

## STATE AID INCIDENCE ASSESSMENT GRID – Investment Priority 7/c

Project identification

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

### GENERAL ORIENTATION

The assessor will proceed to fill in the following check-list, taking his/her step from the “Declaration on the proposed qualification of the application in relation to state-aid” released by the applicant. However, as this declaration has merely an indicative value, the assessor is required to verify the correspondence between the qualification proposed by the applicant and the criteria foreseen in the GfA, in the approved aid schemes, and in the relevant legislation, jurisprudence and case-law. Whenever needed, the assessor will proceed to a reclassification of the activities accordingly.

For each of the project proposed activities, the assessor is requested to verify its compliance with one of the four following sections:

1. No Aid: absence of economic activities;
2. No Aid: Altmark criteria fulfilled (already fulfilled or declared);
3. SGEI (EC Regulation no. 1370/2007) with State aid;
4. *De minimis*;

Whenever relevant, the assessor should also verify the compliance of the application with the specific situations foreseen within the section:

5. Other aspects (public roads).

**NB:** The assessment should cover, to an equal extent and with the same modalities, all of the following four situations:

- direct aid (aid that, through the programme funding, is to be awarded to the lead applicant or other subjects of the project partnership);
- indirect aid to one or more subjects – different from the lead partner and from the other ones of the project partnership – that can be clearly and finally identified or deduced from the funding application;
- indirect aid to one or more subjects - different from the lead partner and from the other ones of the project partnership – that can be identified or deduced from the funding application in terms of category or group (ex. local SMEs, local training agencies, etc.);
- a combination of the previous situations.

Whenever the assessment is related to an indirect state aid situation, even partially, the assessor has to highlight it with a clear remark in the “comments” section of the grid.

In all situation involving indirect aid, the assessor is required to ask to the applicant all clarifications and documents that are needed for an appropriate assessment.

In those exceptional cases in which the appearance of indirect state aid is not certain, as it remains just a possibility depending on the modalities of the project implementation, the assessor will express all relevant recommendations in order to guarantee that the possible state aid is correctly framed, by the funding beneficiary, in one of the state aid schemes active for the specific IP, according to the GfA and all relevant documents.

#### I. Check list

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
<b><u>SECTION 1. Absence of economic activity</u></b>						
<b>1. (Only for Non aid activities listed in the GfA): confirmation of the absence of economic activity</b>	The assessor verifies that the application is referring to one of those activities considered as non –aid in the GfA and the absence of an economic activity can be confirmed.  <i>All the questions should be answered with a clear YES in order to consider the activity state-aid</i>	1.1. Is the content of the project activity corresponding to one of those activities quoted in the GfA as state aid free?				
		1.2. Can it be confirmed, from a thorough reading of the content of the				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<p><i>free under this option.</i></p> <p><i>The assessor may ask for clarifications.</i></p> <p>(Relevant application docs: application form<sup>1</sup>)</p>	funding application, that the operation is not to be considered state-aid, based on all the relevant EU criteria, and especially the absence of an economic activity?				
<b>SECTION 2. Only for SGEI without State aid: confirmation of fulfilling all Altmark criteria</b> (Sections 2.1 and 2.2 are alternative, the assessor should fill in only one of them)						
<b>If the establishment of the SGEI already exists at the moment of the application:</b>  <b>2.1. - verification of the present respect of the 4 "Altmark" criteria</b>	All the questions (administrative and quality) should be answered with a clear YES in order to consider the operation state-aid free.  The assessor may ask for clarifications.  (Applicant documents for the assessment:	<b>I. ADMINISTRATIVE</b>				
		2.1.1. Is the declaration from the entrusting authority attached to the Application Form?				
		2.1.2. Is the provided template used?				
		2.1.3. Is the declaration signed and stamped by				

<sup>1</sup> Depending on the type of the Call for proposals (either Open or Flagship), whenever reference to the Application Form is made, it shall be deemed to refer to the Concept Note as well.

