

Berlin, 30 June 2022

Communication from the Government of the Federal Republic of Germany to the European Commission

Subject: HT.2807 – Services of general economic interest: Reporting pursuant to the SGEI Decision of 2012 and the SGEI Framework of 2012; specifically: Report of the Federal Republic of Germany for 2020 and 2021

Concerns: European Commission letter of 26 November 2021.

On the basis of the information made available to it by the German authorities, the Federal Government hereby submits its report for 2020 and 2021 pursuant to Article 9 of the SGEI Decision of 2012 and paragraph 62 of the SGEI Framework of 2012.

Reflecting the Federal Republic of Germany's federal structure, aid measures granted by the federal states and the municipalities can be found in **Annexes 6-37**, while this communication describes in detail the social housing sector (see Section II(2)(d) below).

With the exception of the section 'Social housing' and the federal programme 'opportunity.nature – Federal Funding for Nature Conservation' ('*chance.natur – Bundesförderung Naturschutz*') (see Section II(2)(g)(cc)(4) and Section III below), the following information concerns the Federal Government exclusively.

I. Expenditure overview

According to the available information, aid totalling around EUR 215.086 million (EUR 2 163.196 million when taking the social housing sector at Federal Government, federal state and municipal level into consideration) was granted in 2020, and aid totalling around EUR 229 654 million (EUR 2 010.784 million, when taking the social housing sector at Federal Government, federal state and municipal level into consideration) was granted in 2021.

According to the available information, aid of around EUR 7.20 million and around EUR 5.89 million was granted in 2020 and 2021 respectively under the SGEI Framework.

For more information, please refer to **Annex 1** (Excel table: 'Total contributions by the Federal Government' ('*Gesamtbeiträge des Bundes*')).

II. Application of the 2012 SGEI Decision

1) Hospitals providing medical care, including emergency services (Article 2(1)(a)[sic])

In this connection, please see Section 2(a) below (the 'Fair Recruitment Healthcare funding programme' ('*Förderprogramm Faire Anwerbung Pflege*')) and the Innovation Fund for promoting new forms of healthcare ('*Innovationsfonds zur Förderung von neuen Versorgungsformen*')), which also covers services under Article 2(1)(a)[sic] of the SGEI Decision. According to the information available, no other aid was granted in this sector at Federal Government level on the basis of the SGEI Decision.

2) Social services (Article 2(1)(c))

(a) Health and long-term care

(1) **The Fair Recruitment Healthcare funding programme** ('*Förderprogramm Faire Anwerbung Pflege*') (Federal Ministry of Health (*Bundesministerium für Gesundheit*, BMG))

Content of the services of general economic interest

Medical and healthcare facilities must employ, among other things, a sufficient number of healthcare workers to fulfil their mandate to provide care. Due to the shortage of healthcare workers in Germany, it is necessary in certain cases to recruit professionals from third countries.

Under certain conditions, the 'Fair Recruitment Healthcare Germany' funding programme supports facilities with a care mandate that are unable to fill vacancies in Germany by providing funding (a grant) to help them recruit healthcare workers from far-away third countries. Recruitment must take place in third countries located at least 3 500 kilometres away, as these countries are expected to have high population growth and a surplus of trained healthcare workers. In addition, the new Federal Government seal of approval for foreign recruitment must be awarded and adhered to, and an accelerated procedure must be selected.

The conditions of the Funding Guidelines ensure that overseas recruitments meet internationally high ethical standards and are therefore quality assured and efficient. The funding programme has initially been allocated budgetary funds for the year 2021 only.

Employers are eligible to apply in their capacity as operators of facilities that have a mandate to provide medical or nursing care on the basis of social legislation. At the same time, qualified healthcare workers must be employed so that the facility can fulfil its respective care mandate. Under care insurance law, this applies to licensed outpatient nursing and care services within the meaning of Section 71(1) and (1a) of Volume 11 of the German Social Code (SGB XI), and to the inpatient sector for long-

term care, short-term care and day care facilities within the meaning of Section 71(2) SGB XI.

<https://www.faire-pflege-deutschland.de/foerderprogramm>

Forms of entrustment

Jülich Research Centre (*Forschungszentrum Jülich*, FZJ), and specifically Project Management Jülich (*Projekträger Jülich*, PtJ) was entrusted with implementing the funding programme. PtJ is the appointed funding authority and pays the funds to eligible applicants. Under the Annex to the Funding Guidelines, the application constitutes a declaration to use the SGEI Exemption Decision as the legal basis. Thus, grant recipients are obliged to observe the requirements.

Duration of the entrustment

FZJ/PtJ is entrusted to implement the funding programme from 2021 to 2022. The entrustment may be extended for up to 3 years, but no decision in this regard has been taken yet.

Exclusive or special rights

Not relevant

Aid instruments

The funded institutions (project funding) receive grants (fixed amount financing) in fixed instalments.

Compensation mechanism

The SGEI compensation payments for the overseas recruitment of healthcare workers are awarded as project funding by means of a grant in the form of fixed amount financing. The grant notices are drawn up accordingly and the instalments are paid in tranches to which particular conditions are attached. Expenses that are eligible for funding are defined in the Funding Guidelines. Supporting documents for all expenses actually incurred for the provision of SGEIs are to be submitted upon request. This ensures that the funding made available is in fact used exclusively to provide the SGEIs or to achieve the defined targets.

The cost allocation methodology was used as a basis.

Arrangements for avoiding and repaying any overcompensation

The project manager's grant notice informs applicants regarding their obligations to submit reports and proof, as well as regarding how to access the following instalments of the grants:

- EUR 3 000 per healthcare worker where the grant requirements (set out in points 4.1. – 4.3. of the Funding Announcement) are fulfilled. EUR 2 000 must be repaid if the healthcare worker does not come to Germany while the visa is valid.

- An additional EUR 1 500 when the healthcare worker arrives in Germany.
- An additional EUR 1 500 upon the issuing of the permit to use the professional title and engagement in a permanent employment relationship as a healthcare worker.

Account must be taken of the requirements of the SGEI Decision. All eligible expenses actually incurred must be substantiated upon request to the funding authority by means of supporting documents. The correctness, reasonableness and appropriate use of the compensation payments are examined in detail when the interim or full statements of expenditure that must be submitted are checked.

Transparency requirements

No grant exceeding EUR 15 million was awarded.

Amount of aid granted

The aid granted at national level amounted to around EUR 4.683 million in 2021.

Additional quantitative information

2021: 66 hospitals, 49 health services/long term care

(2) Innovation fund for promoting new forms of healthcare ('*Innovationsfonds zur Förderung von neuen Versorgungsformen*') (Federal Ministry of Health)

Content of the services of general economic interest

The material provisions of the Act strengthening the provision of healthcare in the statutory health insurance sector (*Gesetz zur Stärkung der Versorgung in der gesetzlichen Krankenversicherung, GKV-Versorgungsstärkungsgesetz*) entered into force on 23 July 2015. The goal of this Act is to ensure that high-quality medical care will continue to be easily accessible for patients in the future. One of the measures implemented to achieve this goal was the creation of the Innovation Fund. The Innovation Fund is intended to fund projects that break new ground in the field of healthcare provision, thereby further raising the quality of healthcare provision in Germany's statutory health insurance sector.

The Act strengthening the provision of healthcare in the statutory health insurance sector tasks the Federal Joint Committee (*Gemeinsamer Bundesausschuss, G-BA*) with promoting new forms of healthcare provision that go beyond the previous customary provision and funding research projects in the healthcare provision sector aimed at gaining new knowledge that improves the existing healthcare provision in the statutory health insurance sector (Section 92a(1) and (2) of Volume V of the Social Code (*Sozialgesetzbuch, SGB*)).

The Digital Healthcare Act (*Digitale-Versorgung-Gesetz, DVG*) extended the funding through the Innovation Fund beyond 2019 until the end of 2024 and established a two-stage funding procedure (consisting of a planning phase and an implementation phase) for the funding of new forms of healthcare.

The Federal Joint Committee has established an Innovation Committee to discharge this obligation (Section 92b(1) sentence 1 of Volume V of the Social Code). The Innovation Committee publishes funding announcements that specify the priorities and criteria for the funding of projects that involve new forms of healthcare provision (Section 92a(1) of Volume V of the Social Code) and research into healthcare provision (Section 92a(2) of Volume V of the Social Code). The Innovation Committee furthermore takes decisions on the funding applications it receives (Section 92b(2) sentences 1 and 2 of Volume V of the Social Code).

During the period between 2020 and 2024, funding worth EUR 200 million was available each year; of this sum, EUR 160 million was earmarked for the funding of new forms of healthcare provision. The burden of funding is shared on a 50/50 basis between the Central Health Fund (*Gesundheitsfonds*) (liquidity reserve) and the health insurance funds participating in the risk adjustment scheme (Section 92a(4) sentence 1 of Volume V of the Social Code). The Federal Office for Social Insurance (*Bundesamt für Soziale Sicherung*) collects and manages the funding and pays it out on the basis of the Innovation Committee's decisions (Section 92a(4) sentence 2 of Volume V of the Social Code).

Funding measures (with regard to entrustment acts) commenced in 2016 with the publication of funding announcements, the Innovation Committee's decisions and project-related notifications. The projects funded by the Innovation Committee in the field of new forms of healthcare make a contribution to the further development of healthcare under statutory health insurance. These projects are aimed at improving cross-sectoral healthcare provision pursuant to Section 92a(1) sentence 2 of Volume V of the Social Code. Funding is granted subject to the proviso that scientific supervision and evaluation measures are put in place with a view to the long-term adoption of the relevant form of healthcare provision (Section 92a(1) sentence 3 of Volume V of the Social Code).

It can be assumed that the statutory health insurance funds and service providers, as well as any other participants involved in a project funded by the Innovation Committee in the field of new forms of healthcare provision, will not provide the relevant resources for the further development of healthcare provision in the statutory health insurance sector without funding, or will not do so to the same extent. The projects therefore meet the requirements according to which State aid granted in the form of compensation for the provision of SGEIs is exempted from notification.

Forms of entrustment

The projects are entrusted by means of a funding notice (see **Annex 2** for a template). In the event that portions of the funding are transferred onwards, the correspondingly marked binding ancillary conditions apply equally to all consortium partners (last beneficiaries). In addition, a transfer agreement under private law must be concluded between the consortium leader (first beneficiary) and each consortium partner, according to which the funding notice also applies on a binding basis to the consortium

partner (see **Annex 3**). All beneficiaries are accordingly entrusted with the provision of SGEIs by means of the funding notice.

Duration of the entrustment

The duration of the entrustment (= project term) consists of a 6-month planning phase and an implementation phase (the actual project term) which normally lasts 3 years. The durations may differ on the basis of the relevant project application. The maximum duration of an entrustment is 4 years in principle (Section 92a(3) sentence 7 of Volume V of the Social Code).

Exclusive or special rights

Not relevant

Aid instruments

The Innovation Fund grants subsidies (which are normally non-repayable) on an expenditure basis as part of project funding. Depending on the nature of the project, a distinction can be made (in accordance with the General Ancillary Conditions for Grants under the Innovation Fund (*Allgemeinen Nebenbestimmungen zum Innovationsfonds*, ANBest-IF)) between partial, fixed or shortfall financing and full financing.

Compensation mechanism

When submitting an application, the beneficiary must summarise in a financing plan all expenditure exclusively related to the proposed project. The beneficiary must prove that all the human and material resources requested are necessary and that the amounts requested are reasonable. Profits are generally excluded from eligibility for funding. Similarly, the financing plan must contain revenue and resources of third parties that the entrusted undertaking expects to receive for the duration of the SGEI to be provided. If revenue and funds from third parties in excess of the financing plan are earned over the period during which the SGEIs are provided, they will reduce the amount of funding to be granted.

The examination of the application under funding law incorporates the examination of all expenditure under the headings of the financing plan in terms of earmarking, economy and cost-effectiveness. Likewise, it must be determined whether it is necessary to carry out the project tasks and whether the tasks are reasonable. Furthermore, compliance with the binding ancillary provisions of the funding notice as well as the General Ancillary Conditions for Grants under the Innovation Fund, which are also binding, must be examined later in the course of the project. The same conditions apply to the funding in the context of drawing up plans. However, the incurred expenses are substantiated and checked only when the use-of-funds reports are submitted.

The compensation mechanism is implemented by granting the beneficiary funding up to the maximum amount of the individual eligible headings. Throughout the term and after the end of the term, the beneficiary must submit interim or complete statements

of expenditure that provide information on the expenses actually incurred under each heading.

The cost allocation method is used as a basis.

Arrangements for avoiding and repaying any overcompensation

A core element of the process under funding law before the undertaking is entrusted is the examination of each individual expenditure heading to determine whether it is necessary for the success of the project and whether it is appropriate and cost-effective. If one of these criteria is not fulfilled, the heading will be reduced or cancelled. Once approved, the funds granted may only be drawn down by the entrusted undertaking in accordance with the General Ancillary Conditions for Grants under the Innovation Fund, as required and at defined intervals. The undertaking must set up and manage a separate project account for the compensation payments. Furthermore, all expenses actually incurred must be proven to the funding authority by means of supporting documents and timekeeping records. The correctness, reasonableness and appropriate use of the compensation payments are examined in detail when the interim or full statements of expenditure that must be submitted are checked. This serves as a safeguard against overcompensation. If any overcompensation is identified during these checks, application of the General Ancillary Conditions for Grants under the Innovation Fund results in the offsetting of the corrected amounts or a recovery.

This ensures that the payment of compensation is continuously monitored and any overcompensation is prevented during the examination of the application, or is reclaimed during or after the end of the project term. In addition, provisions have been adopted concerning the investments made to fulfil the funding objective. For example, the investments made must be sold by the beneficiary after the expiry of the funding period and the funding authority must participate in the proceeds, or the residual value of the investments made must be settled.

Transparency requirements

To date, no funding exceeding EUR 15 million for a single project has been awarded to any beneficiary. It is also unlikely that a single undertaking will receive compensation for an SGEI that exceeds this threshold in the future. Should this nevertheless occur, the Office of the Innovation Committee will provide the relevant information via a website.

Amount of aid granted

The aid granted at national level amounted to around EUR 118.32 million in 2020, and around EUR 111.53 million in 2021.

Share of expenditure per aid instrument

The funding was granted as a subsidy within the framework of full financing.

Additional quantitative information

In 2020, a variety of SGEIs were provided under a total of 139 projects within the framework of the Innovation Committee's funding programme relating to new forms of healthcare provision. On the basis of funding notices, 137 undertakings were entrusted as first beneficiaries and a further 811 undertakings were entrusted as last beneficiaries (total: 948 first and last beneficiaries). Not all of these undertakings drew down funding in 2020. A total of 126 first beneficiaries and 719 last beneficiaries did so under 128 projects.

It is not possible to specify an average aid amount. The funding amount per project and per first and last beneficiary covers too large a range (from EUR 1 400.00 to EUR 10 263 829.39).

Similarly, it is not possible to specify an average size of undertaking. The clients of the beneficiaries range from a registered association with only a few members, research institutions and hospitals through to health insurance funds and their sponsoring organisations.

In 2021, a variety of SGEIs were provided under a total of 211 projects within the framework of the Innovation Committee's funding programme relating to new forms of healthcare provision. On the basis of funding notices, 205 undertakings were entrusted as first beneficiaries and a further 797 undertakings were entrusted as last beneficiaries (total: 1 002 first and last beneficiaries). Not all of these undertakings drew down funding in 2021. A total of 167 first beneficiaries and 650 last beneficiaries did so under 173 projects.

(b) Childcare

According to the information available, no aid was granted in this sector at Federal Government level on the basis of the SGEI Decision.

(c) Access to and reintegration into the labour market

(1) Federal Government programme for improved counselling and integration of persons with severe disabilities (Federal Ministry of Labour and Social Affairs, *Bundesministerium für Arbeit und Soziales*, BMAS)

Content of the services of general economic interest

The UN General Assembly adopted the Convention on the Rights of Persons with Disabilities (CRPD) in 2006, and it entered into force in 2008. With a view to implementing the CRPD, the Federal Government published a National Action Plan on 15 June 2011 and amended it on 28 June 2016 by publishing the National Action Plan 2.0.

The guiding idea and central operational principle of this action plan is the concept of inclusion. In the future, people with disabilities should no longer have to adapt to society. Instead, everyday life should be organised in such a way that people with

disabilities can participate in the life of society as a matter of course and with equal rights. The Federal Ministry of Labour and Social Affairs acts as the governmental focal point pursuant to Article 33 CRPD.

Project funding granted by the Federal Ministry of Labour and Social Affairs is intended to supplement existing instruments aimed at promoting access to employment by persons with severe disabilities. The Federal Government programme for improved counselling and integration of persons with severe disabilities aims to improve local and regional conditions for severely disabled persons as regards access to the labour market, in particular by creating new, and stabilising existing, employment relationships, facilitating entry into employment and developing in-company training. The experiences and insights collected and the action concepts developed are transformed into transferable knowledge and made available to other institutions and interested parties. It is expected that the experiences and outcomes from the projects will make an important contribution to the greater participation of persons with (severe) disabilities. Long-term use of the results is therefore guaranteed.

The projects were all concluded in 2020, but amounts were paid subsequently in the context of the examination in terms of funding law of the use-of-funds reports. The projects were funded under the Compensation Fund (*Ausgleichsfonds*) administered by the Federal Ministry of Labour and Social Affairs pursuant to Section 161 of Volume IX of the Social Code.

Forms of entrustment

The projects are entrusted by means of grant notices. In the event that portions of the grants are transferred onwards, the correspondingly marked binding ancillary conditions apply equally to all last beneficiaries. In addition, a grant contract under private law had to be concluded between the first beneficiary and each last beneficiary, ensuring that the grant notice applies on a binding basis even to the last beneficiary. All beneficiaries were accordingly entrusted with the provision of SGEIs by means of the grant notice.

Duration of the entrustment

The average duration of entrustment (= project term) was typically 3 years. The durations may differ on the basis of the relevant project application.

