

## STATE AID INCIDENCE ASSESSMENT GRID – Investment Priority 6/c

Project identification

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

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 three following sections:

1. Non aid situation
2. Aid to be awarded under GBER Article 53
3. *De minimis* aid

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

4. Other aspects (training, public road, thematic routes etc.)

**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>SECTION 1. Non aid</b>						
<b><u>The assessor may assess the “non aid” situation based on one of the following 3 options (a, b, c). For the same project activity, options are to be considered as alternative.</u></b>						
<b>1.1. Option a) (Only for Non aid activities as listed in the GfA): confirmation of the absence of economic</b>	The assessor verifies that the application is corresponding to one of those activity considered as non – aid in the GfA and the	<b>QUALITY</b>  1.1.1. Is the content of the project activity corresponding to one of those activities quoted in the GfA as state-aid free?				

Criteria	Description/ relevant document	Question	Yes	No	Na	Assessor's comments/recommendations
<b>activity</b>	absence of an economic activity can be confirmed.  <i>All the questions should be answered with a clear YES in order to consider the operation state-aid free.</i>	1.1.2. Can it be confirmed, from a thorough reading of the content of the 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?				
	<i>The assessor may ask for clarifications.</i>  (Applicant documents for the assessment: application form <sup>1</sup> )	1.1.3. Are the specific conditions established by the GfA to consider some specific type of operations state-aid free respected, if relevant? (see also section 4)				
<b>1. 2. Option b) Activities organized in a non-commercial way</b>	The assessor verifies that the application refers to cultural activities organized in a non-commercial way,	<b>I. ADMINISTRATIVE</b>  1.2.1. Is the declaration on the non-commercial organization of the cultural activity <b>attached</b> to the Application Form?				

<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
	<p>under one of the options according to Commission Notice Notion of Aid points 34-37 "Culture and heritage conservation" and the Commission "infrastructure analytical grid for culture, heritage and nature conservation"<sup>2</sup></p> <p><i>In order to conclude for a "non aid" assessment under this option, a YES answer is requested for all the questions referring to the "administrative" section and for all the questions of at least one of the alternative cases A, B or C, under the "Quality"</i></p>					
		1.2.2. Does its content respect the provided template and are all the sections duly filled in, including the declaration on the separation of the accounts between economic and non-economic activities?				
		1.2.3. Is the document <b>duly signed and stamped</b> by the legal/authorized representative?				
		<b>II. QUALITY</b> <b>Case A:</b> 1.2.4. Are the activities to which the infrastructure/investment will be dedicated completely of non-economic nature, or the				

Criteria	Description/ relevant document	Question	Yes	No	Na	Assessor's comments/recommendations
	<i>section:</i>  - Case A, when the possible economic activities does not represents more than 20% of the total use of the supported project/infrastructure;	possible economic activities represents <b>maximum 20%</b> of the total use of the supported project/infrastructure?				
		1.2.5. Are the visitors fees of the culture infrastructure, covering not more than 50% of real costs, hence not modifying the non-economic nature of the cultural activity?				
	- Case B, when the infrastructure is used for both economic and non-economic activities, but a clear distinction of the accounts exists and the public funding is related only to the costs of the non-economic activities;	<b>Case B:</b>  1.2.6. Will the infrastructure / investment be dedicated to both economic and non-economic activities, in any proportion, but between these a clear separation of the accounts exists and the public funding covers only the costs linked to the non-economic activities?				
		1.2.7. Is the public funding limited to the net cost (including the cost of capital) of the non-				

Criteria	Description/ relevant document	Question	Yes	No	Na	Assessor's comments/recommendations
	<p>- Case C, when the cultural activities envisaged by the project are objectively of a non substitutable nature.</p> <p>The assessor may ask for clarifications/ completion regarding such aspects.</p> <p>(Applicant documents for the assessment: Declaration on organizing the cultural activity, application form).</p>	economic activities?				
		<p><b>Case C:</b></p> <p>1.2.8. Are the cultural activities envisaged by the project objectively non substitutable and thus excluding the existence of a genuine market and the economic nature of the activities?</p>				
<b>1.3. Option c) Pure Local impact</b>	The assessor verifies that the application refers to activity with	<p><b>I. ADMINISTRATIVE</b></p> <p>1.3.1. Is the Local Impact study <b>attached</b> to the Application</p>				