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<ul style="list-style-type: none"> <li>- Application form,</li> <li>- Altmark criteria Declaration (- declaration on own responsibility of the entrusting authority regarding the fulfillment of Altmark criteria),</li> <li>- Relevant SGEI documents (The entrustment act, endorsed by the relevant authority, and relevant justifying documents proving the procedure of entrusting the SGEI):</li> <li><input type="checkbox"/> Public Service Obligation (PSO) – (public authority council decision entrusting such a service);</li> <li><input type="checkbox"/> Document detailing how the compensation for the service has been calculated;</li> <li><input type="checkbox"/> Documents detailing the</li> </ul>	the entity's legal/authorized representative?				
		2.1.4. Are the SGEI – related documents attached to the Application (entrustment act, document detailing the calculation of the compensation, documents related to the selection of the operator)?				
		2.1.5. Do all the documents refer to the service as including the infrastructure object of the funding application?				
		2.1.6. Are the documents duly signed and dated?				
		<b>II. QUALITY</b>  <i>All criteria should be assessed referring to the</i>				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<p>procedures with which the recipient undertaking has been selected.</p> <p><b>NB: the entrusted SGEI must include the infrastructures that are object of the funding application.</b></p>	<p><i>SGEI as including the infrastructure that are the object of the funding application</i></p> <p>2.1.7. Have been clearly defined the public service obligations?</p>				
		2.1.8. Have been established beforehand the parameters for the calculation of the compensation in an objective and transparent manner?				
		2.1.9. Is the investment which is the object of the funding application duly taken into account in the calculation?				
		2.1.10. Can it be reasonably confirmed that the compensation does				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
		not exceed what is necessary to cover the expenditures incurred and a reasonable profit?				
		2.1.11. Are all costs and revenues highlighted, in connection with the activities of the service?				
		2.1.12. Has been the announcement regarding the intention to declare the SGEI published 1 year before entrusting such SGEI?				
		2.1.13. Has the recipient undertaking been selected based on a public procurement procedure?				
<b>If the establishment of the SGEI does not exist at the moment of the application:</b>	<i>All the questions (administrative and quality) should be answered with a clear YES in order to consider the operation state-aid</i>	<b>I. ADMINISTRATIVE</b> 2.2.1. Are the required documents all attached to the Application Form?				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
<b>2.2. - verification of the future respect of the Altmark criteria:</b>	<p><i>free.</i></p> <p><i>The assessor can ask for clarifications.</i></p> <p><i>In every case under the present option, the assessor should recommend the verification of the Altmark criteria in the monitoring phase.</i></p> <p>Relevant documents:</p> <ul style="list-style-type: none"> <li>-Competent authority (SGEI provider) decision regarding the intent on declaring the SGEI;</li> <li>-Declaration on the entrustment act – 7/c (declaration on own responsibility regarding the commitment to submit the entrustment act, endorsed by relevant authority, until the first reimbursement claim for the project is submitted to JS);</li> <li>-Altmark criteria Declaration</li> </ul>	2.2.2. Are the provided templates used?				
		2.2.3. Are the declarations signed and stamped by the entity's legal/authorized representative?				
		2.2.4. Are they provided in English language, where the case?				
		<b>II. QUALITY</b>				
		2.2.5. Is the content of the decision of the competent authority in line with the perspective of an "altmark" SGEI and consistent with the declaration regarding the observance of the altmark criteria?				
		2.2.6. Has been the announcement regarding the intention to declare the SGEI published, or is it				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	(declaration on own responsibility of the entrusting authority regarding the observance of all 4 Altmark criteria).	going to be published 1 year before entrusting such SGEI?				
		2.2.7. Has/will the recipient undertaking been/be selected based on a public procurement procedure?				
<b>SECTION 3. SGEI (EC Regulation no. 1370/2007) with State aid</b> (Sections 3.1 and 3.2 are alternative, the assessor should fill in only one of them)						
<b>If the SGEI has been already established:</b>  <b>3.1. Conformity of the project activities to the SGEI regulation</b>	<i>All the questions (administrative and quality) should be answered with a clear YES in order to consider the operation in line with the EC Regulation no. 1370/2007.</i>  <i>The assessor shall provide detailed explanations on his/her judgement for each of the aspects, based on the Application Form</i>	<b>I. ADMINISTRATIVE</b>  3.1.1. Are the documents attached to the Application Form and are they duly signed and stamped?				
		3.1.2. Is the entrustment act endorsed by the competent authority?				



Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<p><i>and on clarifications.</i></p> <p><i>The assessor shall make recommendations in relation to the aspects not fully addressed.</i></p> <p><i>In case clarifications, completions are needed, the assessor shall ask for those to be provided through the AWG.</i></p> <p><i>The assessor shall also check the data provided to be relevant and recent, as well as coming from authorised sources.</i></p> <p><b>Relevant SGEI documents (The entrustment act, endorsed by the competent authority, and relevant justifying documents proving the procedure of</b></p>	<b>II. QUALITY</b>  3.1.3. Are the project activities to be performed under SGEI regulation 1370/2007?				
		3.1.4. Do the costs included and highlighted have reasonable underlying assumptions for their calculation?				
		3.1.5. Do the revenues included and highlighted have reasonable underlying assumptions for their calculation?				
		3.1.6. Is there a correlation between the costs and the revenues included?				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<p><b>entrusting the SGEI):</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Document detailing how the compensation for the service has been calculated;</li> <li><input type="checkbox"/> Documents detailing the procedures with which the recipient undertaking has been selected.</li> </ul> <p><b>NB: the entrusted SGEI must include the infrastructures that are object of the funding application.</b></p>	3.1.7. Does the project justify thoroughly the decision to use this SGEI for transport?				
		3.1.8. Is the project built based on the entrusted SGEI and using reasonable assumptions and up-to-date figures?				
		3.1.9. Is there sufficient administrative and financial capacity described in the application form as to secure the implementation of SGEI, based on the 4 points mentioned in GfA?				
		3.1.10. Is the compensation calculated on reasonable and actual data?				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
<b>IF the SGEI has not yet been established:</b>  <b>3.2. Presence of all the relevant commitments to establish the SGEI and to respect the provisions of EC Reg.1370/2007</b>	<p><i>All the questions should be answered with a clear YES in order to consider the operation in line with the EC Regulation no. 1370/2007.</i></p> <p><i>The assessor may ask for clarifications.</i></p> <p><b>Relevant documents for the assessment:</b></p> <p>1. Competent authority (SGEI provider) decision regarding the intent on declaring the SGEI</p> <p>2. Declaration on observing parameters and EC Reg. no. 1370/2007 (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</p>	<b>I. ADMINISTRATIVE</b>				
		3.2.1. Is the authority decision <b>attached</b> to the Application Form?				
		3.2.2. Is the decision dully <b>signed and stamped</b> ?				
		3.2.3. Is the declaration <b>attached</b> to the Application Form?				
		3.2.4. Is the provided <b>template of declaration</b> used?				
		3.2.5. Is the declaration <b>signed and stamped</b> by the entity's legal representative?				
		<b>II. QUALITY</b>				
		3.2.6. Has the 1 year prior announcement regarding the intention to declare the SGEI according to				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	SGEI Regulation no. 1370/2007 for the time period of entrustment)  3. Declaration on the entrustment act – 7/c (declaration on own responsibility regarding the commitment to submit the entrustment act, endorsed by relevant authority, until the first reimbursement claim for the project is submitted to JS)	preamble (29) of Reg.1370/2007 been published, or is it planned to be published in time for the establishment of the SGEI and in consistency with the timeline of the planned project activities?				
<b>SECTION 4. DE MINIMIS</b>						
<b>4.1. Presence of the declaration regarding the <i>de minimis</i> aid and single undertaking status</b>  (to be provided by <b>the</b>	<i>In order to conclude for a positive classification of the application under the De minimis scheme, all the questions should be replied with a clear YES answer. The assessor may ask for completion, the assessor shall</i>	<b>I. ADMINISTRATIVE</b>  4.1.1. Is the declaration <b>attached</b> to the Application Form?				
		4.1.2. Is the provided <b>template</b> used? Are all				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
final beneficiary of State aid)	<i>identify the undertaking in order to ask for this declaration.</i>  (Applicant documents for the assessment: application form, <i>De minimis</i> Declaration (declaration regarding on de minimis aid and single undertaking status))	the declarations foreseen in the template completed provided?				
		4.1.3. Is the declaration <b>signed and stamped</b> by the entity's legal representative?				
		4.1.4. Is the declaration provided by the final beneficiary of State aid, in case it does not correspond with one of the project applicants?				
4.2. Compliance with the approved <i>de minimis</i> scheme	See the provisions of the scheme related to <i>de minimis</i> .  <i>In order to conclude for a positive classification of the application under the De minimis scheme, all the questions should be replied with a clear YES answer.</i>  <i>The assessor may ask for</i>	II. QUALITY				
		4.2.1. Is the <i>De minimis</i> beneficiary operating in one of the sectors eligible to the approved <i>de minimis</i> scheme?  4.2.2. Do the activities foreseen in the application fall within the				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<i>clarifications; the assessor shall identify the undertaking in order to ask for this declaration.</i>  (Applicant documents for the assessment: application form, <i>De minimis</i> Declaration (declaration regarding on <i>de minimis</i> aid and single undertaking status))	ones mentioned in the approved <i>de minimis</i> scheme?				
		4.2.3. Is the funding requested fitting within the available <i>de minimis</i> plafond as resulting from the beneficiary declaration?				
SECTION 5. Other aspects						
5.1. Public roads construction/modernization activity (when relevant)	<i>In order to exclude the presence of state aid in relation to this part of the investment, all the questions should be answered with a clear YES;</i>  <i>The assessor may ask for clarifications.</i>  <i>In case of complete absence of these aspects, the assessor can</i>	5.1.1. Are the roads included within a national, regional or local strategy or government decision in force at the time of the application?				
		5.1.2. Are the roads supposed to operate without any fee imposed on their users?				

