

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

General block exemption Regulation (Reg. 651/2014) – working document Aid for environmental protection

First the general conditions of application of the GBER should be checked (12 conditions / Articles 1 -12) AND then the conditions with regard to aid for environmental protection.

A. General conditions of application.

GENERAL COMPATIBILITY CONDITIONS	COMPLIANCE CHECK (OK?)
<p>Article 1 - Exclusion of certain activities (§2)</p> <p>Shall not apply to:</p> <ul style="list-style-type: none">• Aid schemes for environmental protection (with the exception of Art 44) with average annual State aid budget exceeding EUR 150 million from six months after their entry into force (this Regulation may continue to apply for a longer period to any of these aid schemes after having assessed the relevant evaluation plan notified by the Member State to the Commission, within 20 working days from the scheme's entry into force);• any alterations of schemes referred above other than modifications which cannot affect the compatibility of the aid scheme under this Regulation or cannot significantly affect the content of the approved evaluation plan• Aid to export related activities• Aid contingent upon use of domestic over imported goods.	
<p>Article 1 - Exclusion of certain sectors (§3)</p> <ul style="list-style-type: none">• Fishery and aquaculture* (as in Reg 1379/2013)• Primary production of agricultural products* except for compensation for environmental aid;• The processing and marketing of agricultural products* if 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; or when the aid is conditional on being partly or entirely passed on to primary producers;• Aid to facilitate the closure of uncompetitive coal mines (Council decision 2010/787); <p><i>* If undertaking active also in sectors within the scope of the this Regulation, the Regulation applies to aid granted in respect of these sectors provided that MS ensures that</i></p>	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<i>the activities in the excluded sectors do not benefit from the aid</i>	
Article 1 - Exclusion of companies concerned by the Deggendorf rule (§4)	
Shall not apply to aid schemes which do not explicitly exclude the payment of individual aid in favour of an undertaking which is subject to outstanding recovery order following a previous Com. Dec. declaring an aid illegal/incompatible and shall not apply to ad hoc aid to such an undertaking	
Article 1 - Exclusion of companies in difficulty (§4)	
Shall not apply to aid to undertakings in difficulty	
Article 1 - Exclusion of aid measures violating Union Law (§5)	
Shall not apply to State aid measures, which entail a non-severable violation of Union law, in particular: (a) obligation for the beneficiary to have its headquarters or to be predominantly established in the relevant Member State. Requirement for an establishment or branch in the aid granting Member State at the moment of payment of the aid is allowed. (b) obligation to use nationally produced goods or national services; (c) restricting the possibility for the beneficiaries to exploit the research, development and innovation results in other Member States.	
Article 4 - Individual notification thresholds	
Shall not apply to aid which exceeds: <ul style="list-style-type: none">• For investment aid for environmental protection, excluding investment aid for the remediation of contaminated sites and aid for the distribution network part of the energy efficient district heating and cooling installation: EUR 15 million per undertaking per investment project;• For investment aid for energy efficiency projects: EUR 10 million as laid down in Article 39(5);• For investment aid for remediation of contaminated sites: EUR 20 million per undertaking per investment project;• For operating aid for the production of electricity from renewable sources and operating aid for the promotion of energy from renewable sources in small scale installations: EUR 15 million per undertaking per project. When the aid is granted on the	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<p>basis of a competitive bidding process under Article 42: EUR 150 million per year taking into account the combined budget of all schemes falling under Article 42;</p> <ul style="list-style-type: none">• For investment aid for the district heating or cooling distribution network: EUR 20 million per undertaking per investment project;• For investment aid for energy infrastructure: EUR 50 million per undertaking, per investment project; <p>The thresholds shall not be circumvented by artificially splitting up the aid schemes or aid projects.</p>	
Article 5 – Transparency of aid	