Exclusive or special rights

Not relevant

Aid instruments

The Federal Ministry of Labour and Social Affairs issued a non-repayable grant on an expenditure basis within the framework of project funding under the programme. Only grants based on full financing were approved.

Compensation mechanism

When submitting an application, the beneficiary was obliged to submit a financing plan summarising all the individual headings under which expenses would be incurred solely in connection with the planned project. The applicant was obliged to provide evidence that all of the human and material resources applied for were required and that their level was customary for the market. The prohibition on preferential treatment also applied, inter alia with regard to the estimated ancillary personnel expenses or costs. Similarly, the financing plan had to include the relevant revenue and third-party funds that the entrusted undertaking expected to receive during the period of the SGEIs to be provided. Where revenue and funds from third parties in excess of the financing plan were obtained over the period during which the SGEIs were provided, they reduced the amount of compensation to be granted. Profits were generally excluded from eligibility for funding.

An integral part of the examination of applications under funding law was the examination of all headings of the financing plan with regard to their eligibility according to Sections 23 and 44 of the Federal Budget Code (*Bundeshaushaltsordnung*, BHO) and the administrative regulations issued thereto. Likewise, it had to be determined whether it was necessary to carry out the project tasks and whether the tasks were reasonable. The compensation mechanism was implemented by awarding to the beneficiary a grant up to the maximum amount of the individual headings recognised as eligible, on the basis of full financing. During the term and after the end of the term, the beneficiary had to submit interim or complete statements of expenditure providing information on the expenses actually incurred under the headings.

A cost allocation methodology was used as a basis.

Arrangements for avoiding and repaying any overcompensation

A central element of the process under funding law prior to the entrustment of the undertaking was the examination of each individual cost or expenditure heading to determine whether it was necessary for the success of the project and whether it was reasonable. If one of these criteria was not met, the heading was reduced or cancelled. After approval, the approved funds could only be drawn down by the entrusted undertaking in accordance with the General Ancillary Conditions for Project Grants (*Allgemeinen Nebenbestimmungen für Zuwendungen zur Projektförderung*, ANBest-P) or the General Ancillary Conditions for Project Grants to Local Authorities and Consortia of Local Authorities (*Nebenbestimmungen für Zuwendungen zur Projektförderung an Gebietskörperschaften und Zusammenschlüsse von Gebietskörperschaften*, ANBest-Gk) as required and at defined intervals. The undertaking had to set up and manage a separate project account for the compensation payments. Furthermore, evidence of all expenses or costs incurred had to be provided to the funding authority by means of supporting documents and time records. The correctness, reasonableness and appropriate use of the compensation payments were examined in detail when the interim or full statements of expenditure that had to be submitted were checked. This served as a safeguard against

overcompensation. If overcompensation was identified during the checks, the cash balance was offset or an interest-bearing recovery took place automatically under the Federal Budget Code and the administrative regulations issued thereto.

This meant that compensation was continuously monitored and any overcompensation was prevented during examination of the application or was reclaimed during or after the end of the project term.

Transparency requirements

No beneficiary received a grant exceeding EUR 15 million for a single project. Since there will be no further approvals under the programme, this threshold will not be exceeded.

Amount of aid granted

The aid granted at national level amounted to around EUR 0.281 million in 2020, and to EUR 0.628 million in 2021.

Share of expenditure per aid instrument

All grants were provided as subsidies on the basis of full financing.

Additional quantitative information

In both 2020 and 2021, SGEIs were provided in a total of 59 projects under the Federal Government programme for improved counselling and integration of persons with severe disabilities. According to the grant notice, 59 undertakings were entrusted as first beneficiaries and a further 89 undertakings as last beneficiaries, meaning that a total of 148 first and last beneficiaries received compensation for a service of general economic interest under the programme.

Only in connection with a check of the statement of expenditure was compensation for an SGEI paid to four projects (2020: four first beneficiaries and four last beneficiaries; 2021: 11 first beneficiaries and 26 last beneficiaries).

It is not possible to specify an average aid amount. The grant amounts per project as well as per first or last beneficiary cover too wide a range.

It is not possible to specify an average size of the undertakings. The customers of the beneficiaries range from a provider of counselling services employing only a few people through to the Federal Employment Agency (*Bundesagentur für Arbeit*).

d) Social housing

Content of the services entrusted as SGEIs

The construction and promotion of social housing is a service of general economic interest. Entrustments are made in respect of measures aimed at safeguarding and improving the supply of housing for population groups who are unable to provide themselves with adequate accommodation on the open housing market and therefore rely on support. These groups include low-income households, families with children, single parents, pregnant women, elderly and disabled persons and other vulnerable

persons. Target groups are defined on the basis of income thresholds in the vast majority of cases, with proof of compliance requested on a case-by-case basis. The SGEI is aimed at increasing the supply of social housing by building new stock or purchasing and modernising existing rental stock, resulting in a lasting increase in the utility value of rented apartments or buildings, long-term improvements in general living conditions and permanently reduced consumption of energy and water, which also reduces utility bills. For an ageing society, the promotion of social housing also covers support for accessible buildings and living environments appropriate for the elderly, such as housing for groups with particular care needs or sheltered housing. For the further benefit of the groups targeted by measures to promote social housing, agreements can also be reached to assume responsibility for other commercial housing, construction and social measures, in particular those aimed at improving living environments, eliminating social problems and developing neighbourhoods. The provider of the service of general economic interest (commercial housing company/landlord) makes available housing which is rented out at a discount to the aforementioned target group.

In Germany, the federal states have had legislative competence for implementing the promotion of social housing in Germany since 2006, following the first reform of the federal system. The statutory provisions can be found in the federal state funding laws. If the federal states have not adopted their own funding laws, the Housing Promotion Act (*Wohnraumförderungsgesetz*) adopted by the Federal Government applies.

Forms of entrustment

Entrustments are made on a legal basis. Undertakings receiving funding for the promotion of social housing are entrusted with a clearly defined public service obligation. Within their respective fields of competence, the funding bodies grant approvals on the basis of the application required from the beneficiary and by means of an executive decision, usually an administrative deed (or a public-law contract). Pursuant to Article 4(f) of the Exemption Decision (Commission Decision 2012/21/EU), the entrustment also includes a reference to the Decision.

The funding decision specifies in particular the purpose of the funding, the amount and type of grants, the terms for repayment (in the case of loans) as well as the form and duration of the considerations to be provided by the funding authority and the requirements to be observed.

The special arrangements described here in relation to the provision of SGEIs apply specifically to social housing construction, and differ from those in other sectors, for example in the hospital sector.

Duration of the entrustment

The duration of the entrustment is generally 10 to 40 years as a result of the high level of investment and the long refinancing period.

In the SGEI Decision (recital 12), social housing is explicitly named as an example of when the application of the Decision does not have to be limited to a maximum of 10 years because of the significant investment involved.

As a basic principle, funding is organised differently in the federal states.

The proportion of entrustments with a duration exceeding 10 years is very high because loans for the construction of rental housing do not typically have a term of less than 10 years. Precise figures cannot be supplied since some of the funding is provided by towns/cities or municipalities.

Exclusive or special rights

No exclusive or special rights are typically assigned to the undertakings. The funding system is market-oriented. Any natural or legal person carrying out a building project described in the funding programme and complying with the required occupancy and rent commitments is in principle entitled to funding in the context of 'housing development', irrespective of their other area of business. Domestic and foreign undertakings/investors are treated equally in this respect. Notwithstanding the alignment of funding with the respective demands, one of the benefits of this approach is the opportunity for dispersal of social housing, which avoids the concentration of socially disadvantaged groups in the same place. The rents for these rental properties are typically below the market level.

Aid instruments

The promotion of social housing is property-specific. Funding is granted on the basis of low-interest or subsidised loans, redemption subsidies, other subsidies, the underwriting of sureties and other guarantees, the provision of low-cost land for building or a combination of these funding methods. The most frequently used funding instruments are long-term low-interest loans or subsidies or a combination of both. In one federal state, capital contributions were granted to a publicly funded housing association, which restricted its activities exclusively to the construction of social housing during the reporting period. The capital contributions did not exceed EUR 30 million per year.

Compensation mechanism

The promotion of social housing in Germany is designed to be property-specific rather than undertaking-specific. Occupancy and rent commitments are typically justified as a public service obligation, i.e. the properties are rented exclusively to households meeting the respective income limits and the rent levels are capped. The rent levels are capped to ensure affordability of living costs for the target groups. They are generally below the market level.

The net avoided cost methodology is generally followed. The compensation payments are calculated on the basis of an objective and transparent procedure specified in advance: In setting up the funding programmes, funding conditions that determine the net costs of the compensation on a case-by-case basis are calculated so as to offset the economic disadvantages of the public service obligation associated with the funding for the duration of the rental and occupancy. Compensation is provided for the revenue losses caused by the difference between capped rent levels and market rates, the increased costs associated with tenant services, maintenance and administration as result of the occupancy commitment and any increased costs due to special design

requirements at the construction stage (e.g. accessible housing). When the amount of funding is determined, the relevant housing market conditions are taken into account (on the basis of available data and scientific studies on land prices, construction costs and market rents).

As a result, this method is used for each individual funding project to compensate for the net costs of the public service obligation and overcompensation is excluded through the funding, since the funding is market-oriented and has been organised so that the profitability of the investment in social housing construction is equal to that of an investment in private residential construction without a public service obligation.

Arrangements for avoiding and repaying any overcompensation

The funding programmes stipulate the general requirements to be met as regards both public service obligations and the calculation of compensation payments. Within this framework, the funding authority calculates the specific compensation payments for each property on the basis of the relevant circumstances, ensuring that the beneficiary has not been overcompensated for the public service obligations (which must also be described in detail). Typical precautionary measures include not only the imposition of particular public service obligations on the undertaking, but also the establishment of a legal basis, either in legislation or in the funding notice, for effectively controlling and enforcing strict compliance with these obligations in respect of undertakings and social tenants. This includes obligations to provide information, to allow the inspection of documents and to grant access to land, buildings and apartments, as well as checks of the use of funds through the submission of use-of-funds reports. It is also possible to initiate administrative proceedings to enforce provisions of the funding notice and, in the event of infringements, to impose penalties on the grounds that an undertaking has thereby failed in part to realise the intended purpose of the subsidy. Furthermore, it is possible to revoke (in part) the funding and to claim back funding which has already been approved. In the event of early loan repayment or the insolvency of an undertaking, statutory periods of continued application for the rental price and occupancy commitments are fixed from the outset. Where capital contributions are granted, an external auditor carries out an annual overcompensation check.

Transparency requirements

As a general rule, the funding is well below EUR 15 million. If, in exceptional cases, subsidies of more than EUR 15 million are granted to undertakings that carry out other activities outside the scope of the SGEIs, the transparency requirements are met (e.g. by maintaining a transparency database, separate accounting).

Amount of aid granted

According to the information provided by the German authorities, aid totalling around EUR 1 948.11 million (2020) and around EUR 1 781.13 million (2021) was granted by the federal states and the municipalities. Those amounts include the financial aid granted by the Federal Government to the federal states to promote the construction of social housing.

- (e) Care and social inclusion of vulnerable groups
- (1) **Funding for medical rehabilitation projects and funding under the Compensation Fund (*Ausgleichsfonds*, AGF)**
- (2) **Guidelines on the promotion of participation by persons with disabilities (*Richtlinie für die Förderung der Partizipation von Menschen mit Behinderungen*)** (both under the auspices of the Federal Ministry of Labour and Social Affairs)

Content of the services of general economic interest

These aid measures are also linked to the UN Convention on the Rights of Persons with Disabilities (CRPD) and the National Action Plan 2.0 (NAP 2.0) (see above under II(2)(c)(1)).

The aim of the NAP 2.0 is to ensure enforcement of the CRPD not only by means of legal amendments, but also by means of funding programmes, research projects and events, as well as to increase awareness of the concept of inclusion and to engage in a gradual process of driving forward implementation. Funding will be provided under the federal budget for innovative model projects that implement the CRPD and that pilot new approaches. This also includes projects in the field of medical and vocational rehabilitation. Funding is given to individual projects that can be delimited in terms of duration and content (project funding). The experiences and project outcomes collected and the action concepts developed are transformed into transferable knowledge and made available to other institutions and interested parties. It is expected that the experiences and outcomes from the projects will make an important contribution to the greater participation of persons with (severe) disabilities. Long-term use of the results is therefore guaranteed.

- Under the Compensation Fund, and on the basis of Section 161 of Volume IX of the Social Code, the Federal Ministry of Labour and Social Affairs also funds projects that meet the requirements of Section 41(1)(4) to (6) of the Regulation on the Use of the Compensatory Levy for Non-Employment of Severely Disabled Persons (*Schwerbehinderten-Ausgleichsabgabeverordnung*, SchwbAV). The projects that receive funding are model projects of supra-regional significance relating to access to employment by severely disabled persons whose results are transferable at federal level. In substantive terms, the model projects are aimed at further developing the promotion of access to employment for persons with severe disabilities, in particular through in-company integration management, the promotion of training for severely disabled young people or the development of technical work aids, or at implementing educational, training and research measures.
- The promotion of participation by the Federal Ministry of Labour and Social Affairs is intended to foster the skills and opportunities needed for organisations representing persons with disabilities to participate in the administration of public affairs at federal level, in particular through skill building, encouraging

young talent, providing structural and start-up support and compensating for additional costs incurred in connection with disabilities.

The programme is funded by the Federal Government under the NAP 2.0; these funds are provided for the purpose of implementing the Guidelines on the promotion of participation by persons with disabilities and their organisations in the administration of public affairs.

Forms of entrustment

The projects are entrusted by means of grant notices.

In the event that portions of the grants are transferred onwards, the correspondingly marked binding ancillary conditions apply equally to all last beneficiaries. In addition, a grant contract under private law must be concluded between the first beneficiary and each last beneficiary, ensuring that the grant notice applies on a binding basis even to the last beneficiary. All beneficiaries are accordingly entrusted with the provision of SGEIs by means of the grant notice.

Duration of the entrustment

The average duration of the entrustment (= project term) is 3.4 years in the case of funding under the Compensation Fund. The average duration is 3.1 years in the case of funding from the federal budget for NAP 2.0. The duration is based on the relevant project application. There are no projects with a term exceeding 10 years.

With regard to the Guidelines on the promotion of participation by persons with disabilities, the duration of the entrustment never exceeds 3 years since the Funding Guidelines generally lay down a maximum project term of 36 months.

Exclusive or special rights

Not relevant

Aid instruments

In the case of funding under the Compensation Fund, the Federal Ministry of Labour and Social Affairs issued non-repayable grants on an expenditure basis as full financing, proportionate financing or shortfall financing.

In the case of funding under the Participation Fund, the Federal Ministry of Labour and Social Affairs or the DLR Project Management Agency (appointed by the Federal Ministry) issued non-repayable grants on an expenditure basis within the framework of project funding, as proportionate financing. This type of financing is prescribed by the Funding Guidelines.

Compensation mechanism

When submitting an application, the undertaking (beneficiary) must submit a financing plan summarising all the individual headings under which expenses would be incurred solely in connection with the planned project. The applicant must provide evidence that all of the human and material resources applied for were required and that their level

was customary for the market. The prohibition on preferential treatment also applies, inter alia with regard to the estimated ancillary personnel expenses. Similarly, the financing plan has to include the relevant revenue and third-party funds that the entrusted undertaking expects to receive during the period of the SGEIs to be provided. If revenue and funds from third parties in excess of the financing plan are earned over the period during which the SGEIs are provided, they will reduce the amount of the compensation or grant to be awarded.

An integral part of the examination of applications under funding law is the examination of all headings of the financing plan with regard to their eligibility according to Sections 23 and 44 of the Federal Budget Code and the administrative regulations issued thereto. Likewise, it must be determined whether it is necessary to carry out the project tasks and whether the tasks are reasonable. The compensation mechanism is implemented by issuing to the undertaking a grant up to the maximum amount of the individual headings recognised as eligible. During the term and after the end of the term, the beneficiary must submit interim or complete statements of expenditure providing information on the headings/expenses actually incurred.

The cost allocation method is used as a basis.

Arrangements for avoiding and repaying any overcompensation

A central element of the process under funding law prior to the entrustment of the undertaking was the examination of each individual expenditure heading to determine whether it was necessary for the success of the project and whether it was reasonable. If one of these criteria was not met, the heading was reduced or cancelled. After approval, the approved funds may only be drawn down by the entrusted undertaking in accordance with the General Ancillary Conditions for Project Grants as required and at defined intervals. The undertaking must set up and manage a separate project account for the compensation payments. Furthermore, all expenses incurred must be proven to the funding authority in a legally binding manner by means of a statement of expenditure, together with corresponding supporting documents and justification where applicable. The correctness, reasonableness and appropriate use of the compensation payments are examined in detail when the interim or full statements of expenditure that must be submitted are checked. This serves as a safeguard against overcompensation. If overcompensation is identified during the checks, offsetting of the cash balance or an interest-bearing recovery automatically results from application of the Federal Budget Code and the administrative regulations issued thereto.

This means that compensation is continuously monitored and any overcompensation is prevented during examination of the application or reclaimed during or after the end of the project term.

Transparency requirements

No grant exceeding EUR 15 million was awarded.

Amount of aid granted

The aid granted at national level amounted to around EUR 6.68 million in 2020, and around EUR 7.65 million in 2021 for the Compensation Fund. The aid granted at national level under the Guidelines on the promotion of participation by persons with disabilities amounted to around EUR 0.19 million in 2020, and around EUR 0 in 2021.

Additional quantitative information

During the reporting period, SGEIs were provided in five projects in the context of promoting participation. All the beneficiaries drew down funding in 2020.

It is not possible to specify an average aid amount. The grant amounts per project cover too large a spectrum, and are determined on a case-by-case basis in line with the principles of cost-effectiveness and economy and the needs-based approval of funding, taking into account additional own resources and third-party resources.

The beneficiaries are organisations for the self-representation of persons with disabilities that meet the eligibility requirements under Section 15(3) sentence 2(1)-(5) of the Act on the Equal Treatment of Disabled Persons (*Behindertengleichstellungsgesetz*, BGG).

