

**STATE AID INCIDENCE ASSESSMENT GRID – Investment Priority 7/c – INDICATIVE TEMPLATE UNDER FINALIZATION**

**Project identification**

|  |  |
|--|--|
| Project title                                    |  |
| Project acronym                                  |  |
| Project number                                   |  |
| Official name of the Lead Applicant organization |  |

**GENERAL ORIENTATION**

**A. No Aid if Altmark criteria fulfilled (already fulfilled or declared) - administrative and quality**

**B. If fulfilment of Altmark criteria is not possible, SGEI (1370) - administrative and quality**

**C. De minimis**

**D. Other conditions can be assessed afterwards (public roads).**

**I. Check list**

| Criteria   | Description/relevant document | Question   | Yes | No | Na | Comments/Recommendations  |
|--|-------------------------------|--|-----|----|----|---|
| <b>A. Non aid – if fulfilling all Altmark criteria – SGEI without State aid</b><br><br><b>1. Declaration on own responsibility regarding the</b> |                               | <b>I. ADMINISTRATIVE</b><br><br>1.a) Is the declaration attached to the Application Form?<br>1.b). Is the provided |     |    |    | The assessor may ask for clarifications., The applicants already fulfill the Altmark criteria or they declare that they will comply |

| Criteria  | Description/relevant document  | Question   | Yes | No | Na | Comments/Recommendations |
|---|--|--|-----|----|----|--------------------------|
| <p><b>fulfillment of Altmark criteria</b></p> <p><b>2. Public Service Obligation (PSO)</b></p> <ul style="list-style-type: none"> <li>local county council decision entrusting such a service or</li> <li>official statute any other similar document <b>or</b></li> <li>any other official document that the Applicant/beneficiary of state aid is able to produce in this respect</li> </ul> <p><b>3. The entrustment act endorsed by the competent authority, in case already finalised</b></p> <p><b>a) Transparent approach to compensation</b></p> <ul style="list-style-type: none"> <li>document for the calculation of the compensation</li> </ul> | <p>Annex ....</p> <p>(template will be provided)</p> <p>a) the recipient undertaking must actually have public service obligations to discharge, and the obligations must be clearly defined</p> <p>b) the parameters on the basis of which the compensation is calculated (must be established in advance in an objective and transparent manner, to avoid it conferring an economic advantage which may favors</p> | <p>template used?</p> <p>1.c). Is the declaration signed and stamped by the entity's legal/authorized representative?</p> <p>1. Are the documents attached to the Application?</p> <p>2. Are the documents duly signed and dated?</p> <p>3. Are they provided in English language?</p> <p><b>II. QUALITY</b></p> <p>1. Have been clearly defined the public service obligations?</p> <p>2. Have been established beforehand the parameters for the calculation of the compensation in an objective and</p> |     |    |    |                          |

| Criteria  | Description/relevant document  | Question  | Yes | No | Na | Comments/Recommendations |
|---|--|---|-----|----|----|--------------------------|
| <p><b>b) No excess compensation</b></p> <p><b>c) Transparent calculation</b></p> <p>verification that all costs and all revenues, as well as the reasonable profit, are included</p> <ul style="list-style-type: none"> <li>costs (to be highlighted for each of the activity included)</li> <li>revenues (to be highlighted for each of the activity included)</li> <li>reasonable profit</li> </ul> | <p>the recipient undertaking over competing undertakings)</p> <p>c) the compensation cannot exceed what is necessary to cover all or part of the costs incurred in the discharge of public service obligations, taking into account the relevant receipts and a reasonable profit</p> <p>d) where the undertaking which is to discharge public service obligations, in a specific case, is not chosen pursuant to a public procurement procedure which would allow for the selection of the tenderer capable of providing those services at the least cost to the community, the level of compensation needed must be determined on the basis of an analysis of the costs which a typical undertaking, well run and adequately provided with means of transport so as to be able to meet the necessary public service requirements, would have</p> | <p>transparent manner?</p> <p>3. Does not the compensation exceed what is necessary to cover the expenditures incurred and a reasonable profit?</p> <p>4. Are all costs and revenues highlighted, in keeping with the activities envisaged?</p> <p>5. Has been the announcement regarding the intention to declare the SGEI published 1 year before entrusting such SGEI?</p> |     |    |    |                          |

| Criteria  | Description/relevant document   | Question  | Yes | No | Na | Comments/Recommendations             |
|---|---|---|-----|----|----|--------------------------------------|
|   | incurred in discharging those obligations, taking into account the relevant receipts and a reasonable profit for discharging the obligations' |   |     |    |    |                                      |
| <b>B. SGEI (EC Regulation no. 1370/2007) with State aid</b>   |   |   |     |    |    |                                      |
| <b>1. Competent authority decision regarding the intent on declaring the SGEI</b>   | To be provided along with English translation   | <b>I. ADMINISTRATIVE</b><br>1. Is the decision <b>attached</b> to the Application Form?<br><br>2. Is the decision dully <b>signed and stamped</b> ? |     |    |    |                                      |
| <b>2. Declaration on commitment to observe the parameters calculated and to avoid over-compensation, based on the methods stipulated in Regulation no. 1370/2007 and on commitment to observe the</b> | Annex ...<br>(template will be proved)<br>To be signed  | 1. Is the declaration <b>attached</b> to the Application Form?  |     |    |    | The assessor may ask for completion. |
|   |   | 2. Is the provided <b>template</b> used?  |     |    |    |                                      |