<p>Shall apply to transparent aid and shall be considered as transparent:</p> <ul style="list-style-type: none">• Grants and interest rate subsidies• Loans (where gross grant equivalent has been calculated on the basis of the reference rate prevailing at the time of the grant)• Guarantees (gross grant equivalent calculated on the safe-harbour premiums laid down in a Commission Notice <p>or</p> <p>gross grant equivalent accepted before implementation on the basis of the Com Notice on Guarantees and the approved calculation methodology explicitly addresses the type of the guarantee and the type of the underlying transaction at stake in the context of the application of the GBER)</p> <ul style="list-style-type: none">• Tax advantages (when cap to ensure that threshold is not exceeded)• Aid for energy efficiency projects if the conditions laid down in Article 39 are fulfilled;• Aid in the form of premiums in addition to the market price if the conditions laid down in Article 42 are fulfilled• Repayable advances (if the total nominal amount of the repayable advance does not exceed the thresholds applicable under this Regulation or if, before implementation of the measure, the methodology to calculate the gross grant equivalent of the repayable advance has been accepted following its notification to the Commission)	
Article 6 - Incentive effect	
Aid can only be exempted if incentive effect:	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<ul style="list-style-type: none">• Beneficiary submitted aid application to MS prior to start of project or work with at least the following information:<ul style="list-style-type: none">- undertaking's name and size;- description of the project, including its start and end dates;- location of the project;- list of project costs;- type of aid (grant, loan, guarantee, repayable advance, equity injection or other) and amount of public funding needed for the project• Ad hoc aid to large enterprises; in addition to the above, MS has verified before granting the aid that the beneficiary provided documentation demonstrating one or more of the following:<ul style="list-style-type: none">- a material increase in the scope of the project/activity due to the aid, or- a material increase in the total amount spent by the beneficiary on the project/activity due to the aid, or- a material increase in the speed of completion of the project/activity concerned.→Exceptions• Tax advantages if:<ul style="list-style-type: none">- the measure establishes a right to aid in accordance with objective criteria and without further exercise of discretion by the Member State; and- the measure has been adopted and is in force before work on the aided project or activity has started, except in the case of fiscal successor schemes, where the activity was already covered by the previous schemes in the form of tax advantage• Aid in the form of reductions in environmental taxes under Directive 2003/96/EC, if the conditions laid down in Article 44 of the GBER are fulfilled	
Article 7 - Eligible costs	
For the purposes of calculating the aid intensity <ul style="list-style-type: none">• Figures before any deduction of tax or other charge;• Aid granted in a form other than a grant, the aid amount shall be the gross grant equivalent of the aid• Aid payable in several instalments shall be discounted to its value when granting (same for eligible costs and with interest rates of the moment of granting);	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<ul style="list-style-type: none"> • Tranches of aid in tax advantages shall be discounted on the basis of the discount rates applicable at the moment the tax advantages take effect; • Aid in repayable advances which, in the absence of an accepted methodology calculating their gross grant equivalent, are expressed as a percentage of the eligible costs and the measure provides that in case of successful outcome of the project, as defined on the basis of a reasonable and prudent hypothesis, the advances will be repaid with an interest rate at least equal to the discount rate applicable at the moment the aid is granted, the maximum aid intensity may be increased by 10 percentage points. <p>Eligible costs & documentation</p> <ul style="list-style-type: none"> • Eligible costs supported by clear, specific and contemporary documents. 	
Article 8 - Cumulation	
<ul style="list-style-type: none"> • Total amount of aid shall be taken into account for thresholds and maximum aid intensities (§1); • If Union funding (not under the control of the Member State) is combined with State aid, only the latter shall be considered for determining whether notification thresholds and maximum aid intensities or maximum aid amounts are respected, provided that 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 (§2); • Exempted aid may be cumulated with any other State aid if different identifiable costs (§3a); • No cumulation of exempted aid with any other aid on the same eligible costs, partly or fully overlapping, if the result would exceed the highest aid intensity/amount applicable to this aid (§3b); • State aid exempted under the GBER shall not be cumulated with any de minimis aid in respect of the same eligible costs if such cumulation would result in an aid intensity exceeding those laid down in Chapter III of the GBER (§5). 	
Article 9 and 11 - Publication and information - Reporting	
<p>Submission summary information to the Commission Publication on internet of national legal basis</p>	
Article 9 – Publication and information	
<ul style="list-style-type: none"> • Publication on a comprehensive State aid website, at national or regional level of the 	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