3) Air or maritime links to islands with average annual traffic not exceeding the limit set in Article 2(1)(d)

According to the information available, no aid was granted in this sector at federal level on the basis of the SGEI Decision.

4) Airports and ports with average annual traffic not exceeding the limit set in Article 2(1)(3)[sic]

According to the information available, no aid was granted in this sector at federal level on the basis of the SGEI Decision.

5) Social services (Article 2(1)(a))

(a) Postal services

According to the information available, no aid was granted in this sector at federal level on the basis of the SGEI Decision.

(b) Energy

(1) **Energy checks** (Federal Ministry for Economic Affairs and Climate Action (*Bundesministerium für Wirtschaft und Klimaschutz*, BMWK))

(2) **Energy consulting for private consumers** (Federal Ministry for Economic Affairs and Climate Action)

Content of the services of general economic interest

The SGEIs concern

- (1) energy advisory services for tenants (basic checks), for home-owners (building checks, heating checks, solar checks) and detailed checks for special thematic areas, e.g. thermal insulation of buildings, building services etc. or
- (2) energy consulting at a permanent base, energy consulting by telephone, online advice and brief advice at trade fairs.

Forms of entrustment

In the case of both measures, the entrustments took place on the basis of the grant notices.

Duration of the entrustment

The duration of the entrustment was 1 or 2 years.

Exclusive or special rights

No exclusive or special rights were assigned.

Aid instruments

Subsidies (shortfall financing and project funding) were granted.

Compensation mechanism

The cost allocation methodology was used.

Arrangements for avoiding and repaying any overcompensation

Overcompensation is avoided through checks of statements of expenditure, brief reports and project discussions.

Transparency requirements

No grant exceeding EUR 15 million was awarded.

Amount of aid granted

The aid granted at national level for the energy checks amounted to EUR 10.424 million in 2020, and to EUR 9.757 million in 2021. The aid granted at national level for energy consulting for private consumers amounted to EUR 7.371 million in 2020, and to EUR 11.218 million in 2021.

The Federation of German Consumer Organisations) (*Verbraucherzentrale Bundesverband*, vzbv e.V.) is supported directly; the consumer organisations and fee-based consultants are supported indirectly by means of transfers, on the basis of fee-based consultancy contracts

(3) Grant to the Franco-German Office for the Energy Transition (*Deutsch-Französisches Büro für die Energiewende, DFBEW*) (Federal Ministry for Economic Affairs and Energy)

Content of the services of general economic interest

The Franco-German Office for the Energy Transition is an association registered in Germany (Local Court of Charlottenburg) which was founded by the governments of France and Germany in 2006 with a view to fostering cooperation between the two countries in relation to the energy transition. It currently operates within the Federal Ministry for Economic Affairs and Climate Action in Berlin and the Ministry of Ecological Transition (*Ministère de la Transition écologique*, MTE) in Paris. Both countries provide the same amount of public funding (initially several grants focussing on different areas, shifting to membership from 2021) in accordance with the joint declaration of 2013 made by the Ministers for Economic Affairs at that time. In addition, the Franco-German Office for the Energy Transition implements projects using the funds it collects from membership fees and revenue from sponsoring and event participation fees.

Forms of entrustment

Grant notice of 28 February 2020, shifting to membership fees from 2021.

Duration of the entrustment

The first grant was paid on 10 December 2010 (grant in 2020: 11 months, shifting from 2021 to a 1-year membership that is renewable annually).

Exclusive or special rights

Not relevant.

Aid instruments

Non-repayable grant (subsidy)

Compensation mechanism

The grant does not exceed the amount necessary to cover the net costs incurred in connection with provision of the aforementioned SGEIs. The net costs are the difference between all the costs incurred in performance of the services of general economic interest and calculated in accordance with generally accepted accounting principles on the one hand, and the revenue earned by means of the services of general economic interest on the other hand. The keeping of separate accounts in accordance with the grant notice plays a decisive role in distinguishing between net costs that are eligible for compensation and other costs. In the case at hand, the grant application dated 3 December 2019 submitted by the Franco-German Office for the Energy Transition was used as a basis for assessing the costs that were eligible and could be compensated in accordance with the entrustment act, together with the expected expenses and revenue. This was due primarily to the fact that a) the Franco-German Office for the Energy Transition, by virtue of its legal form, categorically does not act on a for-profit basis, so that the use of interest on sales or capital can be dispensed with, and b) the description of the project and the work schedule submitted on 3 December 2019 are consistent with the field of activity expressly described in the articles of association dated 26 September 2019.

Arrangements for avoiding and repaying any overcompensation

The grant is awarded for a specific purpose. It may only be used for the project described in the beneficiary's application, with due regard for any amendments and the financing plan. The General Ancillary Conditions for Project Grants and other ancillary conditions cited in the grant notice must be observed.

Transparency requirements

No grant exceeding EUR 15 million was awarded.

Amount of aid granted

The aid granted at national level amounted to EUR 0.228 million in 2020, and to EUR 0.327 million in 2021.

(c) – (f) Waste collection, water supply, culture, financial services

According to the information available, no aid was granted in this sector at federal level on the basis of the SGEI Decision.

(g) Other sectors

aa) Other sectors: Consumer protection

- (1) Measures in the area of consumer protection** (until 8 December 2021 the Federal Ministry of Justice and Consumer Protection (*Bundesministerium der Justiz und für Verbraucherschutz*, BMJV), from 8 December 2021 the Federal Ministry for the Environment and Consumer Protection (*Bundesministerium für Umwelt und Verbraucherschutz*, BMUV¹))

Content of the services of general economic interest

- Representation and legal enforcement of consumers' interests,
- coordination of consumer organisations in Germany,
- quality assurance of consumer-related work,
- independent comparison tests of goods and services and publication of the results,
- measures in the field of consumer information.

Forms of entrustment

The BMJV (now the BMJ) was entrusted predominantly on the basis of grant notices issued by the Federal Office of Administration (*Bundesverwaltungsamt*, BVA) for institutional or project funding. A sample grant notice for SGEI entrustments by the BMJV is used. A separate entrustment act was issued in one instance. In all cases, reference was made to the SGEI Exemption Decision.

Duration of the entrustment

¹ By Administrative Decree of the Federal Chancellor of 8 December 2021 competence for consumer protection, consumer policies and the enforcement of consumer rights was transferred from the BMJ to the BMUV.

In the majority of cases, the duration of the entrustment corresponds to the term of the funded measures, which is typically 1 year. Projects lasting several years, with a term up of to 3 years were, however, entrusted in the field of consumer information. In one case, an entrustment was made for a duration of 9 years.

Exclusive or special rights

Not relevant

Aid instruments

Non-repayable subsidies for the funding of institutions or projects.

Compensation mechanism

Funding is granted primarily in the form of shortfall financing, i.e. costs are only funded if they cannot be covered by the beneficiary using its own resources or third-party resources. Grant notices based on fixed amount financing were issued in one case. The cost allocation methodology applies in this respect.

Arrangements for avoiding and repaying any overcompensation

As a basic principle, a statement of expenditure is checked in accordance with the provisions of funding law. This generally also includes an overcompensation check. In one case, provision was made for separate overcompensation checks in connection with a reconciliation on a revenue and expenditure basis.

Transparency requirements

No grant exceeding EUR 15 million was awarded.

Amount of aid

The aid granted at national level amounted to around EUR 25.078 million in 2020, and to EUR 26.913 million in 2021.

Additional quantitative information

In the context of institutional funding for the Federation of German Consumer Organisations, which has around 250 employees, the following amounts were granted for three SGEI entrustments:

- Consumer information, consumer advice, consumer education: 2020: EUR 2 957 915 2021: EUR 2 885 987
- Enforcement: 2020: EUR 3 663 585 2021: EUR 3 174 829
- Market monitoring: 2020: EUR 8 170 038 2021: EUR 8 520 181

Furthermore, Stiftung Warentest (around 360 employees) received a grant of EUR 2 million (2020: EUR 2.1 million / 2021: EUR 1.9 million); in addition, in 2019 it received income from the endowment capital provided to it by the Federal Government (EUR 1 498 272 in 2020 and EUR 1 396 164 in 2021).

The Consumer Council of the German Institute for Standardisation (*Verbraucherrat beim Deutschen Institut für Normung*, DIN VR) is an example of a project with an average amount of funding, amounting to EUR 778 164 in 2020 and EUR 829 437 in 2021. Those funds were used for nine employees in the office and, in particular, also travel expenses for 70 volunteers.

The European Consumer Centre (ECC) Germany, which has 18 employees and is part of the Centre for European Consumer Protection (*Zentrum für Europäischen Verbraucherschutz e.V.*) also received funding of around EUR 550 000.

(2) Measures in the area of consumer information (Federal Ministry for Food and Agriculture (*Bundesministerium für Landwirtschaft und Ernährung*, BMEL))

Content of the services of general economic interest

This concerns measures to promote consumer information in the field of nutrition (consumer health protection) and prevention of food waste.

Forms of entrustment

The entrustment is typically made by means of an administrative deed (grant notice). There are no standardised templates for such entrustments, as the project goals and the technical and substantive requirements vary from project to project.

Duration of the entrustment

The average duration of the entrustment on the basis of each entrustment act is below 10 years.

Exclusive or special rights

Not relevant

Aid instruments

As a general rule, subsidies are used as aid instruments.

Compensation mechanism

As a general rule, grants are awarded up to the amount of the individual headings recognised as eligible. A cost allocation methodology is primarily used as a basis.

Arrangements for avoiding and repaying any overcompensation

As a basic principle, grants can only be paid up to the amount of the annual approved funds. The beneficiaries produce an annual report on implementation of the project, as well as a numerical statement of expenditure for all grants received. All payments and/or expenditure carried out for implementation of the project must be listed and documented separately in each verification period. In so far as individual expenses have not been approved or payments cannot be clearly assigned to the project, objections will be raised as part of the checks of the statement of expenditure, and a request will be made for repayment of the corresponding funding.

Transparency requirements

No grant exceeding EUR 15 million was awarded.

Amount of aid granted

Specifically, the following aid measures were granted:

In 2020:

- Project funding for the consumer organisations of the federal states, plus the WWF project, plus the dialogue forum on external catering services (*Dialogforum Außer-Haus-Verpflegung*). EUR 3 299 750
- Project funding under National Action Plan IN FORM: EUR 5 652 000
- Funding for the Federation of German Consumer Organisations' ' *Lebensmittelklarheit*' (clarity regarding food) project: EUR 924 191.25
- Grant notice for WWF (dialogue forum on external catering services): EUR 224 581
- Grant notice for Ecologic Institut gGmbH, Berlin Technical University and Slow Food Deutschland e. V. (dialogue forum on private households): EUR 58 936.31

In total, aid of around EUR 10 159 million was granted at national level in 2020.

In 2021:

- Project funding for the consumer organisations of the federal states, plus the WWF project, plus the dialogue forum on external catering services (*Dialogforum Außer-Haus-Verpflegung*). EUR 3 558 300
- Project funding under National Action Plan IN FORM: EUR 5 970 322
- Funding for the Federation of German Consumer Organisations' ' *Lebensmittelklarheit*' (clarity regarding food) project: EUR 985 256.93
- Grant notice for WWF (dialogue forum on external catering services): EUR 83 673
- Grant notice for Ecologic Institut gGmbH, Berlin Technical University and Slow Food Deutschland e. V. (dialogue forum on private households): EUR 196 038.21
- Grant notice for Deutsche Landwirtschafts-Gesellschaft e.V. and grant for Johann Heinrich von Thünen-Institut (dialogue forum on primary production): EUR 258 217.28
- Grant notice for Deutsche Landwirtschafts-Gesellschaft e.V. and grant for Johann Heinrich von Thünen-Institut (dialogue forum on processing): EUR 283 555.77

In total, aid of around EUR 11 335 million was granted at national level in 2021.

bb) Other sectors: Tourism

Labelling system Tourism for All in Germany (*Reisen für Alle in Deutschland*) (Federal Ministry for Economic Affairs and Energy (*Bundesministerium für Wirtschaft und Klimaschutz*, BMWK))

Content of the services of general economic interest

Safeguarding of the introduction of the labelling system Tourism for All in Germany (development of a nationwide standardised and robust labelling and certification system for accessible tourism offerings) – safeguarding and further development of the recording and evaluation database, inspection body and certification of undertakings, further development and optimisation of the system, implementation and further development of training measures. The project funding was extended to include Module 5 ‘Communication measures’ and the current project term for implementing the communication measures was extended to 30 June 2022.

Forms of entrustment

Administrative deed in the form of a grant notice

Duration of the entrustment

The duration of the entrustment is around 4 years.

Exclusive or special rights

Not relevant

Aid instruments

The grant takes the form of shortfall financing.

Compensation mechanism

The grant is approved in the form of shortfall financing for net costs, meaning that there is no additional compensation. The cost allocation methodology is used.

Arrangements for avoiding and repaying any overcompensation

- Choice of aid instrument (grant/General Ancillary Conditions for Grants to Fund Projects (AnBest-P))
- Examination of application documents
- Compensation is calculated only for actual costs incurred without reasonable profit, taking into account all revenue.

Transparency requirements

No grant exceeding EUR 15 million was awarded.

Amount of aid granted

In total, aid of around EUR 0.167 million and around EUR 0.183 was granted at national level in 2020 and 2021 respectively.

cc) Other sectors: Nature protection and landscape conservation

- (1) **Federal Programme ‘Blue Belt Germany’ (*Blaues Band Deutschland*) (funding programme for flood plains)** (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety)

Content of the services of general economic interest

The funded measures are intended to contribute towards the development of a nationwide biotope system along the federal waterways and to re-establish functional links between rivers, banks and flood plains. The aim is to improve living conditions and increase populations of species living in the water and on floodplains, and to extend their habitats.

As part of the project, measures in federal waterways and their floodplains and, where necessary for the biotope system, in adjacent areas, will be supported in order to restore and develop renaturalised floodplains.

The programme helps to implement the national sustainability strategy, the national biodiversity strategy, the EU Water Framework Directive, the Habitats Directive and the EU's biodiversity strategy for 2030, particularly where it concerns the ‘restoration of degraded ecosystems’. It is also intended to help raise public awareness about the importance of undamaged river landscapes and to promote cooperation between different stakeholders.

Forms of entrustment

The entrustment takes the form of the awarding of a grant for a specific project for which an application has been submitted. The grant is usually awarded by way of an administrative deed (grant notice). There are no standardised templates for such entrustments, as the project goals and (in particular) the technical and substantive requirements vary from project to project.

Duration of the entrustment

There are no projects with an entrustment period of 10 or more years. The average duration of the entrustment is 5 years and 10 months.

Exclusive or special rights

Not relevant

Aid instruments

These are grants in the form of project funding. They are non-repayable grants that are approved on an expenditure basis.

Compensation mechanism

All expenditure necessary for implementation is calculated before project funding, and a financing plan is drawn up.

The grant is approved on the basis of this financing plan. Grants are only awarded for expenditure necessary solely for implementation of the project. Funding may only be drawn down (grant disbursements) for these specifically approved expenses (net avoided cost methodology).

Arrangements for avoiding and repaying any overcompensation

As a basic principle, grants can only be paid up to the amount of the annual approved funds.

The beneficiaries produce an annual report on the implementation of the project, as well as a numerical statement of expenditure for all grants received. All payments and/or expenditure carried out for implementation of the project must be listed and documented separately in each verification period.

In so far as individual expenses have not been approved or payments cannot be clearly assigned to the project, objections will be raised as part of the checks of the statement of expenditure, and a request will be made for repayment of the corresponding funding.

Transparency requirements

All grants are presented in detail, including a description of the project, the beneficiary and the volume of funding for the project, at: <https://www.bfn.de/projektsteckbriefe>.

Amount of aid granted

The aid granted at national level amounted to around EUR 0.061 million in 2020, and to EUR 0.58 million in 2021.

- (2) **Federal Biological Diversity Programme** (*Bundesprogramm Biologische Vielfalt*) (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety)

Content of the services of general economic interest

The Federal Biological Diversity Programme supports services that contribute to the preservation and development of biodiversity in Germany, and is an instrument for implementing the National Strategy on Biological Diversity (*Nationale Strategie zur biologischen Vielfalt*, NBS). The measures carried out under this Federal Programme implement measures of nationally representative significance within the framework of the National Strategy on Biological Diversity, or implement this strategy in a particularly exemplary and benchmark-setting manner. The measures help to halt the decline in biodiversity in Germany and to reverse the trend in the medium to long term.

Eligible actions include those facilitating the protection, sustainable use and development of biological diversity that go beyond the legally required standards and fall under one of the following five priorities: 'Species for which Germany holds special responsibility', 'Biodiversity hotspots', 'Safeguarding ecosystem services', 'Urban

nature' and 'Other measures of particular representative significance for the strategy'. Information and communication measures aimed at promoting acceptance are intended to increase and consolidate social awareness of biodiversity in all projects.

Forms of entrustment

The entrustment is made in the form of an administrative deed (grant notice). It defines and records the obligations incumbent upon the beneficiary; where applicable, it also defines and records the territorial range, scope and duration of the grant, as well as the amount per project. In addition, the grant notice contains provisions on the compensation mechanism, checks of how the grant has been used and a reference to the SGEI Decision.

There are no standardised templates for this entrustment, as the project goals and the technical and substantive requirements may vary from project to project. Provisions on the compensation mechanism and checks of how the grant has been used can be found in standardised ancillary conditions that form part of the grant notice.

Duration of the entrustment

As a general rule, the duration of the entrustment should be no more than 6 years in accordance with the funding guidelines for the Federal Biological Diversity Programme. The average duration of the entrustment is 5 years. None of the entrustments has a duration exceeding 10 years.

Exclusive or special rights

Not relevant

Aid instruments

The services are financially compensated by means of grants as project funding. These are non-repayable grants that are typically approved and financed on the basis of expenditure.

Compensation mechanism

The net avoided cost methodology is used as a basis. Prior to project funding, all expenditure required for implementation is calculated and included in a financing plan. Approval of the expenses required for implementation is based on this financing plan. Grants are awarded only for expenses that are necessary solely for realisation of the project. The grant may only be used for these expenses that have been specifically recognised as eligible.

