUL STATE AID OR MISUSE OF AID**

**The mandatory fields are marked with a star (*).**

1. **Information regarding the complainant**

First Name*:

Surname*:

Address line 1*:

Address line 2:

Town/City*:

County/State/Province:

Postcode*:

Country*:

Telephone:

Mobile Telephone:

E-mail address*:

2. **I am submitting the complaint on behalf of somebody (a person or a firm)**

☐ Yes* ☐ No*

If yes, please also provide the following information

Name of the person/firm you represent*:

Registration nr. of the entity:

Address line 1*:

Address line 2:

Town/City*:

County/State/Province:

Postcode*:

Country*:

Telephone 1:

Telephone 2:

E-mail address*:

Please attach proof that the representative is authorized to act on behalf of this person/firm.*

3. **Please select one of the following options, describing your identity***

(a) ☐ Competitor of the beneficiary or beneficiaries

(b) ☐ Trade association representing the interests of competitors

(c) ☐ Non-governmental organisation

(d) ☐ Trade union

(e) ☐ EU citizen

(f) ☐ Other, please specify

Please explain why and to what extent the alleged State aid affects your competitive position / the competitive position of the person/firm you represent, or is otherwise likely to have a specific effect on your/its situation. Provide as much concrete evidence as possible.

*Please be aware that, by virtue of Article 24(2) of Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union* [1]*, only interested parties within the meaning of Article 1, point (h), of that Regulation may submit formal complaints. Therefore, in the absence of a demonstration that you are an interested party, the present form will not be registered as a complaint, and the information provided therein will be kept as general market information.*

4. **Please select one of the following two options***

☐ Yes, you may reveal my identity

☐ No, you may not reveal my identity

If not, please specify the reasons:

5. **Information regarding the Member State granting the aid***

*Please be aware: the information provided under this point is regarded as non-confidential.*

(a) Country:

(b) If known, specify which institution or body granted the alleged unlawful State aid:

— Central government:

— Region (please specify):

— Other (please specify):

6. **Information regarding the alleged aid measure***

*Please be aware: the information provided under this point is regarded as non-confidential.*

*In case you add annexes in support to your claim, please indicate in the section below the relevant points/sections of the annex supporting your allegations that the measure is not in line with State aid rules.*

(a) Please provide a description of the alleged aid, and indicate in what form it was granted (loans, grants, guarantees, tax incentives or exemptions etc.).

(b) For what purpose was the alleged aid given (if known)?

(c) What is the amount of the alleged aid (if known)? If you do not have the exact figure, please provide an estimate and as much justifying evidence as possible.

[1] OJ L 248, 24.9.2015, p. 9, ELI: http://data.europa.eu/eli/reg/2015/1589/oj.

(d) Who is the beneficiary? Please give as much information as possible, including a description of the main activities of the beneficiary/firm(s) concerned.

(e) To your knowledge, when was the alleged aid granted?

(f) Please select one of the following options:

☐ According to my knowledge, the State aid was not notified to the Commission.

☐ According to my knowledge, the State aid was notified, but it was granted before the decision of the Commission. If known, please indicate the notification reference number or indicate when the aid was notified.

☐ According to my knowledge, the State aid was notified and approved by the Commission, but its implementation did not respect the applicable conditions. If known, please indicate the notification reference number or indicate when the aid was notified and approved.

☐ According to my knowledge, the State aid was granted under a block exemption regulation, but its implementation did not respect the applicable conditions.

7. **Grounds of complaint***

*Please note that, for a measure to qualify as State aid under Article 107(1) of the Treaty, the alleged aid has to be granted by a Member State or through State resources, it has to distort or threaten to distort competition by favouring certain undertakings or the production of certain goods, and affect trade between Member States.*

*In case you add annexes in support to your claim, please indicate in the section below the relevant points/sections of the annex supporting your allegations that the measure is not in line with State aid rules.*

(a) Please explain to what extent public resources are involved (if known) and, if the measure was not adopted by a public authority (but for instance by a public undertaking), please explain why, in your view, it is imputable to public authorities of a Member State.