following (§1):

- a. the summary information (see Article 11) or a link providing access to it;
- b. the full text of each aid measure (see Article 11) or a link providing access to the full text;
- c. the information on each individual aid award exceeding EUR 500 000 (see Annex III).

As regards aid granted to European Territorial Cooperation projects, the information referred to in this paragraph shall be placed on the website of the Member State in which the Managing Authority concerned, as defined in Article 21 of Regulation (EC) No 1299/2013 of the European Parliament and of the Council, is located. Alternatively, the participating Member States may also decide that each of them shall provide the information relating to the aid measures within their territory on the respective websites.

- For schemes in the form of tax advantages, and for schemes covered by Article 16 and 21 (except for SMEs which have not carried out any commercial sale in any market) the conditions set out in paragraph 1(c) of this Article shall be considered fulfilled if Member States publish the required information on individual aid amounts in the following ranges (in EUR million (§2):
 - 0,5-1;
 - 1-2;
 - 2-5;
 - 5-10;
 - 10-30; and
 - 30 and more.
- The information referred to in paragraph 1(c) shall be organised and accessible in a standardised manner, (see Annex III), and shall allow for effective search and download functions. The information referred to in paragraph 1 shall be published within 6 months from the date the aid was granted, or for aid in the form of tax advantage, within 1 year from the date the tax declaration is due, and shall be available for at least 10 years from the date on which the aid was granted (§4).
- Member States shall comply with the provisions of this Article at the latest within two years after the entry into force of this Regulation (i.e. 01/07/2016) (§6).

For definitions on concepts: article 2 (pay attention to the new definition of undertaking in difficulty)

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

Reporting: article 11

Monitoring: article 12

Withdrawal of the benefit of the block exemption: article 10

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

B. Specific conditions for aid for environmental protection

ARTICLE 36 INVESTMENT AID ENABLING UNDERTAKINGS TO GO BEYOND UNION STANDARDS FOR ENVIRONMENTAL PROTECTION OR TO INCREASE THE LEVEL OF ENVIRONMENTAL PROTECTION IN THE ABSENCE OF UNION STANDARDS	COMPLIANCE CHECK (OK?)
<ul style="list-style-type: none">• Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1)• The investment shall fulfil one of the following conditions (§2):<ul style="list-style-type: none">a. The beneficiary increases environmental protection from its activities beyond Union standards, irrespective of more stringent mandatory national standards;b. The beneficiary increases environmental protection from its activities in the absence of Union standards.• Aid shall not be granted where investments are undertaken to ensure that undertakings comply with Union standards already adopted and not yet in force (§3) except (§4):<ul style="list-style-type: none">a. The acquisition of new transport vehicles for road, railway, inland waterway and maritime transport complying with adopted Union standards; the acquisition occurs before those standards enter into force and that, once mandatory, they do not apply to vehicles already purchased before that date.b. Retrofitting of existing transport vehicles for road, railway, inland waterway and maritime transport; the Union standards were not yet in force at the date of entry into operation of those vehicles and that, once mandatory, they do not apply retroactively to those vehicles.• Eligible costs: the extra investment costs necessary to go beyond the applicable Union standards or to increase the level of environmental protection in the absence of Union standards. They shall be determined as follows (§5):<ul style="list-style-type: none">a. where the costs of investing in environmental protection can be identified in the total investment cost as a separate investment, this environmental protection-related cost shall constitute the eligible costs;b. in all other cases, the costs of investing in environmental protection are identified by reference to a similar, less environmentally friendly investment that would have been credibly carried out	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<p>without the aid. The difference between the costs of both investments identifies the environmental protection-related cost and constitutes the eligible costs.</p> <p>The costs not directly linked to the achievement of a higher level of environmental protection shall not be eligible.</p> <ul style="list-style-type: none"> • Aid intensity not to exceed 40 % of the eligible costs (§6). • Bonuses: <ul style="list-style-type: none"> - The aid intensity may be increased by 10 percentage points for medium sized undertakings and by 20 percentage points for small undertakings (§7). - The aid intensity may be increased by 15 percentage points for investments located in areas under Article 107(3)(a) TFEU and by 5 percentage points for investments located in areas under Article 107(3)(c) TFEU (§8). 	
---	--