Arrangements for avoiding and repaying any overcompensation

As a basic principle, grants can only be paid up to the amount of the annual approved funds. The beneficiaries produce an annual report on project implementation and a numerical statement of expenditure. All expenditure incurred in connection with project implementation must be listed and documented separately in the relevant verification period. If no approval has been granted for individual expenses or if payments cannot

be clearly assigned to the project, this will be contested as part of the checks of the statement of expenditure, and the corresponding funds will be reclaimed.

Transparency requirements

No grant exceeding EUR 15 million was awarded.

Amount of aid granted

The aid granted at national level amounted to around EUR 0.019 million in 2020, and to around EUR 0.029 million in 2021.

(3) National Natural Heritage (*Nationales Naturerbe*) (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety)

Content of the services of general economic interest

The service concerns the conservation of areas of particular value in terms of nature conservation in accordance with contractually defined nature conservation obligations through transfers without consideration of federally owned National Natural Heritage sites to nature conservation associations and foundations as part of the Federal Government's plan to safeguard the National Natural Heritage.

Forms of entrustment

The provision of SGEs is expressly entrusted by means of a contractual agreement concluded between the beneficiaries of the land and the Federal Government.

The transfer is subject to the condition that the beneficiaries of the land permanently preserve and maintain the conservation quality of the land as part of the National Natural Heritage of the Federal Republic of Germany. The beneficiaries undertake to respect the nature conservation principles set out for the purpose of the contractual agreement and attached as an annex. The beneficiaries have an obligation to the Federal Government to ensure on a long-term basis that the land is used for the intended purpose of nature conservation.

The parcels of land are transferred by:

- concluding a contractual agreement between the beneficiaries of the land, the transferring federal body, the federal state, and the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety,
- notarising the transfer of land,
- guaranteeing the purpose of the transfer by way of an entry in the land registry (in the case of nature conservation associations and foundations) in the form of a limited personal encumbrance in favour of the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety.

On 14 December 2011, the Budget Committee of the German Bundestag ruled with regard to the second tranche that, by way of an alternative to transfers of land, land owned by the Institute for Federal Real Estate (*Bundesanstalt für Immobilienaufgaben*,

BlmA) may also be permanently surrendered to federal states and associations (subject to the assumption of personnel costs and limited liability) through the conclusion of a contractual agreement. That rule also applies to the third tranche of the National Natural Heritage, which was decided on 17 June 2015.

Duration of the entrustment

The duration of the entrustment is indefinite for all beneficiaries of land, owing to the permanent restriction of use to nature conservation. The entrustment is initially made for a period of 10 years. This time limit is contractually agreed and guaranteed under the provisions of land register law. After expiry of the 10-year deadline, the beneficiary of the land can be entrusted with nature conservation tasks in respect of the same plot of land again.

Exclusive or special rights

Not relevant

Aid instruments

- Transfer without consideration of ownership rights to land
- Transfer without consideration of land

Compensation mechanism

The cost allocation method is used as a basis. Revenue from the performance of SGEIs is offset by costs which the beneficiaries of the land have to cover on the land that is transferred or surrendered. This includes all costs incurred in connection with the long-term preservation of the nature conservation quality of the land as part of the National Natural Heritage of the Federal Republic of Germany.

Revenue from commercial (nature conservation) activities on National Natural Heritage sites represents the only opportunity for nature conservation organisations to cover the costs incurred in connection with their conservation obligations. No subsidies are granted for the activities; instead, the fact that the activities may be carried out on land transferred without consideration constitutes the subsidy.

Arrangements for avoiding and repaying any overcompensation

If revenue from use of the land (= preservation and development for nature conservation purposes) exceeds costs, the balance must be used exclusively for the preservation and improvement of the National Natural Heritage site or, alternatively, must be paid to the Federal Government. Beneficiaries must submit an annual report showing how the revenue was used.

Further transfers (sales) are subject to the approval of the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, and also the approval of the Institute for Federal Real Estate in the event that land was sold by this body. The resulting revenue must be reinvested in the preservation and development of National Natural Heritage sites (if the land remains in the seller's ownership) or the purchase of

land of equal or higher value. If this does not happen, the revenue from the sale must be paid to the transferring federal body.

As a State-owned nature conservation organisation, the German Federal Environmental Foundation: Natural Heritage (*Deutsche Bundesstiftung Umwelt (DBU) Naturerbe GmbH*) has a contractual obligation to use the revenue it generates in connection with meeting conservation objectives exclusively for the preservation and development of National Natural Heritage sites. DBU Naturerbe GmbH issues an annual report about the company's activities, which it submits to the Federal Government. Land that has been transferred to DBU Naturerbe GmbH may not be transferred further to third parties.

Transparency requirements

No grant exceeding EUR 15 million was awarded.

Amount of aid granted

The Commission established in its aid decision (paragraph 44 of Decision NN 8/2009) that the value of the land is difficult to quantify, and that the revenue which can be drawn from the use of lands is therefore used as a basis in the analysis of the absence of overcompensation in accordance with the SGEI Framework (paragraph 80 of Decision NN 8/2009).

The submission of this part of the report (National Natural Heritage) also serves as reporting under point 3.3.2.4 of this Decision. The table (list of beneficiaries with the area of land transferred in hectares, revenue, expenditure and purpose of use of surpluses, approvals for further transfers) for 2020 and 2021 is attached as **Annex 4**.

- (4) **Federal programme 'opportunity.nature' – Federal Funding for Nature Conservation ('chance.natur' – Bundesförderung Naturschutz)** Federal Ministry for the Environment, Nature Conservation and Nuclear Safety

Content of the services of general economic interest

This programme serves to establish and safeguard protected areas of countryside and landscape of nationally representative significance. The programme contributes to the protection of biodiversity and the preservation of natural heritage in Germany.

The projects will preserve or restore habitats typical of the natural environment and protect their wild species by acquiring land and implementing measures to improve and secure the situation of endangered species and habitats.

The programme contributes to the achievement of supranational nature conservation objectives, such as the achievement of the EU goal of halting further loss of biodiversity, and the long-term protection of Natura 2000 sites in the EU.

Forms of entrustment

The entrustment takes the form of the awarding of a grant for a specific project for which an application has been submitted. The approval is usually issued by way of an

administrative deed (grant notice). There are no standardised templates for such entrustments, as the project goals and (in particular) the technical and substantive requirements vary from project to project.

Duration of the entrustment

The duration of the entrustments is 6 years on average. The share of entrustments with a duration exceeding 10 years is around 7.7%. These are projects requiring a longer implementation period in accordance with the recognised principles of nature conservation.

Exclusive or special rights

Not relevant

Aid instruments

These are grants in the form of project funding. They are non-repayable grants that are approved on an expenditure basis.

Compensation mechanism

All expenditure necessary for implementation is calculated before project funding, and a financing plan is drawn up. The grant is approved on the basis of this financing plan. Grants are only awarded for expenditure necessary solely for the implementation of the project. Funding may only be drawn down (grant disbursements) for these specifically approved expenses.

In substantive terms, the net avoided cost methodology is used. It is defined as the difference between the net costs of the 'entrusted undertaking' with the public service obligation and the net costs without this obligation. The public service obligation in this case is the implementation of the major nature conservation project as such. The obligation to cover part of the costs using own resources means that the amounts awarded as grants are even lower than the compensation payments permitted under State aid law.

Arrangements for avoiding and repaying any overcompensation

As a basic principle, grants can only be paid up to the amount of the annual approved funds.

The beneficiaries produce an annual report on the implementation of the project, as well as a numerical statement of expenditure for all grants received. All payments and/or expenditure carried out for implementation of the project must be listed and documented separately in each verification period. In so far as individual expenses have not been approved or payments cannot be clearly assigned to the project, objections will be raised as part of the checks of the statement of expenditure, and a request will be made for repayment of the corresponding funding.

Transparency requirements

All grants are presented in detail, including a description of the project, the beneficiary and the volume of funding for the project, at: [https://www.bfn.de/projektsteckbriefe?f\[0\]=project_type:381&page=0](https://www.bfn.de/projektsteckbriefe?f[0]=project_type:381&page=0).

Amount of aid granted

Total amount of aid granted (in EUR million).	
2020	2021
7.511	7.830
A: Total amount of aid granted (in EUR million) paid by national central authorities.	
2020	2021
Federal Government: 6.049	Federal Government: 6.078
B: Total amount of aid granted (in EUR million) paid by regional authorities.	
2020	2021
Federal states: 1.462	Federal states: 1.752
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).	
2020	2021
Number of beneficiaries: 12	Number of beneficiaries: 13

- (5) **Wilderness Fund (*Wildnisfonds*)** (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety)

Content of the services of general economic interest

The safeguarding and subsequent management of wilderness areas across the entire national territory of Germany in order to implement the 2% wilderness target under the National Strategy on Biological Diversity (NBS) is defined as a service of general economic interest (SGEI). The NBS is a strategy of the German government, describing about 330 targets and 430 concrete, actor-related measures. The NBS implements the requirements of the EU's biodiversity strategy and the Convention on Biological Diversity (CBD) and is to be implemented in harmony with the National Sustainability Strategy and other relevant strategies and programmes.

The object of the services for which entrustment is awarded is to secure areas for wilderness development in which it is guaranteed that natural processes may take their course without human influence. This includes measures such as the acquisition of land or the agreement regarding non-use or an exchange of land that ensures the subsequent development of wilderness. The development and implementation of a management plan adapted to the wilderness areas, e.g., for initial management,

wildlife management, public relations, facility decommissioning, and reporting, are not part of the Wilderness Fund grant, but constitute ancillary provisions and guidance related to the grant.

The implementation of the services can be carried out by natural and legal persons under private and public law as well as by associations of persons based in the Federal Republic of Germany (NGOs).

Forms of entrustment

The entrustment act, whereby the beneficiary is entrusted to perform this SGEI, takes the form of a standard template in the grant notice. The entrustment concerns the securing, conservation, development and maintenance of the above-mentioned land for wilderness development, as set out in the NBS. In order to develop and secure a wilderness area for the long term, the land ownership and/or the right to use the future wilderness areas will be acquired in order to take these areas out of use, and their permanent non-use will be recorded in the land register, thereby contributing to the NBS's 2% wilderness goal. The list and map of the land parcels are attached to the notice as part of the application. Total expenditure is specifically stated and the other ancillary provisions and guidance related to this notice apply.

The basis of assessment for the grant is the eligible project-related expenditure for the purchase of the land parcels and/or the purchase of the right to use the land parcels for the purpose specified in the Funding Guidelines, including the necessary and proven purchase-related costs.

The grant recipient has an obligation to record internally in separate accounts (separate accounting) costs and revenue for the SGEI entrusted to it on the one hand, and for each further activity on the other hand.

The period of entrustment with the SGEI and specific purpose for which the funding is to be used is fixed for a period of 10 years. Subsequently, this can be extended after review. The decision is based on the Guidelines on the Promotion of Wilderness Development in Germany (*Richtlinien zur Förderung der Wildnisentwicklung in Deutschland*) of 24 June 2019, Sections 23 and 44 of the Federal Budget Code and the general administrative regulations issued thereto, as well as Sections 35, 36 and 48 to 49a of the Administrative Procedures Act in conjunction with the SGEI Exemption Decision.

The funding authority has a special interest in promoting the development and safeguarding of wilderness areas as defined by the NBS in Germany. The grant supports the development into a wilderness area as set out in the NBS of an area which is suitable for process protection and which consists of the project area.

The relevant parameters for calculating the grant are objective and transparent and do not exceed what is necessary to cover the expenses incurred through the fulfilment of the public service obligations. In the course of acquiring each individual plot of land, any claim to reimbursement and interest must be secured in the land register in favour of the Federal Government at least for the amount of the federal funds granted for the

area in question and must be linked to the existence of an entrustment related to the corresponding area in accordance with point 5.3 of the Guidelines on the Promotion of Wilderness Development in Germany of 24 June 2019.

Income from leasing hunting rights, bodies of water or in connection with activities that are carried out, for example, as part of approved initial measures, or that are indispensable due to legal obligations, must be used to cover the operating expenses and expenditure on the process protection measures.

If the revenue exceeds the expenditure (e.g. taxes, levies; where necessary, protection, e.g. in the case of forest fires, etc.) the entire difference must be used for safeguarding the wilderness development on the areas or else be transferred to the government/funding authority (requirement according to Section 36(2)(4) in conjunction with Section 49(3)(2) of the Administrative Procedures Act).

The areas and rights of use purchased with resources from the Wilderness Fund may not be transferred further at will. Prior approval must be obtained from the funding authority. Should such a transfer be approved, the beneficiary may not keep the proceeds of the sale, but must transfer them to the government/funding authority.

Duration of the entrustment

The entrustment initially lasts for 10 years in each case. At the latest during the 10th year after the grant notice was announced, it is assessed whether the public service obligations are being implemented in accordance with the management plan. Since the creation, development and existence of wilderness areas is still in the public interest even after the 10-year entrustment, a new entrustment can be awarded under the SGEI Decision in the case of a positive evaluation (fulfilment of all requirements and objectives).

Exclusive or special rights

Not relevant

Aid instruments

The aid instrument consists purely of a grant awarded to fund the project.

Compensation mechanism

The cost allocation method, i.e. full cost compensation without any optimisation constraint, is used as a basis, since the aid granted in the Wilderness Fund support programme pursues, in accordance with the SGEI Decision, a purely social purpose (in the extended sense in this case) and the annual compensation amount of EUR 15 million per project is not exceeded.

The subsidy is limited exclusively to compensation for the costs of land acquisition and/or the purchase of rights of use together with purchase-related costs, as well as the recording of the permanent non-use in the land register. The wilderness areas are managed on a permanent basis using the own funds of the natural or legal persons under private and public law or of the associations of persons to whom the entrustment was awarded.

Within the framework of the applied cost allocation method, the service's eligible actual costs (one-time subsidy towards the purchase price and the purchase-related costs) and actual revenue that must be taken into consideration (which are practically non-existent as the areas have been completely removed from use) are netted, as described above. The entrusted NGOs are also required to keep separate accounts.

Arrangements for avoiding and repaying any overcompensation

The grant notice describes measures to avoid and repay overcompensation and refers to the SGEI Decision. Thus, the following is specified in the entrustment: In the event that revenue exceeds costs (e.g., taxes, levies; where necessary, protection, e.g. in the case of forest fires, etc.) the entire difference must be used for safeguarding the wilderness development on the areas or else be transferred to the government. The entrusted NGOs are not allowed to transfer at will the lands supported by the Wilderness Fund. Should such a transfer be approved, the NGO may not keep the proceeds of the sale, but must transfer them to the government.

In the course of acquiring each individual plot of land, any claim to reimbursement and interest must be secured in the land register in favour of the Federal Government at least for the amount of the federal funds granted for the area in question and must be linked to the existence of an entrustment related to the corresponding area in accordance with the Funding Guidelines for the Wilderness Fund.

The basis of assessment for the grant is the eligible project-related expenditure for the acquisition of the areas or for the compensation of a permanent non-use, including the necessary purchase-related costs.

Transparency requirements

All grants are presented in detail, including a description of the project, the beneficiary and the volume of funding for the project, at: <https://www.z-u-g.org/aufgaben/wildnisfonds/projektuebersicht/>.

Amount of aid granted

The aid granted at national level amounted to around EUR 9.836 million in 2020, and to around EUR 5.366 million in 2021.

dd) Other sectors: Climate protection

- (1) **Climate protection (including provision of information, development of educational offers, public relations and networking activities)** (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety)

Content of the services of general economic interest

The entrustment is intended to achieve the following goal: development and provision of interactive digital educational content for children and young people allowing them to discover strategies that could be used to adapt different natural and cultural landscapes in Germany to the regional consequences of climate change and to simulate the execution and impacts of such strategies in the context of a changing climate. The main goal of the project is to foster evaluation-related and action-related skills in connection with regional climate change on the basis of an interactive and interdisciplinary approach.

Forms of entrustment

The entrustment is made in the form of an administrative deed (grant notice).

There are no standardised templates.

Duration of the entrustment

The duration of the entrustment is 3 years and it was extended by 8 months.

Exclusive or special rights

Not relevant.

Aid instruments

Project funding is awarded in the form of a non-repayable grant on an expenditure basis.

Compensation mechanism

The net avoided cost methodology is used as a basis. Prior to project funding, all expenditure required for implementation is calculated and included in a financing plan. Approval of the expenditure required for implementation is based on this financing plan. Grants are awarded only for expenses that are necessary solely for realisation of

the project. The grant may only be used for these expenses that have been specifically recognised as eligible.

Arrangements for avoiding and repaying any overcompensation

As a basic principle, grants can only be awarded up to the level of funding approved on an annual basis, and may only be drawn down in so far as they are required immediately after disbursements for due payments; they may not be drawn down earlier. A brief interim report on execution and the current status of the project must be submitted on an annual basis. A final report/statement of expenditure must be submitted no later than 6 months after the end of the project or after achievement of the purpose of the grant. This comprises a substantive report and numerical evidence. The substantive report must contain a detailed statement of expenditure and details of the result achieved, as well as information concerning the most important headings of the numerical evidence. The numerical evidence must include details of revenue and expenditure in chronological order and be broken down in accordance with the structure of the financing plan. The evidence must include all revenue and expenditure associated with the funding objective. A tabular overview of the separate supporting documents containing details of the expenditure, broken down by type and chronological sequence, must also be enclosed. If no approval has been granted for individual expenses or if payments cannot be clearly assigned to the project, this will be contested as part of the checks of the statement of expenditure, and the corresponding funds will be reclaimed.

Transparency requirements

No grant exceeding EUR 15 million was awarded.

Amount of aid granted

The aid granted at national level amounted to around EUR 0.132 million in 2020, and around EUR 0.248 million in 2021.

(2) Protection of peatland (*Moorbodenschutz*) (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety)

Content of the services of general economic interest

The object of the services of general economic interest is the provision of model testing services for peatland protection as a contribution to climate protection, as referred to in the Federal Government's national peatland protection strategy. Four pilot projects have been entrusted with implementation.