(b) Please explain why, in your opinion, the alleged State aid is selective (i.e. favours certain commercial undertakings or the production of certain goods).

(c) Please explain how, in your opinion, the alleged State aid provides an economic advantage for the beneficiary or beneficiaries.

(d) Please explain why, in your view, the alleged State aid distorts or threatens to distort competition.

(e) Please explain why, in your view, the alleged aid affects trade between Member States.

8. **Compatibility of the aid**

Please indicate the reasons why in your view the alleged aid is not compatible with the internal market.

*In case you add annexes in support to your claim, please indicate in the section below the relevant points/sections of the annex supporting your allegations that the measure is not in line with State aid rules.*

9. **Information on alleged infringement of other rules of European Union law and on other procedures**

(a) If known, please indicate what other rules of European Union law you think have been infringed by the granting of the alleged aid. Please be aware that this does not imply necessarily that those potential infringements will be dealt with within the State aid investigation.

(b) Have you already approached the Commission's services or any other European institution concerning the same issue?*

☐ Yes ☐ No

If yes, please attach copies of correspondence.

(c) Have you already approached national authorities or national courts concerning the same issue?*

☐ Yes ☐ No

If yes, please indicate which authorities or courts; also, if there has already been a decision or judgement, please attach a copy (if available); if, on the contrary, the case is still pending, please indicate its reference (if available).

(d) Please provide any other information that may be relevant for the assessment of this case.

10. **Supporting documents**

Please list any documents and evidence which are submitted in support of the complaint and add annexes if necessary

— Whenever possible, a copy of the national law or other measure which provides the legal basis for the payment of the alleged aid should be provided.

— Whenever possible, please attach any available evidence that the State aid was granted (e.g. press release, published accounts).

— If the complaint is submitted on behalf of someone else (a natural person or a firm) please attach proof that you as a representative are authorised to act.

— Where applicable, please attach copies of all previous correspondence with the European Commission or any other European or national institution concerning the same issue.

— If the issue has already been dealt with by a national court/authority, please attach a copy of the judgement/ decision, if available.

11. **Confidential information**

**All the information contained in this form and the annexes submitted are not confidential and may be shared with the Member State allegedly granting the State aid.**

☐ Yes ☐ No

If no, please identify the confidential part(s) of any documents, explain the reason why you consider it to be confidential and provide a non-confidential version of the document.

Please note that the information contained in points **5 and 6 of this form** cannot be designated as confidential.

In the absence of any indication about confidentiality of certain documents or information, those elements will be treated as non-confidential and may be shared with the Member State allegedly granting the State aid.

**I hereby declare that all the information in this form and annexes is provided in good faith.**

Place, date and signature of complainant'

*ANNEX IV*

*'ANNEX V*

FORM FOR THE SUBMISSION OF INTERNAL REVIEW REQUESTS FOLLOWING THE AARHUS COMPLIANCE COMMITTEE FINDINGS IN CASE ACCC/C/2015/128 [1]

**The mandatory fields are marked with a star (*).**

1. **INFORMATION ON THE NON-GOVERNMENTAL ORGANISATION SUBMITTING THE REQUEST***

Non-governmental organisation*:

First name (person representing the non-governmental organisation)*:

Surname*:

Address line 1*:

Address line 2:

Town/City*:

County/State/Province:

Postcode*:

Country*:

Telephone:

Mobile telephone:

Email address*:

I am submitting the request on behalf of another non-governmental organisation, namely .....

☐ Yes* ☐ No*

**Note:** If a joint request concerning the same State aid decision and State aid measure is made by several non-governmental organisations, include in this form the contact details of all non-governmental organisations.

If a single contact point is designated, please provide the details of the single contact point.*

Single contact point, if applicable: .....