ARTICLE 37 INVESTMENT AID FOR EARLY ADAPTATION TO FUTURE UNION STANDARDS	COMPLIANCE CHECK (OK?)
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1) • The Union standards shall have been adopted and the investment shall be implemented and finalised at least one year before the date of entry into force of the standard concerned (§2). • Eligible costs: the extra investment costs necessary to go beyond the applicable Union standards. They shall be determined as follows (§3): <ul style="list-style-type: none"> a. where the costs of investing in environmental protection can be identified in the total investment cost as a separate investment, this environmental protection-related cost shall constitute the eligible costs; b. in all other cases, the costs of investing in environmental protection are identified by reference to a similar, less environmentally friendly investment that would have been credibly carried out without the aid. The difference between the costs of both investments identifies the environmental protection-related cost and constitutes the eligible costs. The costs not directly linked to the achievement of a higher level of environmental protection shall not be eligible. • Aid intensity not to exceed (§4): <ul style="list-style-type: none"> a. 20 % of the eligible costs for small undertakings, 15 % of the eligible costs for medium-sized undertakings and 10 % of the eligible costs for large undertakings if the implementation and 	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<p>finalisation of the investment take place more than three years before the date of entry into force of the new Union standard;</p> <p>b. 15 % of the eligible costs for small undertakings, 10 % of the eligible costs for medium-sized undertakings and 5 % of the eligible costs for large undertakings if the implementation and finalisation of the investment take place between one and three years before the date of entry into force of the new Union standard.</p> <ul style="list-style-type: none"> • Bonuses: The aid intensity may be increased by 15 percentage points for investments in areas under Article 107(3)(a) TFEU and by 5 percentage points for investments in areas under Article 107(3)(c) TFEU (§5). 	
---	--

<p>ARTICLE 38 INVESTMENT AID FOR ENERGY EFFICIENCY MEASURES</p>	<p>COMPLIANCE CHECK (OK?)</p>
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1) • Aid shall not be granted under this Article where improvements are undertaken to ensure that undertakings comply with Union standards already adopted, even if they are not yet in force (§2). • The eligible costs shall be the extra investment costs necessary to achieve the higher level of energy efficiency. They shall be determined as follows (§3): <ul style="list-style-type: none"> a. where the costs of investing in energy efficiency can be identified in the total investment cost as a separate investment, this energy efficiency-related cost shall constitute the eligible costs; b. in all other cases, the costs of investing in energy efficiency are identified by reference to a similar, less energy efficient investment that would have been credibly carried out without the aid. The difference between the costs of both investments identifies the energy efficiency-related cost and constitutes the eligible costs. • The costs not directly linked to the achievement of a higher level of energy efficiency shall not be eligible. • Aid intensity not to exceed 30 % of the eligible costs (§4). • Bonuses: <ul style="list-style-type: none"> - The aid intensity may be increased by 20 percentage points for aid granted to small undertakings and by 10 percentage points for aid granted to medium-sized undertakings (§5). - The aid intensity may be increased by 15 percentage points for investments located in areas 	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

under Article 107(3)(a) TFEU and by 5 percentage points for investments located in areas under Article 107(3)(c) TFEU (§6).	
---	--