The significant positive climate effect of wet peatlands has been scientifically confirmed. However, more than two thirds of peatlands are currently used for drainage-based agriculture and emit a significant proportion of Germany's greenhouse gases. It is in the public interest for agricultural peatlands once again to make a contribution to climate protection. In particular, the Federal Government's national climate protection strategy has set the goal of reducing greenhouse gases by 5 million tonnes of CO₂ equivalents by 2030. The pilot projects will contribute to this and will provide knowledge

for large-scale climate protection through peatland conservation. This will benefit the entire population. It will be achieved by testing and demonstrating opportunities through 1) activities to re-wet peatlands, 2) plans to manage the re-wetted peatlands, 3) business models for the utilisation of peatlands, 4) approaches to large-scale implementation, 5) raising public awareness via practical examples and feasible courses of action, and 6) the identification and removal of legal and administrative barriers.

As part of the testing, it is planned to secure areas in public or private land ownership for re-wetting and wetland management (purchase, lease, a service involving land provision and management) and to test the use of technology and subsequent utilisation in practice, to foster acceptance of the previously unknown management concepts and business models, and to test the approaches for large-scale implementation and communicate them to the public.

The services will be implemented by legal persons under civil and public law (local authorities, public law foundations, non-profit limited companies).

Forms of entrustment

The entrustment act takes the form of a grant notice for each project applied for. The awarding of the grant constitutes an administrative deed under national law. At the same time, the legal persons entrusted with the service are designated as beneficiaries. The grant notice lays down the following: the entrustment of the services, the establishment of the necessary costs for providing these SGEIs, rules on avoiding overcompensation, the duration of the entrustment, the reporting obligations, proof of use of the funding, ancillary provisions regarding the entrustment, etc. The grant recipient also has an obligation to record internally in separate accounts (separate accounting) expenditure and revenue on the one hand for the SGEI entrusted to it, and on the other hand for each further activity.

Duration of the entrustment

The entrustment lasts for 10 years in each case.

Exclusive or special rights

Not relevant.

Aid instruments

The aid instrument consists purely of grants (direct grants) awarded to fund projects. The grants serve only to compensate net costs incurred in connection with the above-mentioned activities.

Compensation mechanism

The cost allocation method is used as a basis. The annual compensation amount of EUR 15 million per project is not exceeded. The entrustment includes compensation for the annual net costs that are necessary for the provision of this SGEI.

The net costs are calculated under Article 5 of the SGEI Decision as the difference between the total costs that can be attributed exclusively to this SGEI and the total revenue generated by this SGEI. A reasonable profit is not taken into account.

The financing plans submitted indicate the costs that are eligible for compensation. Should the costs or revenue laid down in the financing plan change following the issuing of this entrustment act, the net amount eligible for compensation will change accordingly.

Arrangements for avoiding and repaying any overcompensation

The grant notice describes measures to avoid and repay overcompensation and refers to the SGEI Decision.

The legal persons entrusted with the service (grant recipients) document the fulfilment of the obligations imposed on them under the SGEI on an ongoing basis. They are required to prepare and submit written evidence of the use of the funds granted as part of an annual interim report. At the end of the entrustment period, a report on the use of funds must be prepared for the entire entrustment period.

In accordance with special ancillary provisions to the grant notice, such as the general ancillary conditions for project funding (*ANBest-P*) and the general ancillary conditions for project funding based on costs (*ANBest-P-Kosten*), the funding authority and other bodies are entitled to request books, supporting documents and other business documents for examination, and to examine on site the use of the funds awarded or have it examined by authorised representatives. If these audits conclude that the grant beneficiary has received more than the required net costs as compensation in a given annual grant period (overcompensation), the funding authority will reclaim the amount established and, if necessary, establish new parameters for compensation in the future. Where the amount of overcompensation does not exceed 10% of the amount of the average annual compensation, such overcompensation may be carried forward to the next period and deducted from the amount of compensation payable in respect of that period.

The grant recipient has an obligation to record internally in separate accounts (separate accounting) costs and revenue on the one hand for the SGEI entrusted to it and on the other hand for each further activity.

Transparency requirements

The grants under the aid measures do not exceed the threshold of EUR 15 million. Information on the projects, grant recipients and funding volumes can be found at <https://www.z-u-g.org/aufgaben/pilotvorhaben-moorbodenschutz/> on the tab 'project fact sheets'.

Amount of aid granted

The aid measures granted at national level in 2021 came to around EUR 3 729 million.

ee) Other sectors: Recruitment of healthcare workers

Content of the services of general economic interest

There is a shortage of healthcare workers in the Federal Republic of Germany, which means that it is necessary to carry out recruitment measures in third countries. Procedures involved in the recruitment process can take up to 2 years. The complex administrative procedure has proven to be a particular problem, and gives rise to significant delays, for example as a result of incomplete visa applications and lack of certainty about whether professional qualifications are equivalent. The process must be accelerated in the interests of the health system; this can be achieved by bundling and carrying out preliminary assessments of applications. This is not financially viable for recruitment agencies, and hence it has not happened to date. This constitutes a market failure in respect of an activity in the public interest.

DeFa GmbH consolidates all of the application procedures associated with the recruitment of international healthcare workers that were previously carried out directly by hospitals, nursing homes, other healthcare facilities and recruitment agencies. It carries out preliminary checks of all the necessary applications and documents before forwarding them to the authorities, with the goal of ensuring that healthcare professionals can enter the country 3 to 4 months after applying for a visa.

By carrying out these activities, DeFa GmbH helps primarily to accelerate complex and multi-layered administrative procedures, thereby relieving the burden on the German authorities that are involved. DeFa GmbH does not itself act as a recruitment agency; instead, it bundles applications forwarded by various agencies on the basis of objective criteria, delivering a cross-provider service that is not performed by the market.

DeFa GmbH's services can be used by any legal or natural person wishing to recruit healthcare workers. This applies in particular to recruitment agencies that recruit healthcare workers from abroad and wish to benefit from the bundling of their recruitment procedures with those of other providers or recruiting institutions, by a non-competitive organisation. For each individual case, i.e. each skilled worker recruited, a fee of EUR 350 is charged for support with the administrative procedures to cover the management of the process within the German authorities.

Forms of entrustment

Funding notice ZMVI1-2519PIA400 issued by the Federal Office of Administration on 19 November 2019, most recently amended by notice of 11 November 2021, is also an entrustment act within the meaning of Article 4 of the SGEI Exemption Decision, and refers to that Decision. As the beneficiary, DeFa GmbH is accordingly entrusted with the performance of SGEIs through the funding notice.

Duration of the entrustment

The duration of the entrustment (= project term) is 4 years (2019-2023).

Exclusive or special rights

Not relevant.

Aid instruments

The grant awarded falls under the heading of shortfall financing.

Compensation mechanism

The entrustment act refers to the binding financing plan for further details of the calculation of compensation.

As regards the monitoring of compensation in the form of approved funding, the entrustment act obliges the beneficiary to list revenue and expenditure relating to the SGEIs separately from all other activities. To this end, compensation in the form of approved funding must be administered in a separate project account. Furthermore, all expenses actually incurred in connection with the performance of the SGEIs must be proven by means of HR records and other supporting documents. This ensures that the funding made available is in fact used exclusively to provide the SGEIs or to achieve the defined targets.

Arrangements for avoiding and repaying any overcompensation

Measures for avoiding and recovering overcompensation payments are given due regard in the entrustment act. There is a right to recovery if funding is not used for the intended purpose; unspent resources cannot be transferred to future financial years, and expire. Furthermore, according to the financing plan, priority should be given to the use of own resources and other resources. Extra or extraordinary income in connection with the funded project should be taken into account as covering resources and should, in principle, reduce the amount of the approved funding. Any interest earned on the amounts awarded as a grant must be repaid.

Furthermore, evidence of all expenses incurred must be provided to the funding authority by means of supporting documents and time records. The correctness, reasonableness and appropriate use of the compensation payments are examined in detail when the interim or full statements of expenditure that must be submitted are checked.

Transparency requirements

No grant exceeding EUR 15 million was awarded.

Amount of aid granted

The aid granted at national level amounted to around EUR 0.862 million in 2020, and around EUR 0.446 million in 2021.

III. Application of the 2012 SGEI Framework

Other sectors: Nature protection and landscape conservation
(approved by Commission Decision: NN 8/2009 2 July 2009 – Major nature conservation projects)

Content of the services of general economic interest

The service involves the federal programme 'chance.natur – Bundesförderung Naturschutz (opportunity.nature – Federal Funding for Nature Conservation)'. It serves to establish and safeguard protected areas of the countryside and landscape that are of nationally representative significance. The programme contributes to the protection of biodiversity and the preservation of natural heritage in Germany.

The projects will preserve or restore habitats typical of the natural environment and protect their wild species by acquiring land and implementing measures to improve and secure the situation of endangered species and habitats.

The programme contributes to the achievement of supranational nature conservation objectives, such as the achievement of the EU goal of halting further loss of biodiversity, and the long-term protection of Natura 2000 sites in the EU.

Forms of entrustment

The entrustment takes the form of a grant awarded for a specific project for which an application has been submitted. The grant is usually awarded through an administrative deed (grant notice). There are no standardised templates for such entrustments, as the project goals and (in particular) the technical and substantive requirements vary from project to project.

Duration of the entrustment

The duration of the entrustment is 13.6 years on average. The proportion of entrustments with a duration exceeding 10 years is around 88%. These are projects requiring a longer implementation period in accordance with the recognised principles of nature conservation.

Exclusive or special rights

Not relevant.

Aid instruments

These are grants in the form of project funding. They are non-repayable grants that are approved on an expenditure basis.

Compensation mechanism

All expenditure necessary for implementation is calculated before project funding, and a financing plan is drawn up. The grant is approved on the basis of this financing plan. Grants are only awarded for expenditure necessary solely for the implementation of the project. Funding may only be drawn down (grant disbursements) for these specifically approved expenses (net avoided cost methodology).

Arrangements for avoiding and repaying any overcompensation

As a basic principle, grants can only be paid up to the amount of the annual approved funds. The beneficiaries produce an annual report on the implementation of the project, as well as a numerical statement of expenditure for all grants received. All payments and/or expenditure carried out for implementation of the project must be listed and documented separately in each verification period.

In so far as individual expenses have not been approved or payments cannot be clearly assigned to the project, objections will be raised as part of the checks of the statement of expenditure, and a request will be made for repayment of the corresponding funding.

Transparency requirements

All grants are presented in detail, including a description of the project, the beneficiary and the volume of funding for the project, at: https://www.bfn.de/projektsteckbriefe?ff0=project_type:381&page=0.

Amount of aid granted (in million EUR)	
2020	2021
9.117	7.670
A: Total amount of aid granted (in EUR million) paid by national central authorities.	
2020	2021
Federal Government: 7.205	Federal Government: 5.888
B: Total amount of aid granted (in EUR million) paid by regional authorities.	
2020	2021
Federal states: 1.912	Federal states: 1.782
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings).	
2020	2021
Number of beneficiaries: 8	Number of beneficiaries: 7

A table describing the funded projects, the expenditure incurred in this connection and the resulting revenue is attached as **Annex 5** to this report. The revenue is offset against the project expenditure. This annex also serves as a report pursuant to Section 3.3.2.4 of Decision NN 8/2009.

Further transfers of land acquired with funding were not approved.

IV. Complaints by third parties

The Federal Government responded on 24 April 2020 to a complaint submitted to the European Commission concerning alleged payments of State aid to DeFa GmbH (SA.55992 (2020/FC) – Germany).

The SGEI decision in your Member State		Total amount for the Member State as a whole – federal level	
		2020	2021
Article 2(1)(b)	Hospitals providing medical care, where applicable including emergency services	€ 52.164.060,36	€ 56.322.388,90
Article 2(1)(c)	Healthcare and long-term care	€ 66.156.564,50	€ 59.888.421,15
	Childcare		
	Access to and reintegration into the labour market	€ 280.906,81	€ 627.900,99
	Access to and reintegration into the labour market		
	Social housing (note that this includes aid granted by the <i>Länder</i> and municipalities)	€ 1.948.110.110,47	€ 1.781.129.702,19
	Care and social inclusion of socially vulnerable groups	€ 6.871.041,59	€ 7.653.355,42
	Other social services		
Article 2(1)(d)	Air or maritime links		
Article 2(1)(e)	Airports and ports		
Article 2(1)(a), not exceeding an annual amount of EUR 15 million	Postal services		
	Energy	€ 18.024.050,93	€ 21.302.901,00
	Waste collection		
	Water supply		
	Culture sector		
	Financial services		
	Other sectors	€ 71.589.013,65	€ 83.858.923,31

The SGEI framework in your Member State	Total amount for the Member State as a whole	
	2020	2021
Postal services		
Energy		
Waste collection		
Water supply		
Air or maritime links		
Airports and ports		
Culture sector		
Financial services		
Other sectors	€ 7.205.194,38	€ 5.887.782,65

Acronym

Funding code: 01NVFYXX

Notice of DD. MM. YYYY

Federal Joint Committee

Innovation Committee

Innovationsausschuss beim G-BA (Innovation Committee of the Federal Joint Committee),
Postfach 12 06 06, 10596 Berlin

Name, address and contact person for the beneficiary

Visitors' address:

Gutenbergstraße 13, 10587 Berlin

Contact person:

DLR Projektträger (Project Management Agency)

Tel.

+49 2283821-1020 (advisory hotline)

Fax

+49 2283821-1257

Email:

Innovationsfondsversorgungsformen@dlr.de

Date:

DD.MM. YYYY

Funding notice

**Aid from Innovation Fund resources to support plans for new forms of care (Section 92a(1), first sentence, and Section 8 of Volume V of the Social Code) for the following project:
'Acronym – project title'**

Funding code: 01NVFYXX

Implementing body: Name of the implementing body

Project manager: Title First name Surname

Your application received on DD. MM. YYYY in the version dated DD. MM. YYYY with additions from [include all correspondence relevant to the notice]

Dear Mr/Ms/Mrs/Miss/Mx/Dr/Prof. [surname], this funding notice, based on the Innovation Committee's decision of 11 November 2021, grants the following funds for a concept development phase from Innovation Fund resources. This funding notice is also an entrustment act within the meaning of the SGEI Exemption Decision as set out below.

I. Entrustment

Pursuant to Commission Decision 2012/21/EU of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OJ L 7, 11.1.2012, p. 3, ‘the SGEI Exemption Decision’), the compatibility with the internal market of the compensation of costs incurred by an undertaking in performance of services of general economic interest (SGEIs) presupposes, among other things, a duly issued entrustment act within the meaning of Article 4 of the SGEI Exemption Decision.

It is hereby confirmed that the concept development of the project [name of the beneficiary] entitled ‘Acronym – project title’ constitutes a service of general economic interest. The project contributes to the further development of healthcare provision in the statutory health insurance sector pursuant to Section 92a(1) of Volume V of the Social Code. This funding notice entrusts the [name of the beneficiary] with performance of the service in accordance with the application received on DD. MM JJJJ [in the version dated DD. MM.YYYY, with the above-mentioned additions](#) made during the eligibility period from 1 December 2022 to 31 May 2023.

The provisions of the General Ancillary Conditions for Grants under the Innovation Fund (Annex N) set out the arrangements for the monitoring of compensation in the form of approved funding and any changes to this compensation. The outcome of the compensation calculations is recorded in the financing plan (Annex F_K). Use of the approved funding must not exceed what is necessary to cover the expenditure incurred in fulfilling the public service obligation. Reference should be made to Section 3 of the General Ancillary Conditions for Grants under the Innovation Fund in this connection.

The provisions of Sections 7 and 14 of the General Ancillary Conditions for Grants under the Innovation Fund regulate the monitoring and avoidance of potential overcompensation payments. Section 19 of the General Ancillary Conditions for Grants under the Innovation Fund regulates the recovery of payments.

These provisions also apply to consortium partners in the event that portions of the funding are transferred onwards.

II. Purpose of funding, scope of funding and payment plan

On the basis of your application received on DD. MM JJJJ [\(in the version dated DD. MM.YYYY\), with the above-mentioned additions](#), the following is granted to you pursuant to Section 92a(1), first sentence, and Section 8 of Volume V of the Social Code, and to Section 9(2), second and third sentences, of the Rules of Procedure of the Innovation Committee of the Federal Joint Committee,

for the period from 1 December 2022 to 31 May 2023 (eligibility period)

[if full financing applies: on the basis of full financing, a non-repayable amount of up to EUR 0.00 \(in letters: euro amount in hyphenated words\), the maximum being the amount of eligible expenditure; if shortfall financing applies: on the basis of shortfall financing, a non-repayable amount of up to EUR 0.00 € \(in letters: euro amount in hyphenated words\), if the eligible expenditure cannot be covered by own resources or resources from third parties; if fixed financing applies: on the basis of fixed amount financing, a non-repayable amount of up to EUR 0.00 € \(in letters: euro amount in hyphenated words\) as a fixed contribution to eligible expenditure of EUR 0.00; if proportionate financing applies: on the basis of proportionate financing, a non-repayable amount of 0.00% of the eligible expenses / eligible definable partial expenses that cannot be](#)

otherwise financed from own resources or third-party resources, amounting to EUR 0.00 (in letters: euro amount in hyphenated words).

The funding is granted for a specific purpose and may be used only for expenses incurred during the eligibility period in connection with the above-mentioned project:

- staffing and material expenditure incurred through networking between the relevant parties; developing the new kind of care, including the necessary legal basis: the evaluation plan, including random sampling and data collection; establishing the necessary quality assurance measures; developing specific cooperative measures; and organising workshops and research.
- Expenditure on infrastructure services, flat-rate payment of up to 25% of staffing expenditure

Expenditure on investments and other items, computer services and rents is not eligible for funding.

Approval is granted on the assumption that the overall financing of the project remains guaranteed.

The financing plan attached as Annex F_K is, as part of the funding notice, binding.