First name*:

Surname*:

Address line 1*:

Address line 2:

Town/City*:

County/State/Province:

Postcode*:

Country*:

Telephone:

Mobile telephone:

Email address*:

[1] Please note that the request for an internal review must be made by the non-governmental organisation within eight weeks after publication of the Commission State aid decision in the *Official Journal of the European Union* that is the subject of the sought review.

2. **LAWYER SUBMITTING THE REQUEST ON BEHALF OF ONE OR SEVERAL NON-GOVERNMENTAL ORGANISATION(S)***

I am submitting the request on behalf of one or several non-governmental organisation(s)*

☐ Yes ☐ No

If yes, please provide the following information:

Name of the non-governmental organisation(s) you represent*:

Registration nr. of the entity/ies:

Address line 1*:

Address line 2:

Town/City*:

County/State/Province:

Postcode*:

Country*:

Telephone 1:

Telephone 2:

Email address*:

Please attach proof that the representative is authorised to act on behalf of the non-governmental organisation(s). If a non-governmental organisation is represented by a lawyer, the request must include documents and data proving that the lawyer is authorised to practise before a court of a Member State. This may include a certificate issued by a bar association in a Member State or any other document to the same effect following national practice. The lawyer must also provide a power-of-attorney evidencing that they are entitled to represent their client.*****

3. **CONFIDENTIALITY***

For the person filing the request on behalf of the non-governmental organisation*:

☐ Yes, you may reveal my identity

☐ No, you may not reveal my identity

*Confidentiality: If you do not wish your identity to be disclosed, please indicate this clearly.*

*The request will be published on the Commission's website. The request will be shared with the Member State granting the State aid for their possible comments and may be also shared with other public authorities.*

4. **ELIGIBILITY REQUIREMENTS***

4.1. *Legal status of the non-governmental organisation**

Is your non-governmental organisation established as legal entity in accordance with the laws and regulations of an EU Member State?

☐ Yes ☐ No

In the affirmative, please indicate where this is registered (specifying the page and article/paragraph): ……

4.2. *'Not-for-profit' status of your organisation******

Is your non-governmental organisation a 'not-for-profit' organisation? Please provide evidence to that effect.

☐ Yes ☐ No

In the affirmative, please explain and indicate where this is registered (specifying the page and article/paragraph): …… *(maximum 250 words)*

4.3 *Independent status of your organisation**:

Is your non-governmental organisation an independent organisation?

☐ Yes ☐ No

In the affirmative, please explain and indicate where this is registered (specifying the page and article/paragraph): ..... *(maximum 250 words)*

4.4 *Primary objective: promoting environmental protection in the context of environmental law**

Does your non-governmental organisation have as its primary objective the promotion of environmental protection in the context of environmental law?

☐ Yes ☐ No

In the affirmative, please explain and indicate where this is registered (specifying the page and article/paragraph): ..... *(maximum 250 words)*

4.5 *Duration of the organisation and active pursuance of the objective under 4.4 above**:

Has your non-governmental organisation been operational and actively pursued the objective mentioned in 4.4 above for over two years?

☐ Yes ☐ No

In the affirmative, please explain and indicate where this is registered (specifying the page and article/paragraph): ..... *(maximum 250 words).*

4.6 *Organisation's objective and subject matter of the request for internal review**

What is the subject matter of your request? .....*(maximum 250 words).*

Is the subject of your requested internal review covered by your organisation's objective and activities?

☐ Yes ☐ No

In the affirmative, please explain and indicate where this is registered (specifying the page and article/paragraph): ..... *(maximum 250 words).*

5. **GROUNDS OF REQUEST***

Please indicate for which Commission State aid decision and measure you are requesting an internal review. If possible, please indicate the recitals in the State aid decision which form the basis of your request.

Please indicate the specific provision(s) of Union environmental law that are alleged to have been breached by the activity that received aid and/or by any aspects of the State aid measure. Please explain why they are indissolubly linked to the objective of the aid and/or the aided activity ([2]).

