

## 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

Criteria	Description/relevant document	Question	Yes	No	Na	Comments/Recommendations
<b>A. Non aid – if fulfilling all Altmark criteria – SGEI without State aid</b>  <b>1. Declaration on own responsibility regarding the fulfillment of Altmark criteria</b>  <b>2. Public Service Obligation (PSO)</b> <ul style="list-style-type: none"> <li>local county council decision entrusting such a service or</li> <li>official statute any other similar document or</li> <li>any other official document that the Applicant/beneficiary of state aid is able to produce in this respect</li> </ul> <b>3. The entrustment act endorsed by the competent authority, in case already</b>	Annex ....  (template will be provided)          a) the recipient undertaking must actually have public service obligations to discharge, and the obligations must be clearly defined	<b>I. ADMINISTRATIVE</b>  1.a) Is the declaration attached to the Application Form? 1.b). Is the provided template used? 1.c). Is the declaration signed and stamped by the entity's legal/authorized representative?          1. Are the documents attached to the Application?  2. Are the documents duly signed and dated?  3. Are they provided in English language?  <b>II. QUALITY</b>				The assessor may ask for clarifications., The applicants already fulfill the Altmark criteria or they declare that they will comply

<b>Criteria</b>	<b>Description/relevant document</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>	<b>Na</b>	<b>Comments/Recommendations</b>
<b>finalised</b>  <b>a) Transparent approach to compensation</b> <ul style="list-style-type: none"> <li>document for the calculation of the compensation</li> </ul>  <b>b) No excess compensation</b>          <b>c) Transparent calculation</b>  verification that all costs and all revenues, as well as the	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 the recipient undertaking over competing undertakings)  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  d) where the undertaking which is to discharge public service obligations, in a specific case, is not chosen	1. Have been clearly defined the public service obligations?  2. Have been established beforehand the parameters for the calculation of the compensation in an objective and transparent manner?  3. Does not the compensation exceed what is necessary to cover the expenditures incurred and a reasonable profit?  4. Are all costs and revenues highlighted, in keeping with the activities envisaged?				

Criteria	Description/relevant document	Question	Yes	No	Na	Comments/Recommendations
<p>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>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 incurred in discharging those obligations, taking into account the relevant receipts and a reasonable profit for discharging the obligations'</p>	<p>5. Has been the announcement regarding the intention to declare the SGEI published 1 year before entrusting such SGEI?</p>				
<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>  1. Is the decision				

Criteria	Description/relevant document	Question	Yes	No	Na	Comments/Recommendations
		<b>attached</b> to the Application Form?  2. Is the decision dully <b>signed and stamped</b> ?				
<b>2. Declaration on</b> commitment to observe the parameters calculated and to avoid over-compensation, based on the methods stipulated in Regulation no. 1370/2007 and <b>on commitment to observe the SGEI Regulation no. 1370/2007</b> for the time period of entrustment	Annex ... (template will be proved) 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?				
		3. Is the declaration <b>signed and stamped</b> by the entity's legal representative?				
<b>3. The entrustment act</b> endorsed by the competent authority, compliant to the EC relevant decision, in case already finalized	The project activities under SGEI scheme <sup>1</sup> shall be those from the scheme  The costs included and	1. Is the document attached to the Application Form and is it duly signed and stamped?				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.  The assessor shall make

<sup>1</sup> If applicable

Criteria	Description/relevant document	Question	Yes	No	Na	Comments/Recommendations
	<p>highlighted have reasonable underlying assumptions for their calculation</p> <p>The revenues included and highlighted have reasonable underlying assumptions for their 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</i>)</p>	<p>2. Is the document endorsed by the Competition Council?</p> <p>II QUALITY</p> <p>1. 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?</p> <p>2. Is the compensation calculated on reasonable and actual data?</p>				<p>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 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>

Criteria	Description/relevant document	Question	Yes	No	Na	Comments/Recommendations
	<i>related to the verification based on articles 69 – 77 from EC Regulation no. 1370/2007).</i>					
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 authorities should take the necessary measures to advertise, at least one year in advance, the fact that they intend to award such contracts, so as to enable potential public service operators to react.</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?  Or  Does the body take the responsibility to publish the announcement?				The assessor may ask for clarifications in relation to these aspects.
<b>C. De minimis</b>	Annex....	<b>1.</b> Is the declaration <b>attached</b> to the				The assessor may ask for clarifications in relation to these

Criteria	Description/relevant document	Question	Yes	No	Na	Comments/Recommendations
<p>Declaration on <i>de minimis</i></p> <p><b>For <i>de minimis</i></b></p>	<p>(template will be provided)</p> <p><b>To be signed</b></p> <p>See the provisions of the scheme related to <i>de minimis</i></p> <p>The content of Application Form shall be checked in relation to <i>de minimis</i>, in case of the undertaking, at project level</p>	<p>Application Form?</p> <p><b>2.</b> Is the provided <b>template</b> used?</p> <p><b>3.</b> Is the declaration <b>signed and stamped</b> by the entity's legal representative?</p> <p>Do the activities in the AF observe the activities foreseen in the scheme for <i>de minimis</i>?</p> <p>The assessor shall check the accuracy of calculations within the declaration in case previous <i>de minimis</i> was granted, in case of undertakings, at project level. Due care shall be attached to</p>				<p>aspects.</p> <p>The assessor may ask for clarifications in this case. The assessor shall check these aspects in relation to the undertaking, at project level (in case the applicant is not an undertaking, the assessor shall specify the entity that acts as undertaking and needs to provide the declaration). RegAs database information shall be used.</p>



Criteria	Description/relevant document	Question	Yes	No	Na	Comments/Recommendations
		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.				
<b>D. Other aspects</b>						

Criteria	Description/relevant document	Question	Yes	No	Na	Comments/Recommendations
<b>1. Public roads construction/modernisation activity</b> <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?  2. Does the public road 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>				In case of complete absence of these aspects, the assessor can point to the correlation with the proper recommendations in the guide.
<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 Qualitative 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


### III. Conclusions:

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

- ☐ Rejected as noncompliant (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>2</sup> herein above
- ☐ Passed for the Quality (technical and financial) assessment step<sup>3</sup> under conditions to be met until set deadline (yyyy/mm/dd)
- ☐ Passed for the Quality (technical and financial) assessment step

**Date:**

**Place:**

**Signature:**

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<sup>2</sup> If possible, deadlines will be set (e.g. until contracting)

<sup>3</sup> Please see the Methodology and criteria for assessment of projects in relation to State Aid, section 3.4 Procedural steps