III. Ancillary conditions

The enclosed General Ancillary Conditions for Grants under the Innovation Fund published by the Innovation Committee of the Joint Federal Committee (Annex N) and the special ancillary conditions set out below form an integral part of this funding notice:

1. Entrusted undertaking*

As an entrusted undertaking in accordance with Section I of this funding notice, the beneficiary must list expenses and revenues relating to the SGEIs separately from those relating to all other activities. To this end, compensation in the form of approved funding must be administered in a separate project account. Furthermore, all expenses actually incurred in connection with performance of the SGEIs must be proven by means of HR records and other supporting documents.

2. Concept development – drawing up the full proposal

The purpose of concept development is to prepare the best possible conditions for implementing the project in respect of which an application has been submitted, and for the accompanying evaluation, particularly as regards implementing the project, achieving its objectives and, potentially, later passing on its outcomes to the care sector.

In addition to drawing up the full proposal in technical detail, this includes the following specific tasks:

- acquiring, on a binding basis, the necessary consortium and cooperation partners;
- establishing a cooperation strategy, including setting objectives and tasks;
- drawing up a detailed work and finance plan;
- drawing up a robust evaluation plan, including realistic case number planning and a recruitment strategy;
- preparing the contractual bases for implementation; and
- preparing implementation structures and processes for the project.

* Applies to all consortium partners pursuant to Section 4, sentence 4.

The binding guidelines (Annex LF_V) and the accompanying Word template (Annex A_V) are to be used when sketching out ideas in preparation for a detailed full proposal. The information and recommendations attached as an annex (Annex V_K) must be taken into account when drawing up the full proposal. The requirements set out in point 8.3 of the funding notice must be met when drawing up the full proposal.

The detailed full proposal must be submitted by **12.00 on 31 May 2023** via the following web portal only: https://ptoutline.eu/app/nvfl_2021.

3. Follow-up funding

By way of a precaution, we would point out that this funding does not imply the existence of any legal entitlement to further funding.

4. Funding transfers

The beneficiary is authorised to transfer parts of the funding to the consortium partners already mentioned in the above application or to the other consortium partners involved during the eligibility period. In so doing, the beneficiary must ensure that the consortium partners are legally independent and that they have a good enough credit rating to guarantee completion of the concept development phase.

Compliance with the provisions of Section 1 of the General Ancillary Conditions for Grants under the Innovation Fund and Annex W_K is required. The ancillary conditions marked with an asterisk (*) in this funding notice are binding on all consortium partners concerned.

5. E-health solutions/telemedicine*

To ensure seamless interoperability, the existing internationally recognised technical, syntactic and semantic standards – where available – are to be applied when exchanging medical data. The interoperability requirements resulting from the requirements for interfaces in information technology systems pursuant to Volume V of the Social Code must be taken into account.

Thus, under Section 390 of Volume V of the Social Code, electronic applications in the healthcare sector may be financed, in whole or in part, through statutory health insurance only if providers of electronic applications comply with the recommendations and binding provisions set out in Section 394a(1), second sentence, No 2, and third sentence. For providers of electronic applications and other applications of telematics infrastructure (without using the electronic health card), the application requirement under Sections 388(1) and (4) of Volume V of the Social Code (inclusion in the interoperability register) and for providers of electronic applications, the application requirement under Section 392(1) and (2) of Volume V of the Social Code (inclusion of information in the information portal) must also be met.

Under Section 371 of Volume V of the Social Code, in the case of information technology systems, open and standardised interfaces must also be integrated, in particular for the system-neutral archiving of patient data and for the transmission of patient data in the event of a change of system. If provisions on the open and standardised interfaces referred to in Sections 372 and 373 of Volume V of the Social Code are relevant to the project, it must therefore be explained how the project ensures the use of open interfaces and compatibility with telematics infrastructure.

It should be noted that gematik establishes, in binding form, secure procedures for the transmission of medical data via the telematics infrastructure in accordance with Section 311(6) of Volume V of the Social Code (<https://www.gematik.de/telematikinfrastruktur/>). The beneficiary must check whether the project is affected and make any adjustments required.

When using telematics infrastructure (TI) for further TI applications, the requirements laid down in Section 327(1) of Volume V of the Social Code and gematik's conditions for use set out in Section 327(2) of Book V of the Code must also be met (see gematik homepage https://fachportal.gematik.de/fileadmin/user_upload/fachportal/files/Spezifikationen/Weitere-Anwendungen/gemRL_NvTIwA_V1.3.0.pdf). The confirmation procedure carried out by gematik pursuant to Section 327(3) of Volume V of the Social Code must be completed at the latest by the project start date. The feasibility of the planned telemedicine interventions in terms of network availability in the project region must also be demonstrated as part of the project planning.

6. Data protection*

The legal framework for the processing of personal patient data, which is based in particular on the provisions of the General Data Protection Regulation and the Federal Data Protection Act (*Bundesdatenschutzgesetz*, BDSG) and on Volumes V and X of the Social Code, must be observed. In the event of any doubt, the bodies responsible for data protection must be involved.

7. Ethical guidelines*

When studies on humans are carried out and/or samples of human origin are obtained or used in the course of this project, the recommendations set out in the Declaration of Helsinki and the guidelines of the CIOMS (Council for International Organizations of Medical Sciences) and the WHO (World Health Organization): 'Proposed international guidelines for biomedical research involving human subjects' must be observed in the current version.

8. Right of withdrawal*

If any of the following applies, this notice can be withdrawn and the funding terminated in whole or in part (right of withdrawal pursuant to Section 32(2)(3) in conjunction with Section 47(1)(1) of Volume X of the Social Code):

- the purpose of the funding cannot be achieved;
- a block has been imposed on funding for individual sections of the financing plan;
- the undertaking fails to submit evidence in good time or to submit complete evidence;
- there are other compelling reasons.

9. Use of resources*

Funding is granted on a flat-rate basis under the heading 'Operating expenditure (other operating expenditure)'. In the request for payment, the funds must be requested solely under this heading. With the proof of use, expenditure must be assigned to the following specific headings in the financing plan:

- Staff expenses
- Operating expenses (tasks assigned to third parties)
- Operating expenses (travel)
- Operating expenditure (other operating expenditure)
- Operating expenses (flat-rate expenditure on infrastructure)
- Where applicable: forwarding.

10. Proof of use*

The proof of use is subject to the rules set out in Section 14 of the General Ancillary Conditions for Grants under the Innovation Fund. By way of derogation from Section 14(1) of the General

Ancillary Conditions, the accounting proof of use is to be submitted at the latest 3 months after the end of the project. The beneficiary will be provided with the relevant forms at the appropriate time. The form provided as Annex B_K must be used for the list of supporting documents.

11. Final report*

The full proposal submitted will be accepted as the final report referred to in Section 14(1) of the General Ancillary Conditions for Grants under the Innovation Fund. The closing date for submission of the full proposal is 31 May 2023 at 12.00. In addition, a short report (max. two pages) on the work carried out during the concept development phase must be submitted with the proof of use, no later than 3 months after the end of the eligibility period.

By way of derogation from the provisions of Section 14(1) of the General Ancillary Conditions for Grants under the Innovation Fund, an evaluation and result report is not required.

12. Evaluations of the aid measure

The beneficiary must participate in any evaluation measures carried out on the basis of legal requirements or initiated by the aid-granting body. In this context, any information and data that may be of use in evaluating the success of the aid measure are to be made available.

13. Disbursement of funding

Funding is disbursed in accordance with Section 7 of the General Ancillary Conditions for Grants under the Innovation Fund upon request by the beneficiary. Project-related eligible expenditure incurred after the funding start date can be submitted at a later date for settlement together with the payment request.

Funding must not be disbursed until the funding decision has become final after the expiry of the appeal period or an express waiver of the right to lodge an appeal (using the form provided in Annex E) and the acknowledgement of receipt (using the form provided in Annex E) has been received.

By way of derogation from the second sentence of the first paragraph of Section 7 of the General Ancillary Conditions for Grants under the Innovation Fund, the payment request is to be submitted by **15 January 2023** at the latest. This covers the entire period of the concept development phase: the previous, current and subsequent quarters.

When a payment request is drafted, the template set out in Annex Z_K must be used and Annex H_K must be taken into account. By way of derogation from Section 7 of the General Ancillary Conditions for Grants under the Innovation Fund, no status report need be provided.

14. Repayment

Repayments of funding and (where applicable) interest must be transferred to the following bank account, specifying the reference code 01NVFJJXXX:

Account holder: Federal Joint Committee

Bank: Deutsche Apotheker- und Ärztebank eG

IBAN: DE69 3006 0601 0004 2118 20

BIC: DAAEDEDXXX

15. Commissioning of a project management agency

At present, DLR Projektträger (the DLR Project Management Agency) is commissioned as the project management agency for the Innovation Committee of the Federal Joint Committee; as such, it is responsible for processing project funding under the Innovation Fund.

All transactions relating to the execution and processing of the project must be forwarded to the project management agency:

DLR Projektträger (the DLR Project Management Agency)

Bereich Gesundheit (Healthcare)

Heinrich-Konen-Str. 1

53227 Bonn

Tel. +49 2283821-1020 (advisory hotline)

Fax +49 22838211257

Email: innovationsfonds-versorgungsformen@dlr.de

A copy of the notice will be emailed to the project manager [and the administrative contact](#).

Yours sincerely,

Prof. Josef Hecken

This notice was created electronically and is valid without an original signature.

Annexes:

- General Ancillary Conditions of the Innovation Committee of the Federal Joint Committee for Grants under the Innovation Fund, as at August 2021
Annex N
- Confirmation of receipt and waiver of the right to lodge an appeal
Annex E
- Financing plan
Annex F_K
- Request for payment form
Annex Z_K
- Guidance on how to complete the payment request
Annex H_K
- Form for the list of supporting documents as an annex to
Annex B_K
- Proof of use
- Transfer agreement form
Annex W_K
- Guidelines on drawing up full proposals
Annex LF_V
- Form for full proposals
Annex A_V
- Annex: Guidance and recommendations for drawing up
Annex V_K
- full proposals
- Guidance on use of the logo of the Innovation Committee of the Joint Federal Committee

How to lodge an appeal

An appeal can be lodged against this funding notice within 1 month of its notification: appeals should be submitted to the Higher Social Court of Berlin-Brandenburg, Försterweg 2-6, 14482 Potsdam, either in writing or dictated to the registrar of the court registry. In accordance with the provisions of the Regulation on electronic legal correspondence in the *Land* of Brandenburg of 14 June 2006 (Gazette of Laws and Ordinances II/06, [No 33], p. 558), in the version of 21

October 2019 (Gazette of Laws and Ordinances II/19, [No 86]), the appeal can also be submitted using a qualified electronic signature in electronic form to the electronic mailbox of the Higher Social Court of Berlin-Brandenburg via the communication channels referred to on the website www.erv.brandenburg.de. www.erv.brandenburg.de .

**Transfer agreement – concept development phase
on the transfer of funding from the Innovation Committee of the Federal Joint
Committee**

As at: November 2021

Table of contents

	Preamble
Section 1	Subject of the agreement
Section 2	Eligibility period
Section 3	Entrustment
Section 4	Funding type and level of funding
Section 5	Proof of use of funds, right of inspection
Section 6	Rights of use
Section 7	Termination
Section 8	Withdrawal and reimbursement of funding, interest
Section 9	Repayment
Section 10	Integral parts of the agreement
Section 11	Amendments and additions to the agreement
Section 12	Validity
Section 13	Court of jurisdiction
Section 14	Entry into force

Annexes

- Annex 1 – Copy of the funding notice of .
- Annex 2 – General Ancillary Conditions for Grants under the Innovation Fund published by the Innovation Committee of the Joint Federal Committee, last updated: August 2021
- Annex 3 – Work schedule corresponding to the ideas sketched out by the consortium leader of .
- Annex 4 – Template for a list of supporting documents as an annex to the proof of use of funds

Preamble

The consortium leader was granted aid amounting to EUR by the Innovation Committee of the Federal Joint Committee (funder) of , aid reference.

 . The funding is granted for a specific purpose and in line with the ideas sketched out by the consortium leader of for project ‘ ’.

The funding notice contains an authorisation to transfer a portion of the funding to the consortium partners.

On this basis, the

[LEGALLY BINDING NAME AND ADDRESS]

consortium leader

and

[LEGALLY BINDING NAME AND ADDRESS]

consortium partner

conclude the following transfer agreement with the code:

Section 1

Subject of the agreement

- (1) The subject of this agreement is the transfer of funding provided by the funder via the consortium leader to the consortium partner in accordance with the funding notice of in order to implement the concept development phase of project ‘ _____ ’, aid code _____
- (2) The parties to the agreement will implement the aforesaid project in such a way as to comply with the schedules and work plans outlined in the ideas draft.

Section 2

Eligibility period

- (1) The transfer agreement applies for the period from _____ to _____ (eligibility period).
- (2) Funds may be charged only against expenditure incurred during the concept development phase of the eligibility period.

Section 3

Entrustment

- (1) Pursuant to Commission Decision 2012/21/EU of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union (TFEU) to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OJ L 7, 11.1.2012, p. 3, ‘the SGEI Exemption Decision’), the compatibility with the internal market of compensation paid in respect of costs incurred by an undertaking performing services of general economic interest (SGEIs) presupposes, among other things, a duly issued entrustment act within the meaning of Article 4 of the SGEI Exemption Decision.
- (2) The implementation of the concept development phase of the consortium leader’s project, entitled ‘ _____ ’, concerns a service of general economic interest.
The project contributes to the further development of care under the statutory health insurance scheme pursuant to Section 92a(1) of Volume V of the Social Security Code. —
The funding notice of _____ entrusted the consortium partner with performing the service in line with the ideas sketched out in the document dated _____, in the version of _____, within the eligibility period running from _____ to _____.

- (3) The provisions of the General Ancillary Conditions for Grants under the Innovation Fund (Annex 2) set out the arrangements for the monitoring of compensation in the form of approved funding and any changes to this compensation. The outcome of the compensation calculations is recorded in the financing plan enclosed with the funding notice. Use of the approved funding must not exceed what is necessary to cover the expenditure incurred in performance of the public service obligation. Reference should be made to Section 3 of the General Ancillary Conditions for Grants under the Innovation Fund in this connection.

The provisions of Sections 7 and 14 of the General Ancillary Conditions for Grants under the Innovation Fund regulate the monitoring and avoidance of potential overcompensation payments. Section 19 of the General Ancillary Conditions for Grants under the Innovation Fund regulates the recovery of payments.

- (4) These provisions apply equally to the consortium partner.

Section

Funding type and level of funding

- (1) The funding disbursed to the consortium partner, which cannot be repaid, is granted as [\[FULL FUNDING / DEFICIT FUNDING / FIXED-AMOUNT FUNDING / SHARE FUNDING\]](#). Eligible expenditure may be charged against the funding up to the maximum amount.

The maximum funding amount is

_____ EUR

(in words:

_____ **euro).**

- (2) The funding is earmarked for a specific purpose; it may be used only for the concept development phase of the project referred to in Section 1, in line with the ideas sketched out by the consortium partner, dated _____, _____ including any additions that may have been made.

Moreover, funding may be charged only against the expenses incurred in connection with the project during the eligibility period pursuant to Section 2(1).

Section 5

Proof of use of funds, right of inspection

- (1) The consortium partner is obliged to provide the consortium leader with a statement of revenues and expenditure. The consortium partner submits the supporting documents in accordance with Sections 1.4 and 14 of the General Ancillary Conditions for Grants under the Innovation Fund and with the provisions of the funding notice of _____.

- (2) The consortium leader is entitled to monitor the implementation of the project's concept development phase by the consortium partner and to check that the funds transferred have been used in an appropriate way. Similarly, the funding authority, the authorised project management agency, the supervisory authorities of the funding authority and the auditor engaged by the funding authority are entitled to request books, supporting documents and other business records from the consortium partner and to inspect the use of funding by means of on-site visits or to arrange for such inspections to be carried out by authorised representatives. The consortium partner must keep the necessary documents available and supply any information required. The retention periods pursuant to Section 14.3 of the General Ancillary Conditions for Grants under the Innovation Fund apply.

Section 6

Rights of use

- (1) The consortium partner has exclusive rights to use the results it derives from the concept development phase of the project referred to in Section 1(1). The consortium leader and consortium partner will conclude an agreement concerning the use of the project outcomes and their exploitation by the consortium partner and consortium leader, even after the expiry of this agreement. In addition, the provisions of Section 16 of the General Ancillary Conditions for Grants under the Innovation Fund apply.

Section 7

Termination

- (1) The consortium leader and consortium partner are entitled to terminate the agreement at any time for good cause.
- (2) In particular, a cause will be deemed to be good if the conditions that must be met in order to conclude an agreement no longer apply.
- (3) Termination of the transfer agreement requires prior written consent by the funding authority.
- (4) In the event of termination, a report must immediately be drawn up on the work outcomes achieved, and evidence of the expenses incurred must be supplied. The consortium leader reserves the right to request additional documents.

Section 8

Withdrawal and reimbursement of funding, interest

- (1) The consortium leader is entitled to withdraw from the agreement and may request reimbursement of the funding if:

- the agreement was concluded on the basis of incorrect or incomplete information supplied by the consortium partner, if said information is of material importance for the agreement;
 - the funding is not, or is no longer, used for the intended purpose;
 - the expenditure is subsequently reduced or the funding has been modified pursuant to Section 4 of the General Ancillary Conditions for Grants under the Innovation Fund;
 - the funding is not used immediately after disbursement to fulfil the funding objective. Pursuant to Section 7 of the General Ancillary Conditions for Grants under the Innovation Fund, no interest will be charged;
 - the consortium partner does not discharge the obligations arising under this agreement or does not discharge them within a specified deadline; in particular, does not submit the prescribed statement of expenditure or does not do so in good time, or does not meet requirements or does not meet them within a specified deadline;
 - the funding notice becomes invalid on the grounds of failure to fulfil a suspensory condition or the occurrence of a condition subsequent.
- (2) Withdrawal from the transfer agreement requires prior written consent by the funding authority.
 - (3) The consortium leader is entitled to assign this reimbursement claim to the funding authority. Interest is charged on the basis of Section 19 of the General Ancillary Conditions for Grants under the Innovation Fund.
 - (4) If the circumstances resulting in application of the right of withdrawal are not attributable to the consortium partner, and if the funding is repaid within the deadline specified by the consortium leader, the consortium partner may plead that the demand for interest is unreasonable.

