

Interreg Baltic Sea Region SME aid scheme 2014-2020

Scheme reference number: SA.42813

1. Legal basis

The Interreg Baltic Sea Region SME aid scheme 2014-2020 (the ‘scheme’) operates under Commission Regulation (EU) 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Article 107 and 108 of the Treaty¹ (‘GBER 2014-20’).

The legal basis for the scheme is the European Territorial Cooperation programme “Interreg Baltic Sea Region” (CCI 2014TC16M5TN001), (‘the Programme’).

2. Objectives

The objective of the scheme is to support the development of SMEs in the context of Interreg Baltic Sea Region.

3. Definitions

The definitions set out in Article 2 of GBER 2014-20 shall apply to this scheme.

4. Exclusions

This scheme shall not apply to activities excluded from eligibility under Article 1 of GBER 2014-20. In particular:

Export aid

The scheme is not available to

- Export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current costs linked to the export activity
- Aid contingent on the use of domestic over imported goods

¹ OJEU L187/1 of 26 June 2014.

Sectoral coverage

This scheme is not available to:

- The fishery and aquaculture sector as covered by Regulation (EU) 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 1004/200.²
- The primary agricultural production sector with the exception of aid for consultancy in favour of SMEs.
- The processing and marketing of agricultural products in the following cases:
 - Where the amount of aid is fixed on the basis of the price or quantity of such products purchased from primary producers or put on the market by the undertakings concerned
 - Where the aid is conditional on being partly or entirely passed on to primary producers
- Facilitate the closure of uncompetitive coalmines, as covered by Council Decision No 2010/787.³

Firms subject to recovery orders or in difficulty

This scheme explicitly excludes the payment of aid in favour of 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.⁴

This scheme is not available to firms in difficulty (as defined in Article 2(18) of GBER 2014-20).

5. Eligibility criteria

There is no automatic entitlement to support under this scheme.

This scheme is available in the EU Member States and European Free Trade Association States participating in Interreg Baltic Sea Region, i.e. Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Norway, Poland and Sweden.

This scheme is restricted to small and medium-sized enterprises (as defined in Annex I of GBER 2014-20).

² OJEU L354/1 of 28 December 2013.

³ OJEU L336/24 of 21 December 2010.

⁴ The firms affected are listed here:

http://ec.europa.eu/competition/state_aid/studies_reports/recovery_statistics.xlsx

Specific eligibility requirements are associated with different categories of aid. These are detailed below.

6. Type of aid

This scheme shall offer only forms of aid that are considered transparent. Aid is considered transparent if it is possible to calculate precisely the gross grant equivalent of the aid *ex ante* without any need to undertake a risk assessment. This includes aid comprised in grant and interest rate subsidies and aid comprised in loans where the gross grant-equivalent has been calculated on the basis of the reference rate prevailing at the time.⁵

7. Incentive effect

This scheme is only available to projects where it will have an incentive effect. An incentive effective will be considered present if the beneficiary has submitted a written application before work on the project or any activity starts.

8. Cumulation

Aid under this scheme may be cumulated with other forms of aid exempted under GBER 2014-20 provided that either: those measures concern different identifiable eligible costs; or, where there is partial or total overlap in eligible costs with other aid exempted under GBER 2014-20 or awarded under the de minimis Regulation, on condition that the highest aid intensity or aid amount applicable under GBER 2014-20 is not exceeded.

9. Categories of aid

The categories of aid set below reflect the eligibility criteria set out in GBER 2014-20. The aid amounts are the maximum levels of support that may be offered. In practice, lower levels may be applied. Moreover, the type of project supported and the scope of eligible expenditure must also meet the requirements of Interreg Baltic Sea Region.

10. Investment aid to SMEs

Investment aid to SMEs under this scheme shall comply with GBER 2014-20, Article 17.

Eligible costs are:

- Investment in tangible or intangible assets and/or

⁵ Interreg Baltic Sea Region offers aid in the form of grants only.

