

Dear Sirs,

Please find below our comment to the consultation document for the reviewed GBER.

In the current GBER (No 651/2017) under the point 26 there is a clear text regarding the funds that are managed by EU directly:

(26) Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the Union, that is not directly or indirectly under the control of Member States, **does not constitute State aid**. Where such Union funding is combined with State aid, only the latter should be considered for determining whether notification thresholds and maximum aid intensities are respected, provided 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 suggest that the same text is used in the revised GBER for the nationally funded part of projects that are selected on the EU level or in case of seal of excellence.

Therefore we suggest that the measures described under points (4) and (5) in the Consultation document:

(4) Research and development projects awarded with a Seal of Excellence quality label following an evaluation and ranking carried out by independent experts, which are deemed excellent and worthy of receiving public funding but cannot be funded under the Horizon Framework Programme due to lack of available budget, may be supported by national resources including resources from the European Structural and Investment Funds for the 2014-2020 period, and from the European Regional Development Fund and the European Social Fund+ for the 2021-2027 period. As these projects are carried out by small and medium enterprises do not cover activities which are very close to the market and receive limited amounts of public funding, the national resources dedicated to their support should be considered compatible with the internal market and be exempted from the notification requirement under certain conditions. In addition, conditions already assessed at Union level prior to the awarding of the Seal of Excellence label should not be required to be assessed again. The profit or non-profit character of the entities carrying out the projects should not be relevant as regards the effect on competition in the internal market. Grants provided to researchers under the ERC Proof of Concept and under the Marie Skłodowska-Curie actions (MSCA) that qualify as economic activities should also be considered compatible with the internal market when they benefit from a Seal of Excellence quality label.

(5) Combined public funding of national and Union centrally managed resources provided to research and development projects selected at Union level under the Horizon Framework Programme co-fund instrument, following transnational calls where at least three member States participate, can contribute to improving the European research and development competitiveness. As these projects are evaluated and selected by independent experts, meet objectives of common European interest and address well-defined market failures, the financial contributions made by Member States including resources from the European Structural and Investment Funds for the 2014-2020 period, and from the European Regional Development Fund and the European Social Fund+ for the 2021-2027 period, to the co-fund instrument should be considered compatible with the internal market and exempted from the notification requirement under certain conditions. In addition, conditions already assessed at co-fund instrument level prior to a project's selection should not be required to be assessed again.

are rephrased in a way that it is clear that they do not constitute State aid, as they are selected at the Union level.

Sincerely yours,

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