Criteria	Description/ relevant document	Question	Yes	No	Na	Assessor's comments/recommendations
	possible economic content but a "local impact study" proves that trade between member States is not affected (Commission Communication on the Notion of Aid point 196 and ss. "Culture and heritage conservation" and the Commission "Infrastructure analytical grid for culture, heritage and nature conservation") <sup>3</sup> See the provisions in the GfA related to local impact study.  <i>In order to conclude for a "non aid" assessment under this option, all the</i>	Form?				
		1.3.2. Is the document <b>duly signed and stamped</b> by the legal/authorized representative?				
		1.3.3. Is it provided in compliance with art. 196 of EC Communication 2016/C 262/01 and the provisions of the GfA in this respect?				
		<b>II. QUALITY</b>  1.3.4. Is it provided a description of the relevant market in comparable goods or services where the activity takes place, based on up to date, official or verifiable statistical data?				
		1.3.5. Is it evident that the cultural objectives are not				

Criteria	Description/ relevant document	Question	Yes	No	Na	Assessor's comments/recommendations
	<i>questions for the administrative part and for the quality part should be replied with a clear YES answer.</i>  <i>The assessor may ask for clarifications regarding such aspects/completion (Applicant documents for the assessment: application form, local impact study)</i>	susceptible to attract users or visitors from similar offers from other Member States, taking into account the cross-border character of the area?				
		1.3.6. Is it evident that the trade between Member States is not affected?				
		1.3.7. Is the content of the local impact study consistent with the content of the funding application, especially sections C.2.3 and C.2.4?				
<b>SECTION 2. GBER</b>						
<b>2.1. Absence of the status of undertaking in difficulty and eligibility to GBER scheme</b>	<i>In order to conclude for a positive classification of the application under the GBER scheme, all the questions for the administrative part and for the quality part should be replied with a clear YES answer.</i>	<b>I. ADMINISTRATIVE</b>  2.1.1. Is the declaration attached to the Application Form?				



Criteria	Description/ relevant document	Question	Yes	No	Na	Assessor's comments/recommendations
	<p><i>The assessor may ask for completion; the assessor shall identify the undertaking in order to ask for this declaration.</i></p> <p>(Applicant documents for the assessment: application form, GBER Declaration (on own responsibility regarding the eligibility to the GBER scheme, underlining that it is not in difficulty)).</p>					
		2.1.2. Is the provided <b>template</b> used? Are all the foreseen declarations completely provided? Is the declaration provided in English?				
		2.1.3. Is the declaration <b>signed and stamped</b> by the entity's legal representative?				
		2.1.4. Is the declaration provided by the final beneficiary of State aid, in case this does not correspond with one of the subjects included in the project's partnership?				
		<b>II. QUALITY</b> 2.1.5. Are the relevant financial criteria correctly calculated and corresponding to the data from				

Criteria	Description/ relevant document	Question	Yes	No	Na	Assessor's comments/recommendations
		the latest version of the relevant financial documents of the applicant?				
<b>2.2. Compliance with Article 53 GBER – culture and the specific GBER Aid scheme approved for the Programme</b>	<p>See the provisions of the scheme related to the culture Article 53 of GBER.</p> <p><i>In order to conclude for a positive classification of the application under the GBER scheme, all the questions should be replied with a clear YES answer.</i></p> <p><i>The assessor may ask for clarifications.</i></p> <p>(Applicant documents for the assessment: application form)</p>	<b>QUALITY</b>				
		2.2.1. Is the content of the application in line with the domain of the exempted aid scheme approved for the Programme?				
		2.2.2. Do the activities foreseen in the application fall within the ones mentioned in Art. 53.2 GBER and in the exempted aid scheme approved for the Programme?				
		2.2.3. Do the costs foreseen in the project fall within the eligible ones foreseen at Art.53.4 GBER and the ones foreseen by the exempted aid scheme approved for the Programme?				
		2.2.4. Is the funding requested not exceeding the ceilings				