- The estimated wage costs of employment directly created by the investment project, calculated over two years

To be eligible, an *investment* shall consist of the following:

- Investment in tangible or intangible assets relating to the setting up of a new establishment, the extension of an existing establishment, diversification of the output of an existing establishment into new additional products or a fundamental change in the overall production process of an existing establishment; or,
- the acquisition of the assets belonging to an establishment, where the following conditions are fulfilled:
 - the establishment has closed or would have closed had it not been purchased;
 - the assets are purchased from third parties unrelated to the buyer;
 - the transaction takes place under market conditions.

Where a member of the family of the original owner, or an employee, takes over a small enterprise, the condition that the assets shall be bought from third parties unrelated to the buyer shall be waived. The sole acquisition of the shares of an undertaking shall not constitute investment.

Intangible assets shall fulfil all of the following conditions in order to be eligible:

- they shall be used exclusively in the establishment receiving the aid;
- they shall be regarded as amortizable assets;
- they shall be purchased under market conditions from third parties unrelated to the buyer;
- they shall be included in the assets of the undertaking for at least three years

Employment directly created by an investment project must fulfil the following conditions in order to be eligible for aid:

- it shall be created within three years of completion of the investment;
- there shall be a net increase in the number of employees in the establishment concerned, compared with the average over the previous 12 months;
- it shall be maintained during a minimum period of three years from the date the post was first filled.

Aid ceilings:

The maximum aid amount for this category of aid is EUR 7.5 million per undertaking, per investment project.

The aid intensity shall not exceed:

- 20 % of the eligible costs in the case of small enterprises;
- 10 % of the eligible costs in the case of medium-sized enterprises.

11. Aid for consultancy in favour of SMEs

Aid for consultancy in favour of SMEs under this scheme shall comply with GBER 2014-20, Article 18.

The eligible costs shall be the costs of consultancy services provided by external consultants.

The services concerned shall not be a continuous or periodic activity nor relate to the undertaking's usual operating costs, such as routine tax consultancy services, regular legal services or advertising.

The aid amount must not exceed EUR 2 million per undertaking per project; the aid intensity shall not exceed 50% of the eligible costs.

12. Aid to SMEs for participation in fairs

Aid to SMEs for participation in fairs under this scheme shall comply with GBER 2014-20, Article 19.

Eligible costs shall be the costs incurred for renting, setting up and running the stand for the participation of an undertaking in any particular fair or exhibition.

The aid amount must not exceed EUR 2 million per undertaking per year; aid intensity shall not exceed 50% of the eligible costs.

13. Aid for cooperation costs incurred by SMEs participating in European Territorial Cooperation projects

Aid for cooperation costs incurred by SMEs participating in European Territorial Cooperation projects under this scheme shall comply with GBER 2014-20, Article 20.

Eligible costs are:

- costs for organisational cooperation including the cost of staff and offices to the extent that it is linked to the cooperation project
- costs of advisory and support services linked to cooperation and delivered by external consultants and service providers

- travel expenses, costs of equipment and investment expenditure directly related to the project and depreciation of tools and equipment used directly for the project.

The advisory and support services referred to above shall not be a continuous or periodic activity nor relate to the undertaking's usual operating costs, such as routine tax consultancy services, regular legal services or routine advertising.

The aid amount must not exceed EUR 2 million per undertaking per project; aid intensity shall not exceed 50% of the eligible costs.

14.Reporting

In compliance with GBER 2014-20 Article 11(b), the Managing Authority will assure the compilation of the data required for the submission to the Commission an annual report for each whole year or each part year during which this scheme applies.

15.Monitoring

In compliance with GBER 2014-20, Article 12, the Managing Authority will assure the maintenance of detailed records with the information and supporting documentation necessary to establish that all the conditions laid down in GBER 2014-20 are fulfilled. Such records shall be kept for 10 years from the date on which the last aid was granted under the scheme. The Managing Authority will enable the provision to the Commission within a period of 20 working days or such longer period as may be fixed in the request, all the information and supporting documentation which the Commission considers necessary to monitor the application of GBER 2014-20.