ARTICLE 39 INVESTMENT AID FOR ENERGY EFFICIENCY PROJECTS IN BUILDINGS	COMPLIANCE CHECK (OK?)
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1) • Eligible for aid are energy efficiency projects relating to buildings (§2). • Eligible costs: the overall costs of the energy efficiency project (§3). • Forms of aid to energy efficiency fund: endowment, equity, a guarantee or loan to an energy efficiency fund or other financial intermediary, which shall fully pass it on to the final beneficiaries being the building owners or tenants (§4). • Forms of aid to end projects: Aid granted by the energy efficiency fund or other financial intermediary to the eligible projects may take the form of loans or guarantees; The nominal value of the loan or the amount guaranteed not to exceed EUR 10 million per project at the level of the final beneficiaries. The guarantee not to exceed 80 % of the underlying loan (§5). • The repayment by the building owners to the energy efficiency fund or other financial intermediary shall not be less than the nominal value of the loan (§6). • The energy efficiency aid shall leverage additional investment from private investors reaching at minimum 30 % of the total financing provided to an energy efficiency project. When the aid is provided by an energy efficiency fund, the leverage of private investment can be done at the level of the energy efficiency fund and/or at the level of the energy efficiency projects, so as to achieve an aggregate minimum 30 % of the total financing provided to an energy efficiency project (§7). • Member States can set up energy efficiency funds and/or can use financial intermediaries when providing energy efficiency aid. Conditions to be fulfilled (§8): <ol style="list-style-type: none"> a. Managers selected through an open, transparent and non-discriminatory call in accordance with applicable Union and national laws. No discrimination on the basis of their place of establishment or incorporation in any Member State. Managers may be required to fulfil predefined criteria objectively justified by the nature of the investments; b. Independent private investors selected through an open, transparent and non-discriminatory call in accordance with applicable Union and national laws aimed at establishing the appropriate risk- 	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<p>reward sharing arrangements whereby, for investments other than guarantees, asymmetric profit-sharing shall be given preference over downside protection. If the private investors are not selected by such a call, the fair rate of return to the private investors shall be established by an independent expert selected via an open, transparent and non-discriminatory call;</p> <ul style="list-style-type: none">c. Asymmetric loss-sharing between public and private investors; the first loss assumed by the public investor capped at 25 % of the total investment;d. Guarantees; guarantee rate limited to 80 % and total losses assumed by a Member State capped at 25 % of the underlying guaranteed portfolio. Only guarantees covering the expected losses of the underlying guaranteed portfolio can be provided for free. If a guarantee also comprises coverage of unexpected losses, the financial intermediary shall pay, for the part of the guarantee covering unexpected losses, a market conform guarantee premium;e. Investors allowed to be represented in the governance bodies of the energy efficiency fund or financial intermediary;f. Energy efficiency fund or financial intermediary established according to the applicable laws and the Member State provides for a due diligence process in order to ensure a commercially sound investment strategy for the purpose of implementing the energy efficiency aid measure. <ul style="list-style-type: none">• Financial intermediaries, including energy efficiency funds shall be managed on a commercial basis and shall ensure profit-driven financing decisions provided that the financial intermediary and, as the case may be, the managers of the energy efficiency fund fulfil the following conditions (§9):<ul style="list-style-type: none">a. obliged by law or contract to act with the diligence of a professional manager in good faith and avoiding conflicts of interest; best practices and regulatory supervision shall apply;b. their remuneration conforms with market practices. This requirement is met where the manager is selected through an open, transparent and non-discriminatory call; objective criteria linked to experience, expertise and operational and financial capacity;c. their remuneration is linked to performance, or shares part of the investment risks by co-investing own resources so as to ensure that their interests are permanently aligned with the interests of the public investor;d. they set out an investment strategy, criteria and the proposed timing of investments in energy efficiency projects, establishing the <i>ex-ante</i> financial viability and their expected impact on energy efficiency.e. existence of a clear and realistic exit strategy for the public funds invested in the energy efficiency fund or granted to the financial intermediary, allowing the market to finance energy	
--	--

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<p>efficiency projects when the market is ready to do so.</p> <ul style="list-style-type: none"> • Energy efficiency improvements undertaken to ensure that the beneficiary complies with Union standards which have already been adopted not to be exempted from the notification requirement under this Article (§10). 	
---	--

<p style="text-align: center;">ARTICLE 40 INVESTMENT AID FOR HIGH-EFFICIENCY COGENERATION</p>	<p style="text-align: center;">COMPLIANCE CHECK (OK?)</p>
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1) • Investment aid granted in respect of newly installed or refurbished capacities only (§2). • The new cogeneration unit provides overall primary energy savings compared to separate production of heat and electricity (Directive 2012/27/EU). The improvement of an existing cogeneration unit or conversion of an existing power generation unit into a cogeneration unit shall result in primary energy savings compared to the original situation (§3). • Eligible costs: the extra investment costs for the equipment needed for the installation to operate as a high-efficiency cogeneration installation, compared to conventional electricity or heating installations of the same capacity or the extra investment cost to upgrade to a higher efficiency when an existing installation already meets the high efficiency threshold (§4). • Aid intensity not to exceed 45 % of the eligible costs. It may be increased by 20 percentage points for aid granted to small undertakings and by 10 percentage points for aid granted to medium-sized undertakings (§5). • Bonus: Aid intensity may be increased by 15 percentage points for investments located in areas under Article 107(3)(a) TFEU and by 5 percentage points for investments located in areas under Article 107(3)(c) TFEU (§6). 	

<p style="text-align: center;">ARTICLE 41 INVESTMENT AID FOR THE PROMOTION OF ENERGY FROM RENWEABLE SOURCES</p>	<p style="text-align: center;">COMPLIANCE CHECK (OK?)</p>
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1) • Aid for production of biofuels: exempted from notification only to the extent that the aided investments are used for the production of sustainable biofuels other than food-based biofuels. 	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

However, investment aid to convert existing food-based biofuel plants into advanced biofuel plants to be exempted if the food-based production would be reduced commensurate to the new capacity (§2).

