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Regional Policy
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Competition

Brussels,
REGIO/YS/lng/B3(2012)

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Subject: Respect of State aid rules in the implementation process of Operational Programmes under Structural Funds and the Cohesion Fund

Analytical grids to support the assessment by the Member States

Your Excellency

The Commission has drawn attention already, by letter of 10 November 2011 and in meetings of the Coordination Committee of the Funds of December 2011 and June 2012, to the need to ensure the respect of State aid rules when implementing Operational Programmes under Structural Funds and the Cohesion Fund. Member States are responsible for verifying if the financial support provided under an Operational Programme involves State aid. Such verifications must also cover support to infrastructure projects since public support for the construction of infrastructure may be considered to involve State aid if the infrastructure is intended to be exploited for commercial purposes.

In order to facilitate the assessment process in relation to infrastructure projects, the Commission services have developed analytical grids that should help national authorities in identifying those projects which should be notified to the Commission for State aid clearance. The analytical grids are attached to this letter, and we request that they are made widely available to your national authorities.

As to the content of the analytical grids, a general document provides information that is relevant for all types of infrastructures. In addition, specific analytical grids for the construction of airports, ports, broadband, RD&I, cultural infrastructures and for the water sector include information which is relevant for the particular sectors. All grids are structured in a way that they first mention the reasons why State aid may not be present. Clearly, where no State aid is involved, there is no need for a State aid notification. To the extent that State aid may be present, the grids then proceed to describe the types of situations where, nevertheless, no State aid notification is necessary because they fall into the category of general exemptions from the notification requirement and for which lighter procedural requirements apply under the State aid rules.

The analytical grids can be used by the national authorities for projects regardless of their size. For major projects as defined in Article 39 of Council regulation (EC) 1083/2006, the standard application form (contained in Annex XXI and XXII to Commission Regulation (EC) 1828/2006) requires an indication whether the project involves State aid. In case the national authorities consider that a project does not involve State aid which has to be notified to the Commission, they are invited to use the analytical grids for explaining their findings and, if appropriate, to submit the documents underpinning their assessment. The use of the analytical grids is not compulsory but their use as reference in submissions to the Commission would be particularly useful as a way of ensuring that the relevant information is provided, thus speeding up the Commission's examination and treatment of applications under the relevant rules for Structural Funds and the Cohesion Fund.

For any questions, both our services are available to help. For questions on the content of the analytical grids, please address them to stateaidgreffe@ec.europa.eu and for those on the Structural Funds rules please send them to region-coordination@ec.europa.eu.

Yours faithfully



pp
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In absence of the Director General
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