Please note that an internal review can only be requested for final State aid decisions closing a formal investigation procedure under Article 108(2) of the Treaty, in accordance with Article 9(3) and (4) of Council Regulation (EU) 2015/1589, having as legal basis Article 107(3), point (a), first part (aid to promote the execution of an important project of common European interest) of point (b), points (c), (d) and (e) of the Treaty, Article 93 of the Treaty, Article 106(2) of the Treaty.

Please provide relevant and structured information and documentation supporting each ground of your request and specify which part of the information and documentation submitted refers to each ground.

([2]) *Ex multis* judgment of 22 March 1977, *Iannelli & Volpi SpA* v *Ditta Paolo Meroni*, 74/76, EU:C:1977:51, paragraph 14, *'Those aspects of aid which contravene specific provisions of the Treaty (…) may be so indissolubly linked to the object of the aid that it is impossible to evaluate them separately so that their effect on compatibility or incompatibility of the aid viewed as a whole must therefore of necessity be determined in the light of the procedure prescribed in Article 93'.*

Please also indicate whether you initiated any action at national level (administrative or judicial) and if so, the state of play.

Please put forward facts and legal arguments for each of those grounds.

…… *(maximum 9 000 words)*

6. **SUPPORTING DOCUMENTS**

6.1. **Please list any documents and evidence submitted in support of your request and add annexes if necessary**.

All annexes must be numbered, have clearly marked headings and be referenced in the request for internal review, as evidence of the specific factual and/or legal arguments made in your request.

6.2. **Mandatory annexes to submit to meet the eligibility requirements in Section 4*:**

(a) statute or by-laws of the non-governmental organisation, or any other document to the same effect following national practice in the Member States where the national law does not require or provide for a non-governmental organisation to adopt a statute or by-laws;

(b) annual activity reports of the non-governmental organisation covering the last two years;

(c) for non-governmental organisations established in countries where the fulfilment of such procedures is a prerequisite for a non-governmental organisation to obtain legal personality, a copy of the legal registration with the national authorities;

(d) any information and documentation that the Commission has previously acknowledged the non-governmental organisation as being entitled to make a request for an internal review under Regulation (EC) No 1367/2006 (the 'Aarhus Regulation') or paragraph [xx] of the Commission Code of Best Practices for the conduct of State aid control procedures; and a declaration by the non-governmental organisation that they continue to meet the eligibility conditions.

**Note:** if any of the above-mentioned documents cannot be provided for reasons not attributable to the non-governmental organisation, the organisation may provide evidence in form of any other equivalent document.

If the documents submitted do not clearly state that the non-governmental organisation has the primary stated objective of promoting environmental protection in the context of environmental law, that it has existed for over two years and actively pursues this objective, or that the subject matter of the request for an internal review is covered by the objectives and activities of the non-governmental organisation, the organisation must submit any other document providing evidence that this criterion is met.

7. **LANGUAGE WAIVER**

To speed up the processing of the request for internal review, the Commission strongly encourages the use of the language waiver below, dated and signed by the non-governmental organisation.

'The undersigned, representing the requesting non-governmental organisation lodging the request for an internal review of *[specify the number and the title of the State aid decision]*, agrees exceptionally to waive their rights deriving from Article 342 of the Treaty in conjunction with Article 3 of Regulation (EC) No 1/1958 and to have the Commission's reply adopted and notified under Article 297 of the Treaty in the English language only'.

8. **PERSONAL DATA PROTECTION** ([3])

☐ I understand that this request for review can be published on the Commission website, with all personal data redacted.

☐ I opt out of the publication of my postal address on the Commission website.

☐ I opt out of the publication of my name on the Commission website.

☐ I opt out of revealing my identity to third parties.

The Commission will process your personal data in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies. You can find more information in the applicable privacy statement.

**I hereby declare that all information in this form and annexes is provided in good faith.**

Place, date and signature of the requester'

([3]) This refers to the name, postal address and identity of the NGO(s) making the request, not the legal representative.