- Aid **not** to be granted for biofuels which are subject to a **supply or blending obligation** (§3).
 - No aid for **hydropower installations** that do not comply with Directive 2000/60/EC (§4).
 - Aid granted to **new installations only**. No aid granted or paid out after the installation started operations and aid is independent from the output (§5).
 - **Eligible costs**: extra investment costs necessary to promote the production of energy from renewable sources. To be determined as follows (§6):
 - a. The costs of investing in the production of energy from renewable sources can be identified in the total investment cost as a separate investment (e.g. a readily identifiable add-on component to a pre-existing facility, this renewable energy-related cost shall constitute the eligible costs)
 - b. The costs of investing in the production of energy from renewable sources can be identified by reference to a similar, less environmentally friendly investment that would have been credibly carried out without the aid, this difference between the costs of both investments identifies the renewable energy-related cost and constitutes the eligible costs;
 - c. for certain small installations where a less environmentally friendly investment cannot be established as plants of a limited size do not exist, the total investment costs to achieve a higher level of environmental protection shall constitute the eligible costs.
- Not eligible**: costs not directly linked to the achievement of a higher level of environmental protection.
- **Aid intensity not** to exceed (§7):
 - a. 45 % of the eligible costs (based on point (6)(a) or point (6)(b));
 - b. 30 % of the eligible cost (based on point (6)(c)).
 - **Bonus**:
 - The aid intensity may be increased by 20 percentage points for small undertakings and by 10 percentage points for medium-sized undertakings (§8).
 - The aid intensity may be increased by 15 percentage points for investments located in areas under Article 107(3)(a) TFEU and by 5 percentage points for investments located in areas under Article 107(3)(c) TFEU (§9).
 - Aid granted in a **competitive bidding process** based on clear, transparent and non-discriminatory criteria; aid intensity may reach 100 % of the eligible costs. Bidding process is non-discriminatory and provides for the participation of all interested undertakings. The budget related to the bidding process

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

is a binding constraint (not all participants can receive aid and the aid is granted on the basis of the initial bid submitted by the bidder, therefore excluding subsequent negotiations) (§10).	
---	--

ARTICLE 42 OPERATING AID FOR THE PROMOTION OF ELECTRICITY FROM RENEWABLE SOURCES	COMPLIANCE CHECK (OK?)
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1) • Aid is granted in a competitive bidding process based on clear, transparent and non-discriminatory criteria open to all generators producing electricity from renewable energy sources on a non-discriminatory basis (§2). • The bidding process can be limited to specific technologies where a process open to all generators would lead to a suboptimal result which cannot be addressed in the process design in view of in particular (§3): <ul style="list-style-type: none"> i. the longer-term potential of a given new and innovative technology; or ii. the need to achieve diversification; or iii. network constraints and grid stability; or iv. system (integration) costs; or v. the need to avoid distortions on the raw material markets from biomass support Member States carry out a detailed assessment of the applicability of such conditions and report it to the Commission (according to Article 11 (a)). • Aid is granted to new and innovative renewable energy technologies in a competitive bidding process open to at least one such technology on the basis of clear, transparent and non-discriminatory criteria. Aid not to be granted for more than 5 % of the planned new electricity capacity from renewable energy sources per year in total (§4). • Aid is granted as a premium in addition to the market price whereby the generators sell their electricity directly in the market (§5). • Beneficiaries are subject to standard balancing responsibilities. Beneficiaries may outsource balancing responsibilities to other undertakings on their behalf, such as aggregators (§6). • Aid not to be granted when prices are negative (§7). • Aid may be granted in the absence of a competitive bidding process as described in paragraph 2 to installations with an installed electricity capacity of less than 1 MW (all renewable sources except for 	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<p>wind energy, where installations have an installed electricity capacity of less than 6 MW or they have less than 6 generation units. Without prejudice to paragraph 9, when aid is granted in the absence of a competitive bidding process, the conditions under paragraphs 5, 6 and 7 shall be respected. In addition, when aid is granted in the absence of a competitive bidding process, the conditions under Article 43 paragraphs 5, 6 and 7 shall be applicable (§8).</p> <ul style="list-style-type: none"> • The conditions under paragraphs 5, 6 and 7 shall not apply to operating aid granted to installations with an installed electricity capacity of less than 500 kW (all renewable sources except for wind energy, where installations have an installed electricity capacity of less than 3 MW or they have less than 3 generation units) (§9). • Calculation of the maximum capacities referred to in paragraphs 8 and 9: installations with a common connection point to the electricity grid to be considered as one installation (§10). • Aid is granted until the plant has been fully depreciated (generally accepted accounting principles). Any investment aid previously received must be deducted from the operating aid (§11) 	
--	--

