**Question:**

1. Managing Authority will provide synergy funding under European structural and investment funds for developing of network of European Digital and Innovation hubs, some of which are cofounded and others have Seal of excellence. According to GBER and Commission Notice 2022/C 421/03 Article 25a is for Aid for projects awarded a Seal of Excellence quality label, however in points 1 to 5 the text concerns only Aid for SME’s and programs Horizon 2020 and Horizon Europe. In the Commission Notice is stated that SoE can be awarded and is laid down in the basic acts of other programs within the EU’s multiannual financial framework, e.g. Digital Europe Program. Does art. 25a applies to projects awarded with Seal of Excellence under DEP, namely for development of European Digital and Innovation Hubs?

2. In case of cumulative funding, i.e. 50% from DEP and 50% from European structural and investment funds will this be in line with provisions of art 8(2)? Is funding from DEP considered as public funding in line with provisions of art 8(2)?

3. In case of EDIH with Seal of Excellence is it possible to combine aid granted under art. 25d with aid under art. 28? What should be maximum allowed intensity of the aid in this case?

**Reply:**

1. No, article 25a of the GBER applies only to R&D projects (carried out by SMEs) awarded with a Seal of Excellence following an evaluation and selection under the Horizon Europe programme.
2. Indeed, public funding awarded under the DEP programme is considered as Union funding centrally managed by the EU Commission that is not directly or indirectly under the control of the Member State. Thus, cumulation rules set out in article 8(2) of the GBER apply to State aid combined with DEP funding in view of supporting EDIHs for the same eligible costs. In line with article 8 (2) of the GBER “the total amount of public funding granted in relation to the same eligible costs does not exceed the most favourable funding rate laid down in the applicable rules of Union law”. We note that under the DEP programme rules, EDIHs can benefit from 100% of public funding (50% as State aid and 50% as DEP money) providing that State aid and DEP resources are combined to cover the same eligible costs which are set out under Article 27 of the GBER. This is therefore in line with article 8(2) of the GBER.
3. Article 25d of the GBER concerns aid for Teaming actions supported under the Horizon Europe programme. We therefore do not see the possibility to apply article 25d to State aid support granted to EDIHs and there would thus not be any cumulation of aid under Article 28 with aid for EDIH under Article 25d.

Disclaimer: This reply does not represent a formal and definite position of the European Commission but is only an informal guidance provided by the services of DG Competition to facilitate the application of the GBER. It is therefore not binding and cannot create legal certainty or legitimate expectations.