Criteria	Description/relevant document	Question	Yes	No	Na	Assessor's Comments/Recommendations
	<p><i>point to the correlation with the proper recommendations in the guide.</i></p> <p>(Applicant documents for the assessment: application form)</p>	5.1.3. Is the destination of the public road <sup>2</sup> not limited to the exclusive use of an entity engaged in an economic activity (cultural or other)?				

## II. Result of the Qualitative Assessment

As a result of the assessment, I conclude that:

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

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):

<sup>2</sup> Please note that state aid does not apply if the road is not intended to serve only a certain enterprise, but to serve the general public, free of charge

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

### III. Conclusions:

As a result of the assessment process, the project.....is:

- ☐ Rejected as non-compliant (the project does not meet the necessary criteria to be qualified under any of the state-aid related acceptable situations and/or the applicant failed to submit the requested completions/clarifications by the set deadline)
- ☐ Passed for the Quality (technical and financial) assessment step, subject to observe the recommendations<sup>3</sup> herein above

<sup>3</sup> The state aid assessor may recommend the rejection of non-compliant activities (i.e activities not meeting the necessary criteria to be qualified under any of the state-aid related acceptable situations). In case such activities represent a significant proportion at project level and/or the potential cutting-offs might lead to either the ineligibility of partner/project or to the impossibility of project implementation, the



- ☐ Passed for the Quality (technical and financial) assessment step<sup>4</sup> under conditions to be met until set deadline (yyyy/mm/dd)
- ☐ Passed for the Quality (technical and financial) assessment step

**Date:**

**Place:**

**Name of signing person:**

**Signature:**

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**Quality assessor** may recommend the rejection of the project proposal, within the Quality assessment phase; Please see the Methodology and criteria for assessment of projects in relation to State Aid, section 3.5 Outcome of the state-aid assessment process

<sup>4</sup> If possible, deadlines will be set (e.g. until contracting); Please see the Methodology and criteria for assessment of projects in relation to State Aid, section 3.4 Procedural steps