<p style="text-align: center;">ARTICLE 43 OPERATING AID FOR THE PROMOTION OF ELECTRICITY FROM RENEWABLE SOURCES IN SMALL SCALE INSTALLATIONS</p>	<p style="text-align: center;">COMPLIANCE CHECK (OK?)</p>
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1) • Aid only to installations with an installed capacity of less than 500 kW (all renewable sources except for wind energy, where installations have an installed capacity of less than 3 MW or they have less than 3 generation units and for biofuels, where installations have an installed capacity of less than 50 000 tonnes/year. Calculation of maximum capacities: small scale installations with a common connection point to the electricity grid to be considered as one installation (§2). • Aid granted only to installations producing sustainable biofuels other than food-based biofuels. However, operating aid to plants producing food-based biofuels that have started operation before 31 December 2013 and are not yet fully depreciated shall be exempted under this Article but in any event no later than 2020 (§3). • No aid for biofuels which are subject to a supply or blending obligation (§4). • The aid per unit of energy not to exceed the difference between the total levelized costs of producing energy from the renewable source in question and the market price of the form of energy concerned. 	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<p>The levelized costs shall be updated regularly and at least every year (§5).</p> <ul style="list-style-type: none"> • The maximum rate of return used in the levelized cost calculation shall not exceed the relevant swap rate plus a premium of 100 basis points. The relevant swap rate shall be the swap rate of the currency in which the aid is granted for a maturity that reflects the depreciation period of the installations supported (§6). • Aid is granted until the installation has been fully depreciated (generally accepted accounting principles). Any investment aid granted to an installation shall be deducted from the operating aid (§7). 	
<p style="text-align: center;">ARTICLE 44 AID IN THE FORM OF REDUCTIONS IN ENVIRONMENTAL TAXES UNDER DIRECTIVE 2003/96/EC</p>	<p style="text-align: center;">COMPLIANCE CHECK (OK?)</p>
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1) • The beneficiaries of the tax reduction shall be selected on the basis of transparent and objective criteria and shall pay at least the respective minimum level of taxation set by Directive 2003/96/EC (§2). • Form of aid: Aid schemes in the form of tax reductions shall be based on a reduction of the applicable environmental tax rate or on the payment of a fixed compensation amount or on a combination of these mechanisms (§3). • No aid for biofuels which are subject to a supply or blending obligation (§4). 	
<p style="text-align: center;">ARTICLE 45 INVESTMENT AID FOR REMEDIATION OF CONTAMINATED SITES</p>	<p style="text-align: center;">COMPLIANCE CHECK (OK?)</p>
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1) • The investment shall lead to the repair of the environmental damage, including damage to the quality of the soil or of surface water or groundwater (§2). • Polluter pays principle: Where the legal or physical person liable for the environmental damage under the law applicable in each Member State without prejudice to the Union rules in this matter is identified, that person must finance the remediation in accordance with the ‘polluter pays’ principle, and no State aid shall be granted. Where the person liable under the applicable law is not identified or cannot be made to bear the costs, the person responsible for the remediation or decontamination work 	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<p>may receive State aid (§3).</p> <ul style="list-style-type: none"> • Eligible costs: the costs incurred for the remediation work, less the increase in the value of the land. All expenditure incurred by an undertaking in remediating its site, whether or not such expenditure can be shown as a fixed asset on its balance sheet, may be considered as eligible investment in the case of the remediation of contaminated sites (§4). • Evaluations of the increase in value of the land resulting from remediation shall be carried out by an independent expert (§5). • Aid intensity not to exceed 100 % of the eligible costs (§6). 	
--	--