| Criteria  | Description/relevant document   | Question  | Yes | No | Na | Comments/Recommendations  |
|---|---|---|-----|----|----|---|
| <b>SGEI Regulation no. 1370/2007</b> for the time period of entrustment   |   | 3. Is the declaration <b>signed and stamped</b> by the entity's legal representative?   |     |    |    |   |
| 3. <b>The entrustment act</b> endorsed by the competent authority, compliant to the EC relevant decision, in case already finalized | <p>The project activities under SGEI scheme<sup>1</sup> shall be those from the scheme</p> <p>The costs included and highlighted have reasonable underlying assumptions for their calculation</p> <p>The revenues included and highlighted have reasonable underlying assumptions for their</p> | 1. Is the document attached to the Application Form and is it duly signed and stamped?  |     |    |    | <p>The assessor shall provide detailed explanations on his/her judgement for each of the aspects in column 2, based on the Application Form and on clarifications.</p> <p>The assessor shall make recommendations in relation to the aspects not fully addressed</p> <p>In case clarifications, completions are needed, the assessor shall ask for those to be provided through the</p> |
|   |   | <p>2. Is the document endorsed by the Competition Council?</p> <p>II QUALITY</p> <p>1. Is there sufficient administrative and</p> |     |    |    |   |

<sup>1</sup> If applicable

| Criteria   | Description/relevant document   | Question   | Yes | No | Na | Comments/Recommendations  |
|--|---|--|-----|----|----|---|
|  | <p>calculation</p> <p>There is correlation between the costs and the revenues included</p> <p>The project justifies thoroughly the decision to use this SGEI scheme for transport</p> <p>The project is constructed based on the scheme and using reasonable assumptions and up-to-date figures (<i>see the recommendation related to the verification based on articles 69 – 77 from EC Regulation no. 1370/2007</i>).</p> | <p>financial capacity described in the application form as to secure the implementation of SGEI, based on the 4 points mentioned in GfA?</p> <p>2. Is the compensation calculated on reasonable and actual data?</p> |     |    |    | <p>AWG.</p> <p>The assessor shall also check the data provided to be relevant and recent, coming from authorised sources.</p> <p>The assessor shall analyse the compensation based on articles 69 – 77 from (EC) Regulation no. 1370/2007</p> |
| 4. 1 year prior announcement regarding the intention to declare the SGEI according to preamble (29) of 1370/2007 " <i>With a view to the award of public service contracts, with the exception of emergency measures and contracts relating to modest distances, the competent</i> | the announcement has to be published in the OJEU according to Regulation (EC) No. 1370/2007, 1 year prior to entrusting the SGEI  | Has the announcement regarding the intention to declare the SGEI been published 1 year before entrusting such SGEI?  |     |    |    | The assessor may ask for clarifications in relation to these aspects.   |

[illegible]

| Criteria  | Description/relevant document    | Question   | Yes | No | Na | Comments/Recommendations  |
|---|----------------------------------|--|-----|----|----|---|
|   |                                  | calculations within the declaration in case previous de minimis was granted, in case of undertakings, at project level. Due care shall be attached to the fact that 200.000 Euro could be granted by each of the Member States, namely Romania and Hungary, per undertaking as final beneficiary of state aid. |     |    |    | database information shall be used.   |
|   |                                  |  |     |    |    |   |
| <b>D. Other aspects</b>   |                                  |  |     |    |    |   |
| <b>1. Public roads construction/modernisation activity</b><br><i>(Please note that the construction of bicycle paths does not fall under state aid incidence)</i> | Application Form – work-packages | 1. Are the roads included within a national, regional or local strategy or Government Decision in force at the time of the application?<br>2. Does the public road   |     |    |    | In case of complete absence of these aspects, the assessor can point to the correlation with the proper recommendations in the guide. |



| Criteria                     | Description/relevant document    | Question  | Yes | No | Na | Comments/Recommendations   |
|------------------------------|----------------------------------|---|-----|----|----|--|
|                              |                                  | serve only a certain enterprise? <i>(Please note that state aid does not apply if the road is not intended to serve only a certain enterprise).</i> |     |    |    |  |
| <b>2. Indirect State aid</b> | Application Form – work-packages | Is there any indirect State aid?  |     |    |    | The State aid assessor shall also check the possible incidence of indirect State aid. Based on his/her professional judgement, the State aid assessor will formulate recommendations, to be respected accordingly. |

## II. Result of the Assessment

As a result of the assessment, I conclude that:

- ☐ For the project ....., the activities are considered SGEI without State aid, based on fulfilment of Altmark criteria (either available or declaration) or based on the type of activity

| Relevant activity | Concerned budget of the activity | Partner(s) involved | Justification of decision | Recommendations |
|-------------------|----------------------------------|---------------------|---------------------------|-----------------|
|                   |                                  |                     |                           |                 |
|                   |                                  |                     |                           |                 |

As a result of the assessment, I conclude that:

- ☐ For the project ..... the following activities are considered to be under SGEI (EC Regulation 1370)

| Relevant activity | Concerned budget of the activity | Partner(s) involved | Justification of decision | Recommendations |
|-------------------|----------------------------------|---------------------|---------------------------|-----------------|
|                   |                                  |                     |                           |                 |
|                   |                                  |                     |                           |                 |

As a result of the assessment, I conclude that:

☐ For the project ..... the following activities are considered to be under de minimis

| Relevant activity | Concerned budget of the activity | Partner(s) involved | Justification of decision | Recommendations |
|-------------------|----------------------------------|---------------------|---------------------------|-----------------|
|                   |                                  |                     |                           |                 |
|                   |                                  |                     |                           |                 |

**Date:**

**Place:**

**Signature:**