Section 9

Repayment

- (1) The consortium leader is entitled to demand cash reimbursements on a preliminary basis of funding disbursed upon request if it is not used by the consortium partner in a timely manner.
- (2) Funding to be reimbursed and overpayments identified after completion of the concept development phase must be transferred by the consortium partner immediately and without further request to the consortium leader, specifying the agreement number. The transfer must be made to the following account:

Account holder: _____
Bank: _____
IBAN: _____

- (3) The interest to be paid at an annual rate of five percentage points above the base interest rate (Section 50(2a), first sentence, of Volume X of the Social Code) must be transferred to the aforementioned account of the consortium leader, specifying the agreement number.

Section 10

Integral parts of the agreement

(1) The integral parts of this transfer agreement in the currently applicable version are as follows:

- Funding notice of _____ (Annex 1)

Depending on their content, the conditions set out in the funding notice that apply to the consortium leader will become an integral part of the agreement and apply to the consortium partner, provided that their nature and subject matter are also relevant to the consortium partner. The consortium partner undertakes to discharge the resulting rights and obligations.

- The General Ancillary Conditions for Grants under the Innovation Fund of the Innovation Committee of the Federal Joint Committee (Annex 2).

The consortium leader and the consortium partner undertake to discharge the resulting rights and obligations.

- Work schedule in line with the ideas sketched out by the consortium management of _____ (Annex 3)

Section 11

Amendments and additions to the agreement

Any amendments and additions to the transfer agreement will take legal effect only if they are agreed in writing. The provisions of Section 1.2 of the General Ancillary Conditions for Grants under the Innovation Fund must be observed.

Section 12

Validity

In the event that one of the provisions of this agreement is found to be invalid, this will not affect the validity of the remaining provisions. However, the parties to the agreement agree to replace the invalid

provision with one which is as close as possible to the objective pursued by the invalid provision.

Section 13
Court of jurisdiction

The court of jurisdiction is

Section 14
Entry into force

The transfer agreement will enter into force as of _____ .

_____, _____

_____, _____
(Consortium leader)

(Consortium partner)

Explanatory notes

on **Column ‘Beneficiary of land’**

Transfers to the land management bodies of the *Länder* and to municipalities were made at federal level. They are not listed in the following report.

on **Column ‘Land in ha’**

The Federal Government continued the measure ‘Transfer without consideration of federally-owned National Natural Heritage sites’ to the DBU (German Federal Foundation for the Environment), the *Länder*, and nature conservation associations and foundations in accordance with the SGEI exemption rules. On the basis of the resolutions adopted by the Budget Committee of the German Bundestag on 17 June 2015 and 28 June 2017, approximately 9 900 hectares of land have been transferred to the DBU, while about 2 800 hectares have been transferred to the *Länder* and to nature conservation associations and foundations. These transfers were part of a third tranche.

on **Column ‘Revenues/expenditure’**

On the basis of its experiences from the first few years of implementing the measure, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety introduced rules imposing an annual reporting obligation on the beneficiaries of plots of land: *‘As a basic principle, revenues not spent within one reporting year must be paid to the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, but may also be used for multiannual activities relating to the preservation and development of National Natural Heritage in the following year if strict requirements are met. These requirements are as follows: 1) The planned purpose of use must be clearly described in the report to the Federal Agency for Nature Conservation (Bundesamt für Naturschutz, BfN), and concrete plans/measures/obligations arising from the natural heritage development plan agreed with the Federal Agency for Nature Conservation or the agreed guiding principle must be presented. 2) Revenues that are not spent within one (reporting) year must, as a basic principle, be used within a subsequent three-year period. Revenues not spent during this period must be paid to the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety. 3) The accumulation of surpluses for a longer period is only possible in exceptional cases, which must be justified to the Federal Agency for Nature Conservation. 4) The revenues that remain must be kept separately from the remaining budgetary resources of the beneficiaries of plots of land. The revenues must not under any circumstances be used for the interim financing of other projects. Any interest income must be used exclusively for concrete natural heritage measures or obligations, and shown in the annual reports. Alternatively, revenues not spent may be shown in the report as surpluses, and paid every year to the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety.’*

These rules do not apply to DBU Naturerbe GmbH. DBU Naturerbe GmbH submits an annual report to the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety regarding the audit of the annual financial statement. In the case of DBU Naturerbe GmbH, no provision has been made for the payment of surpluses to the Federal Government. The funding of natural heritage areas by DBU Naturerbe GmbH results in a long-term shortfall, for which compensation is provided on an annual basis through funding from DBU.

No	Beneficiary of land	Area in ha	Revenues in EUR	Expenditure in EUR	Purpose of use of surpluses	Approved further transfer of land in ha	
						Decrease	Access policy
1	Arbeitsgemeinschaft Natur-und Artenschutz e.V. (Agena)	11,7304	0,00	0,00			
2	DBU Naturerbe GmbH	70.449,6418	5.144.613,24	13.361.797,36			
3	BE Berlin	5,4847	175,50	240,00			
4	Deutsche Wildtier Stiftung	3.415,9756	162.293,42	865.725,77		0,0003	
5	Förderverein Feldberg-Uckerländische Seenlandschaft eV	1.261,6591	99.730,27	81.469,40	Acquisition of land	26,1322	26,7907
6	Förderverein Naturpark Niederlausitzer Landrücken eV	3,4892	0,00	0,00			
7	Municipality of Eching, Garching	433,2020	59.043,00	61.304,71			
8	Heinz Sielmann Stiftung TH	57,0453	3.748,99	34.244,68			
9	Heinz Sielmann Stiftung BB	4.033,6655	116.579,62	768.685,79			
10	Horst Richard Kettner Stiftung	217,4602	11.056,16	21.725,89			
11	Kranichschutz Deutschland gGmbH	92,1573	31.473,23	29.806,54	Providing food for migratory birds, to prevent them from eating crops, etc.		
12	Kulturlandschaft Uckermark eV	319,5338	57.636,03	52.538,89	Purchase of land for a tortoise project	0,0174	0,0380
13	Kulturstiftung Dessau-Wörlitz	3,9972	192,99	214,18			
14	Landesbetrieb Forst Brandenburg	1.905,6809	7.761,00	31.988,00			
15	Landschafts-Förderverein Nuth-Nieplitz-Niederung eV	24,7677	24.601,68	32.635,16			
16	Landschaftsförderverein Oberes Rhinluch eV	17,3431	298,35	224,53	Planting of specimen trees (planned in 2020, postponed until 2021)		
17	Landschaftspflegeverband BR Thüringische Rhön eV	74,6986	8.270,66	6.614,98	Establishment of examples to follow and natural heritage plan for Rhönzinshtut	0,6178	0,6178
18	Landschaftspflegeverband Mecklenburger Agrarkultur eV	61,1693	54.696,87	33.291,07	Acquisition of land		
19	Landschaftspflegeverband Rügen eV	305,2650	34.378,96	79.579,63			
20	Landschaftspflegeverein Mittelbrandenburg eV	37,7598	3.472,77	811,42	Road safety measures, setting aside of dry slopes		
21	Michael Succow Stiftung zum Schutz der Natur	858,9542	36.078,03	50.775,75			
22	NABU Kreisverband Stendal	137,3886	503,40	9.548,44			
23	NABU-Stiftung Naturerbe Mecklenburg-Vorpommern	716,4087	2.621,64	20.729,74			
24	NABU-Stiftung Nationales Naturerbe	7.927,8713	576.008,07	469.398,50	Nature conservation measures	2,2236	4,2345
25	Naturschutzverein Elsteraue Falkenberg/Elster eV	16,2597	0,00	0,00			
26	Naturstiftung David - Stiftung des BUND Thüringen	255,8115	10.952,36	16.033,57			
27	Nordrhein-Westfalen-Stiftung Naturschutz, Heimat und Kulturpflege	1.509,6043	64.388,50	475.489,51			
28	Paul-Feindt-Stiftung	245,3946	15.092,17	19.051,18			
29	Sachsenforst	2.838,6918	45.594,00	200.391,00		4,3362	4,3187
30	Stiftung August Bier für Ökologie und Medizin	30,5391	5.568,54	5.945,00			
31	Stiftung Europäisches Naturerbe / Euronatur (European Natural Heritage Foundation)	60,3226	105,00	4.033,56			
32	Stiftung Hessisches Naturerbe des NABU-Landesverbandes Hessen	364,9028	76.773,89	100.055,29			
33	Stiftung Naturlandschaften Brandenburg	16,0437	0,00	625,50			
34	Stiftung Naturschutz Thüringen	4.045,7258	242.297,56	670.510,49			
35	Stiftung Naturschutz Schleswig-Holstein	759,2510	68.665,00	214.193,00		2,4200	2,4738
36	Stiftung Pro Artenvielfalt	81,1425	2.340,90	3.430,49			
37	Stiftung Reepsholt f. Naturschutz u. umweltgerechte Ressourcennutzung	151,2298	21.174,37	36.559,88			
38	Stiftung Umwelt, Natur- und Klimaschutz des Landes Sachsen-Anhalt	4.072,0353	411.368,66	1.091.399,34		0,0516	
39	Stiftung Umwelt und Naturschutz MV - Stiftung des Landes MV	1.474,9432	201.562,78	194.297,13	Purchase of additional land for reparcelling purposes	0,6850	1,7300
40	Stiftung Wälder für Morgen	1.046,4511	244.843,39	273.986,46			
41	ThüringenForst	490,7465	6.496,28	7.603,28			
42	Umweltstiftung WWF	2.088,2025	99.216,34	262.619,49			
43	Vogelschutz-Komitee eV	510,1576	7.759,55	30.628,12		0,0018	

No	Beneficiary of land	Area in ha	Revenues in EUR	Expenditure in EUR	Use to which surplus revenues were/are put	Approved further transfer of land in ha	
						Decrease	Access policy
1	Arbeitsgemeinschaft Natur-und Artenschutz e.V. (Agena)	11,7304	0,00	0,00			
2	DBU Naturerbe GmbH	70.449,6418	6.254.175,08	14.231.289,05			
3	BE Berlin	5,4847	175,50	240,00			
4	Deutsche Wildtier Stiftung	3.415,9756	300.399,82	938.679,64			
5	Förderverein Feldberg-Uckermärkische Seenlandschaft eV	1.262,3176	81.927,95	68.479,93	Acquisition of land	0,1659	
6	Förderverein Naturpark Niederlausitzer Landrücken eV	3,4892	0,00	0,00			
7	Municipality of Eching, Garching	433,2020	56.958,81	54.698,08	Mapping, updating forest management, implementing measures in accordance with the current natural heritage development plan		
8	Heinz Sielmann Stiftung TH	57,0453	3.580,77	39.067,01		0,5982	0,7324
9	Heinz Sielmann Stiftung BB	4.033,6655	151.840,95	873.554,57		0,2372	0,4047
10	Horst Richard Kettner Stiftung	217,4602	24.657,20	37.460,56			
11	Kranichschutz Deutschland gGmbH	92,1573	16.580,03	11.774,91	Provision of feed to prevent wildlife from eating crops, monitoring, planning of water level rise		
12	Kulturlandschaft Uckermark eV	319,5338	51.604,44	48.341,45	Purchase of land for a tortoise/turtle project		
13	Kulturstiftung Dessau-Wörlitz	3,9972	185,07	215,34			
14	Landesbetrieb Forst Brandenburg	1.905,6809	7.739,00	42.407,00		0,087	
15	Landschafts-Förderverein Nuth-Nieplitz-Niederung eV	24,7677	22.436,05	32.262,79			
16	Landschaftsförderverein Oberes Rhinluch eV	17,3431	559,48	271,05	Planting of specimen trees (planned in 2020, again postponed until 2022)		
17	Landschaftspflegeverband BR Thüringische Rhön eV	74,6986	4.946,45	2.552,90	Balance paid by Naturerbeplan Rhönzinsshut	0,2154	0,421
18	Landschaftspflegeverband Mecklenburger Agrarkultur eV	64,7914	53.443,45	44.873,49	Nature protection measures, acquisition of land		
19	Landschaftspflegeverband Rügen eV	305,2650	60.246,85	70.382,70		1,5437	1,9479
20	Landschaftspflegeverein Mittelbrandenburg eV	37,7598	2.696,56	468,25	Road safety measures, setting aside of dry slopes (measures that could not be implemented in 2021)		
21	Michael Succow Stiftung zum Schutz der Natur	858,9542	42.141,45	70.756,72			
22	NABU Kreisverband Stendal	137,3886	503,40	9.548,44			
23	NABU-Stiftung Naturerbe Mecklenburg-Vorpommern	716,4087	7.944,92	9.743,98			
24	NABU-Stiftung Nationales Naturerbe	7.927,8713	524.741,31	480.181,99	Nature protection measures, recurrent expenses associated with areas of land (e.g. expected charges for water and land associations), road safety measures	0,6532	3,6191
25	Naturschutzverein Elsteraue Falkenberg/Elster eV	16,2597	0,00	0,00			
26	Naturstiftung David - Stiftung des BUND Thüringen	255,8115	10.993,07	13.788,48		5,3869	2,2839
27	Nordrhein-Westfalen-Stiftung Naturschutz, Heimat und Kulturpflege	1.509,6043	32.080,23	243.042,16			
28	Paul-Feindt-Stiftung	245,3946	11.379,69	9.802,84	Water charges for sheep drinking troughs (supplier's invoice for 2021 still outstanding)		
29	Sachsenforst	2.838,6918	37.919,00	73.165,00			
30	Stiftung August Bier für Ökologie und Medizin	30,5391	5.568,54	6.159,99			
31	Stiftung Europäisches Naturerbe / Euronatur (European Natural Heritage Foundation)	60,3226	369,23	3.034,52			
32	Stiftung Hessisches Naturerbe des NABU-Landesverbandes Hessen	364,9028	69.985,82	110.624,01			
33	Stiftung Naturlandschaften Brandenburg	16,0437	41,97	459,01			
34	Stiftung Naturschutz Thüringen	4.045,7258	209.715,75	627.964,43			
35	Stiftung Naturschutz Schleswig-Holstein	759,3048	43.121,06	230.857,69			
36	Stiftung Pro Artenvielfalt	81,1425	3.306,86	3.747,32			
37	Stiftung Reepsholt f. Naturschutz u. umweltgerechte Ressourcennutzung	151,2298	22.581,83	33.834,54			
38	Stiftung Umwelt, Natur- und Klimaschutz des Landes Sachsen-Anhalt	4.072,0353	338.204,53	1.378.919,01			
39	Stiftung Umwelt und Naturschutz MV - Stiftung des Landes MV	1.473,8391	258.238,93	61.483,95	Acquisition of land, biotope conservation measures	0,1659	2,4095
40	Stiftung Wälder für Morgen	1.046,4511	92.676,38	166.294,58			
41	ThüringenForst	490,7465	4.324,72	21.864,46			
42	Umweltstiftung WWF	2.088,2025	110.562,02	288.425,69		0,0005	
43	Vogelschutz-Komitee eV	510,1576	22.908,19	31.827,62		1,3585	2,142

Attachments:**Reporting in accordance with NN 8/2009, point 3.3.2.4****Major nature protection projects, 2020**

Project/measure	Federal funds	Funds from the <i>Land</i> and own	Revenue	Expenditure	Use of surplus revenues
Allgäuer Moorallianz II (BY)	760.050,00 €	190.012,50 €	25.000,00 €	25.000,00 €	Project revenues were kept for project-related purposes
Baar II (BW)	583.500,00 €	145.875,00 €	0,00 €	0,00 €	
Bänder des Lebens im Hunsrück I (RP)	759.510,40 €	132.914,32 €	301,01 €	301,01 €	Project revenues offset against funding
Bienwald II (RP (D))	621.044,34 €	186.313,30 €	9.000,00 €	9.000,00 €	Project revenues were kept for project-related purposes
Grünes Band Rodachtal II (BY)	483.430,51 €	120.857,63 €	4.602,74 €	4.602,74 €	Project revenues were kept for project-related purposes
Hohe Schrecke II (TH)	1.132.732,00 €	283.183,00 €	4.518,00 €	4.518,00 €	Project revenues were kept for project-related purposes
Industriekultur Nord II (SL)	753.574,88 €	188.393,72 €	10.297,00 €	10.297,00 €	Project revenues were kept for project-related purposes
Krautsand I (NI)	111.572,75 €	27.893,19 €	0,00 €	0,00 €	
Mittelbe-Schwarze Elster I (ST (D))	47.670,07 €	11.917,52 €	0,00 €	0,00 €	
Mittelfränkisches Altmühltal I (BY)	33.863,00 €	8.465,75 €	0,00 €	0,00 €	

Mittlere Elbe (ST)	23.567,16 €	5.891,79 €	0,00 €	0,00 €	
Natürlich Hamburg I (HH (D))	680.108,19 €	170.027,05 €	0,00 €	0,00 €	
Neue Hirtenwege im Pfälzerwald I (RP)	712.539,37 €	124.694,39 €	0,00 €	0,00 €	
Nordvorpommersche Waldlandschaft II (MV)	738.163,50 €	184.540,88 €	16.763,84 €	16.763,84 €	Project revenues were kept for project-related purposes
Obere Ahr-Hocheifel II (RP)	885.487,00 €	283.355,84 €	24.534,15 €	24.534,15 €	Project revenues were kept for project-related purposes
Senne II (NW)	360.630,00 €	108.189,00 €	53.482,63 €	53.482,63 €	Project revenues were kept for project-related purposes
Senne II (NW)	1.238.193,12 €	309.548,28 €	8.688,00 €	8.688,00 €	Project revenues were kept for project-related purposes
Thüringer Kuppenrhön I (TH)	58.500,49 €	14.625,12 €	0,00 €	0,00 €	
Untere Havelniederung (II and ST)	2.668.109,00 €	667.027,25 €	54.369,00 €	54.369,00 €	Project revenues were kept for project-related purposes
Vogelsberg II (HE)	601.735,00 €	210.607,25 €	73,00 €	73,00 €	Project revenues were kept for project-related purposes
Total	13.253.980,78 €	3.374.332,77 €	211.629,37 €	211.629,37 €	
8 projects/actions	7.205.194,38 €	1.912.366,40 €	181.200,78 €	181.200,78 €	SGEI framework
12 projects/actions	6.048.786,40 €	1.461.966,37 €	30.428,59 €	30.428,59 €	SGEI Decision