<p style="text-align: center;">ARTICLE 46 INVESTMENT AID FOR EFFICIENT DISTRICT HEATING AND COOLING</p>	<p style="text-align: center;">COMPLIANCE CHECK (OK?)</p>
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1) • Eligible costs for the production plant: the extra costs needed for the construction, expansion and refurbishment of one or more generation units to operate as an energy efficient district heating and cooling system compared to a conventional production plant. The investment shall be an integral part of the energy efficient district heating and cooling system (§2). • Aid intensity for the production plant not to exceed 45 % of the eligible costs. The aid intensity may be increased by 20 percentage points for small undertakings and by 10 percentage points for medium-sized undertakings (§3). • Bonus: The aid intensity for the production plant may be increased by 15 percentage points for investments located in areas under Article 107(3)(a) TFEU and by 5 percentage points for investments located in areas under Article 107(3)(c) TFEU (§4). • Eligible costs for the distribution network: the investment costs (§5). • The aid amount for the distribution network not to exceed the difference between the eligible costs and the operating profit. The operating profit to be deducted from the eligible costs <i>ex ante</i> or through a claw-back mechanism (§6). 	

<p style="text-align: center;">ARTICLE 47 INVESTMENT AID FOR WASTE RECYCLING AND RE-UTILISATION</p>	<p style="text-align: center;">COMPLIANCE CHECK (OK?)</p>
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this 	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<p>Article apply (§1)</p> <ul style="list-style-type: none"> • Eligible investments: <ul style="list-style-type: none"> • The investment aid granted for the recycling and re-utilisation of waste generated by other undertakings (§2)The recycled or re-used materials treated would otherwise be disposed of, or be treated in a less environmentally friendly manner. Aid to waste recovery operations other than recycling not to be block exempted under this Article (§3). • Aid for investments relating to the recycling and re-utilisation of the beneficiary's own waste shall not be exempt from the notification requirement under this Article (§10). • Polluter pays principle: The aid shall not indirectly relieve the polluters from a burden that should be borne by them under Union law, or from a burden that should be considered a normal company cost (§4). • The investment shall not merely increase demand for the materials to be recycled without increasing collection of those materials (§5). • The investment shall go beyond the state of the art (§6). • Eligible costs: the extra investment costs necessary to realise an investment leading to better or more efficient recycling or re-use activities compared to a conventional process of re-use and recycling activities with the same capacity that would be constructed in the absence the aid (§7). • Aid intensity not to exceed 35 % of the eligible costs. The aid intensity may be increased by 20 percentage for small undertakings and by 10 percentage points for medium-sized undertakings (§8). • Bonus: The aid intensity may be increased by 15 percentage points for investments located in areas under Article 107(3)(a) TFEU and by 5 percentage points for investments located in areas under Article 107(3)(c) TFEU (§9). • 	
---	--

ARTICLE 48 INVESTMENT AID FOR ENERGY INFRASTRUCTURE	COMPLIANCE CHECK (OK?)
<ul style="list-style-type: none"> • Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1) • Aid granted for energy infrastructure located in assisted areas (§2). • The energy infrastructure shall be subject to full tariff and access regulation according to internal energy market legislation (§3). 	

DISCLAIMER

The present checklist is not an official document of the European Commission. While it may constitute a useful complementary tool for the application of the Commission Regulation No 651/2014 of 17 June 2014 (the GBER), it does not replace this Regulation and full compliance with the latter's provisions remains the only way to benefit from the exemption from notification that it provides.

<ul style="list-style-type: none">• Eligible costs: the investment costs (§4).• The aid amount not to exceed the difference between the eligible costs and the operating profit of the investment. The operating profit to be deducted from the eligible costs <i>ex ante</i> or through a claw-back mechanism (§5).• Aid for investments in electricity and gas storage projects and oil infrastructure not to be exempt from the notification requirement under this Article (§6).	
---	--

ARTICLE 49 AID FOR ENVIRONMENTAL STUDIES (INCLUDING ENERGY AUDITS)	COMPLIANCE CHECK (OK?)
<ul style="list-style-type: none">• Compatible and exempted from notification if General compatibility conditions and conditions of this Article apply (§1)• Eligible costs: the costs of the studies (including energy audits) directly linked to investments referred to Section 7 of the GBER (§2).• Aid intensity not to exceed 50 % of the eligible costs (§3) .• Bonus: The aid intensity may be increased by 20 percentage points for studies undertaken on behalf of small enterprises and by 10 percentage points for studies undertaken on behalf of medium size enterprises (§4).• No aid to large undertakings for energy audits carried out under Article 8(4) of the Directive 2012/27/EU, unless the energy audit is carried out in addition to the mandatory energy audit under that Directive (§5).	