Criteria	Description/ relevant document	Question	Yes	No	Na	Assessor's comments/recommendations
		foreseen by the exempted aid scheme approved for the Programme?				
<b>SECTION 3. DE MINIMIS</b>						
<b>3.1. Presence of the declaration regarding the <i>de minimis</i> aid and single undertaking status</b>  (to be provided by <b>the final beneficiary</b> of State aid)	<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 completion; 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 - regarding <i>de minimis</i> aid and single	<b>I. ADMINISTRATIVE</b>				
		3.1.1. Is the declaration <b>attached</b> to the Application Form?				
		3.1.2. Is the provided <b>template</b> used? Are all the declarations foreseen in the template completed provided?				
		3.1.3. Is the declaration <b>signed and stamped</b> by the entity's legal representative?				
		3.1.4. Is the declaration provided by the final beneficiary of State aid, in case it does not correspond with one of the project applicants?				

Criteria	Description/ relevant document	Question	Yes	No	Na	Assessor's comments/recommendations
	undertaking status)					

<p><b>3.2. Compliance with the approved de minimis scheme</b></p>	<p>See the provisions of the scheme related to <i>de minimis</i>.</p> <p><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></p> <p><i>The assessor may ask for clarifications; the assessor shall identify the undertaking in order to ask for this declaration.</i></p> <p>(Applicant documents for the assessment: application form, <i>De minimis</i> Declaration - regarding <i>de minimis</i> aid and single undertaking status)</p>	<p><b>II. QUALITY</b></p> <p>3.2.1. Is the <i>de minimis</i> beneficiary operating in one of the sectors eligible to the approved <i>de minimis</i> scheme?</p>				
		<p>3.2.2. Do the activities foreseen in the application fall within the ones mentioned in the approved <i>de minimis</i> scheme?</p>				
		<p>3.2.3. Is the funding requested fitting within the available <i>de minimis</i> plafond as resulting from the beneficiary declaration?</p>				

<b>SECTION 4. Other aspects</b>						
<b>4.1. Training activities (when relevant)</b>	<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>	4.1.1. Is the training activity directly related to an entity not engaged in any economic activity or to an activity that have merely a local impact? (See <a href="#">section 1</a> )				
	<i>The assessor may ask for clarifications.</i>  (Applicant documents for the assessment: application form)	4.1.2. In case the training is related to an entity engaged in an economic activity, are the specific requirements established by the GfA about training respected?				
<b>4.2. Thematic routes (when relevant)</b>	<i>The assessor shall make recommendations to secure this compliance.</i>  (Applicant documents for the assessment: application form)	4.2.1. Are these routes <b>free of commercial brands</b> when described?				
<b>4.3. Public roads construction/modernization activity (when</b>	<i>In order to exclude the presence of state aid in relation to this part of</i>	4.3.1. Are the roads included within a national, regional or local strategy or government decision in force at the time of				

<b>relevant)</b>	<i>the investment, all the questions should be answered with a clear YES;</i>	the application?				
		4.3.2. Are the roads supposed to operate without any fee imposed on their users?				
	<i>The assessor may ask for clarifications.</i>  <i>In case of complete absence of these aspects, the assessor can point to the correlation with the proper recommendations in the guide.</i>  (Applicant documents for the assessment: application form)	4.3.3. Is the destination of the public road <sup>4</sup> not limited to the exclusive use of an entity engaged in an economic activity (cultural or other)?				
<b>4.4. New cross-border IT platforms, groupings and networks (when relevant)</b>	(Applicant documents for the assessment: application form)	4.4.1. Does the Application provide for a non-discriminating access to the IT platforms, groupings and networks for all entities (including private entities) operating similar type?				

<sup>4</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

		4.4.2. If it is intended to collect a fee for the use of this system, to cover the costs for maintenance, is the same fee going to be charged to all users, public or private?				
		4.4.3. Is the intention to create IT platforms, groupings and networks largely disseminated?				

## 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/ notion of aid 33-34,36/ local impact study:

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 Article 53 of GBER:

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



	activity			

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>5</sup> herein above

<sup>5</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 **Quality assessor** may recommend the rejection of

- ☐ Passed for the Quality (technical and financial) assessment step<sup>6</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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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>6</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