Attachments:**Reporting in accordance with NN 8/2009, point 3.3.2.4****Major nature protection projects, 2021**

Project/measure	Federal funds	Funds from the <i>Land</i> and own	Revenue	Expenditure	Use of surplus revenues
Allgäuer Moorallianz II (BY)	687.525,00 €	171.881,25 €	0,00 €	0,00 €	
Baar II (BW)	646.447,50 €	161.611,88 €	0,00 €	0,00 €	
Bäche, Moore und Bergwiesen (TH)	61.866,75 €	15.466,69 €	0,00 €	0,00 €	
Bänder des Lebens im Hunsrück I (RP)	476.268,44 €	83.346,98 €	0,00 €	0,00 €	
Bienwald II (RP (D))	446.494,41 €	133.948,32 €	10.000,00 €	10.000,00 €	Project revenues were kept for project-related purposes
Grünes Band Rodachtal II (BY)	492.584,26 €	123.146,07 €	5.200,00 €	5.200,00 €	Project revenues were kept for project-related purposes
Hohe Schrecke II (TH)	909.847,32 €	227.461,83 €	6.103,00 €	6.103,00 €	Project revenues were kept for project-related purposes
Industriekultur Nord II (SL)	799.359,96 €	199.839,99 €	171.146,00 €	171.146,00 €	Project revenues were kept for project-related purposes
Krautsand I (NI)	445.711,56 €	111.427,89 €	0,00 €	0,00 €	
Mittelelbe-Schwarze Elster I (ST (D))	457.401,38 €	114.350,35 €	0,00 €	0,00 €	

Mittelfränkisches Altmühltal I (BY)	280.678,00 €	70.169,50 €	0,00 €	0,00 €	
Mittlere Elbe (ST)	58.068,56 €	19.356,19 €	0,00 €	0,00 €	
Natürlich Hamburg I (HH (D))	445.762,15 €	148.587,38 €	0,00 €	0,00 €	
Neue Hirtenwege im Pfälzerwald I (RP)	312.443,65 €	104.147,88 €	0,00 €	0,00 €	
Nordvorpommersche Waldlandschaft II (MV)	716.733,00 €	238.911,00 €	8.423,01 €	8.423,01 €	Project revenues were kept for project-related purposes
Obere Ahr-Hocheifel II (RP)	472.642,40 €	191.139,00 €	160.090,97 €	160.090,97 €	Project revenues were kept for project-related purposes
Senne II (NW)	1.152.180,23 €	384.060,08 €	15.000,00 €	15.000,00 €	Project revenues were kept for project-related purposes
Thüringer Kuppenrhön I (TH)	252.630,00 €	84.210,00 €	0,00 €	0,00 €	
Untere Havelniederung (II and ST)	2.513.845,00 €	837.948,00 €	41.590,12 €	41.590,12 €	Project revenues were kept for project-related purposes
Vogelsberg II (HE)	337.775,38 €	112.591,79 €	0,00 €	0,00 €	
Total	11.966.264,95 €	3.533.602,06 €	417.553,10 €	417.553,10 €	
7 projects/actions	5.887.782,65 €	1.781.574,58 €	388.930,09 €	388.930,09 €	SGEI framework
13 projects/actions	6.078.482,30 €	1.752.027,48 €	28.623,01 €	28.623,01 €	SGEI Decision

A. Baden-Württemberg 2022

1. Expenditure overview

According to the information provided to the *Land* government by the authorities, aid amounting to around EUR 301 792 000 in total was granted in 2020 and aid amounting to around EUR 438.9 million in total was granted in 2021 in Baden-Württemberg on the basis of the SGEI Decision. Guarantees are also provided, but no detailed information is available on the gross grant equivalent in this respect (see details below).

2. Description of the application of the 2012 SGEI Decision

1. Hospitals (Art. 2(1)(b))

Content of the services of general economic interest

Pursuant to Section 3 of the *Land* Hospital Act (*Landeskrankenhausgesetz*), the rural districts must ensure the provision of efficient and needs-based hospital care for the general population. The service of general economic interest involves the operation of hospitals to guarantee the provision of needs-based medical care in hospitals to the general population of the rural district and urban district. The range of medical services is based on the Baden-Württemberg hospital plan that applies in each case. The provision of needs-based healthcare services to the general population in high-performance hospitals pursuant to Section 1(1), third sentence, of the *Land* Hospital Act is defined as an SGEI. They include in particular the following services:

- Medical care services: internal medicine, surgery, nephrology, urology, orthopaedics, gynaecology/obstetrics, ear, nose and throat surgery, neurology, psychotherapy, ophthalmology, paediatrics, radiotherapy, oral and maxillofacial surgery, dialysis, pain therapy, neurosurgery, anaesthesia, radiology and pathology,
- emergency services: participation in the ambulance service,
- ancillary services directly relating to these principal activities: pre-hospitalisation services, post-hospitalisation services, outpatient services.
- operation of clinics in accordance with the provisions of the *Land* Hospital Act of Baden-Württemberg and the Hospital Financing Act (*Krankenhausfinanzierungsgesetz*, KHG), including the hospital plan of Baden-Württemberg,
- outpatient care in the relevant specialities,
- social paediatrics,
- ancillary services directly relating to these principal activities:
 - (a) training of nurses and healthcare workers,
 - (b) operation of a hospital pharmacy,
 - (c) operation of a blood bank for patients of the entrusted undertaking,
 - (d) provision of catering for patients of the entrusted undertaking,
 - (e) rental and leasing of housing and parking spaces for employees, visitors and patients.

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Forms of entrustment

There is no such thing as a typical form of entrustment. Entrustments are made e.g. by means of an administrative deed, (shareholder) agreement, by law, articles of association or decision by the relevant municipal decision-maker

Duration of the entrustment

10 years

Exclusive or special rights

None

Aid instruments

Investment subsidies, the assumption of guarantees and the compensation of annual shortfalls are granted and recapitalisation is financed. Short-term liquidity loans are also granted

Compensation mechanism

Generally a cost allocation methodology, but sometimes also a net-avoided-cost methodology.

Arrangements for avoiding and repaying any overcompensation

Checks are typically carried out using proof of use, which forms part of the audited annual financial statements.

Transparency requirements

If aid exceeding EUR 15 million is granted, transparency is guaranteed in particular through online publication of the budget laws and budget plans of the urban and/or rural districts concerned or of decisions taken by the relevant decision-makers within the municipal authority.

Amount of aid granted

According to the information made available to the *Land* government by the authorities, aid amounting to around EUR 200.4 million in total (2020) or around EUR 333.2 million in total (2021) was granted by the *Land* and municipal authorities. During the reporting period, guarantees, comfort letters, guarantor obligations, short-term liquidity loans and the making available of immovable property / equipment amounting to around

EUR 328.4 million in total (2020) and around EUR 327.5 million in total (2021) were also granted (no information on the gross grant equivalent is available in this respect).

(2) Social services (Art. 2(1)(c))

a) Healthcare and long-term care

Content of the services of general economic interest

Provision and operation of facilities for supporting, caring for, nursing and housing elderly and vulnerable persons, in particular retirement homes and retirement care homes, including short-term care and day care; services in the field of geriatric care and the operation of a hospice providing inpatient care.

Section 1 of the Land Nursing Care Act (*Landespflegegesetz*): provision of nursing care structured on a local, efficient and cost-effective basis

Nursing care in the home, in accordance with Volume V of the Social Code (*Sozialgesetzbuch*, SGB)

Maintaining a palliative care team.

Establishment and operation of a public community centre

Forms of entrustment

The entrustments are made in particular by means of an administrative deed, contract and (municipal) decision.

Duration of the entrustment

10 years

Exclusive or special rights

None

Aid instruments

Grants, guarantees

Compensation mechanism

In particular, losses are compensated on an annual basis, or specific expenses are reimbursed. A methodology based on cost allocation is used as a basis in the vast majority of cases.

Arrangements for avoiding and repaying any overcompensation

Checks are typically carried out using evidence of use on the basis of an audited annual financial statement; if applicable, separate accounts are kept.

Transparency requirements

No aid exceeding EUR 15 million was granted.

Amount of aid granted

According to the information made available to the *Land* government by the authorities, aid amounting to around EUR 2 912 000 in total (2020) or around EUR 3 350 000 in total (2021) was granted by the *Land* and municipal authorities. During the reporting period, guarantees amounting to around EUR 8.4 million in total (2020) and around EUR 40.1 million in total (2021) were also granted (no information on the gross grant equivalent is available in this respect).

(b) Childcare

Content of the services of general economic interest

Under Sections 3 and 69 of Volume VIII of the Social Code in conjunction with Sections 1 and 9 of the Baden-Württemberg Child and Youth Welfare Law (*Kinder- und Jugendhilfegesetz, LKJHG*), it is the rural districts (*Landkreise*) that bear local responsibility for public assistance for young people. They ensure that the appropriate facilities, services and arrangements necessary to fulfil the responsibilities covered by Volume VIII of the Social Code (service provision remit) are put in place.

Forms of entrustment

Entrustment act

Duration of the entrustment

10 years

Exclusive or special rights

None

Aid instruments

Grant

Compensation mechanism

Cost allocation methodology

Arrangements for avoiding and repaying any overcompensation

Compensation does not exceed what is required to cover the net costs of fulfilling the public service obligation while ensuring appropriate returns on the capital employed in meeting this obligation.

The annual financial statement provides proof of the way in which the funds have been used. In addition, the rural district concerned provides an overview of the guarantees assumed. The rural district authorities may require the youth centre to repay any excess compensation. The rural district authorities are entitled to have the youth centre's ledgers, receipts and other business-related paperwork audited.

Transparency requirements

Below EUR 15 million

Amount of aid granted

According to the information made available to the *Land* government by the German authorities, aid in the form of loans, guarantees and comfort letters amounting to around EUR 5 550 000 in total (2020) or around EUR 14.8 million in total (2021) was granted by the *Land* and municipal authorities.

(c) Access to and reintegration into the labour market

Content of the services of general economic interest

Support for the stabilisation, qualification and integration of unemployed people, especially the long-term unemployed; the project receiving funding provides an opportunity to introduce socio-spatial working with the aim of integration into the labour market

Qualification measures and projects designed to facilitate access to and reintegration into the labour market, including establishing and/or stabilising employability.

Support for young people transitioning from education to a career, in particular with a view to avoiding low educational achievement and early school-leaving, including school social work.

Employment and qualification measures targeting jobseekers with physical and/or mental disabilities.

Temporary employment and support for socially disadvantaged people, particularly young people, with the aim of making them more employable on the open labour market or of enabling them to undertake vocational training.

Forms of entrustment

Public contract

Entrustment requires entrustment acts in several stages, based on the ‘Munich model’ widely used in Germany (sometimes also known as the ‘company law solution’.)

Duration of the entrustment

10 years

Exclusive or special rights

None

Aid instruments

Grant

Compensation mechanism

Cost allocation methodology

Arrangements for avoiding and repaying any overcompensation

The subsidy is subject to strict purpose limitation. In addition, the ancillary conditions set out in the transfer notice stipulate that the beneficiary must produce a statement of expenditure for the costs incurred. An interim statement must be provided on an annual basis. If the total expenditure for the purpose of the grant estimated in the financing plan is reduced or the funds used to cover the expenses increase or new funds are added, the grant is reduced accordingly. Furthermore, under certain conditions, the withdrawal or cancellation of the grant is also possible; an interest-bearing request for reimbursement pursuant to Section 49a of the *Land* Administrative Procedures Act (*Landesverwaltungsverfahrensgesetz*, LVwVfG) will be issued.

Transparency requirements

Below EUR 15 million

Amount of aid granted

According to the information made available to the *Land* government by the German authorities, aid amounting to around EUR 2.8 million in total (2020) or around EUR 2.9 million in total (2021) was granted.

(d) Social housing

The relevant figures were sent by Baden-Württemberg's Ministry of Regional Development and Housing (*Ministerium für Landesentwicklung und Wohnen*, MLW) to the Federal Ministry of Housing, Urban Development and Building (*Bundesministerium für Wohnen, Stadtentwicklung und Bauwesen*, BMWSB) and taken into account in the coordinated communication.

(e) Care and social inclusion of vulnerable groups

Forms of entrustment

Entrustment act

Duration of the entrustment

10 years

Exclusive or special rights

None

Aid instruments

Grants

Compensation mechanism

Cost allocation methodology

Arrangements for avoiding and repaying any overcompensation

Annual calculations

Transparency requirements

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Amount of aid granted

(3) Flight or ship traffic to islands with an average annual traffic level exceeding the maximum level referred to in Article 2(1)(d)

Content of the services of general economic interest

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Forms of entrustment

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Duration of the entrustment

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Exclusive or special rights

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Aid instruments

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Compensation mechanism

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Arrangements for avoiding and repaying any overcompensation

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Transparency requirements

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Amount of aid granted

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(4) Airports and ports with average annual traffic not exceeding the limit set in Article 2(1)(e)

Content of the services of general economic interest

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Forms of entrustment

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Duration of the entrustment

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Exclusive or special rights

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Aid instruments

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Compensation mechanism

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Arrangements for avoiding and repaying any overcompensation

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Transparency requirements

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Amount of aid granted

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(5) SGEI compensation not exceeding an annual amount of EUR 15 million (Article 2(1)(a))

(i) Postal services

Content of the services of general economic interest

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Forms of entrustment

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Duration of the entrustment

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Exclusive or special rights

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Aid instruments

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Compensation mechanism

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Arrangements for avoiding and repaying any overcompensation

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Transparency requirements

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Amount of aid granted

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(ii) Energy

Content of the services of general economic interest

Safeguarding the supply of energy from renewable energy sources

Consultancy activities and providing advisory services with a view to optimising energy saving and using renewable energy sources in the area of construction and renovation and reducing greenhouse gas emissions through projects involving cooperation with craftsmen in the region / network duties and exchanges of information

Organising events such as lectures, information stands and talks

Forms of entrustment

If the *Land* government is provided with information by the authorities, the entrustments are made by means of an administrative act, (shareholder) agreement or (municipal) decision.

Duration of the entrustment

10 years

Exclusive or special rights

None

Aid instruments

Subsidies and guarantee

Compensation mechanism

Methodology based on cost allocation and net-avoided-cost methodology

Arrangements for avoiding and repaying any overcompensation

Checks are carried out using evidence of use, frequently on the basis of an audited annual financial statement.

Transparency requirements

Not applicable, since Article 7 of the SGEI Decision applies only if the compensation for one and the same SGEI exceeds EUR 15 million, which is not the case for other compensation (Article 2(1)(a)).

Amount of aid granted

According to the information made available to the *Land* government by the authorities, aid amounting to around EUR 50 000 in total (2020) or around EUR 150 000 in total (2021) was granted at *Land* and/or municipal level.

(iii) Rubbish removal services

Content of the services of general economic interest

Forms of entrustment

Duration of the entrustment

Exclusive or special rights

Aid instruments

Guarantees

Compensation mechanism

Arrangements for avoiding and repaying any overcompensation

Business plan, investment plan

Calculation of fees/costs

Recovery

Transparency requirements

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Amount of aid granted

(iv) Water supply

Content of the services of general economic interest

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Forms of entrustment

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Duration of the entrustment

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Exclusive or special rights

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Aid instruments

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Compensation mechanism

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Arrangements for avoiding and repaying any overcompensation

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Transparency requirements

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Amount of aid granted

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(v) Culture sector

Content of the services of general economic interest

Provision and operation of public facilities used for cultural and sporting activities. Planning, supporting and organising cultural events; care of historic gardens; cross-border support for art and culture in the region around Lake Constance, particularly by planning, supporting and organising cultural events ranging across the full spectrum of music, drama and literature. These events, especially the international *Bodenseefestival* (Lake Constance Festival), are designed to express the idea of cross-border partnership in the Lake Constance region and in Europe through guest performances, cultural encounters and other events.

Entrustment of an owner-operated enterprise for culture and events: (a) non-discriminatory and affordable provision of premises, areas and other infrastructure that is adequate in terms of capacity, quality and availability for the operation of the BadnerHalle and the Reithalle. (b) ancillary services directly linked with this activity: — planning, organising and holding events of a cultural, political, social or commercial nature involving both the staff of the organisation concerned and outside entities, both on the premises of the BadnerHalle and the Reithalle and elsewhere — providing adequate parking space by operating or leasing out the BadnerHalle's underground car park

Maintaining and running the historic Öchsle railway, which is subject in its entirety to protection as a monument.

Forms of entrustment

Municipal decision

Administrative deed

Duration of the entrustment

10 years

Exclusive or special rights

None

Aid instruments

Grants

Compensation mechanism

Methodology based on cost allocation and net-avoided-cost methodology

Arrangements for avoiding and repaying any overcompensation

The level of compensation is calculated on the basis of the business plan adopted by the supervisory board and the evidence supplied in connection with the drawing-up and auditing of the annual financial statement.

Transparency requirements

No aid exceeding EUR 15 million

Amount of aid granted

According to the information made available to the *Land* government by the authorities, aid totalling around EUR 24 420 000 (2020) or around EUR 16 620 000 (2021) was granted.

(vi) Financial services

Content of the services of general economic interest

...

Forms of entrustment

...

Duration of the entrustment

...

Exclusive or special rights

...

Aid instruments

...

Compensation mechanism

...

Arrangements for avoiding and repaying any overcompensation

...

Transparency requirements

...

Amount of aid granted

...

(vii) Other sectors

Content of the services of general economic interest

According to the information made available to the *Land* government by the authorities, entrustments were made in the following areas:

- business promotion (including marketing particular locations; market research; advisory and support services for companies; establishing and operating centres for commerce, technology, business start-ups and science; measures to support inner city development, particularly the development of retail commerce; activities to support business start-ups; holding exhibitions, conferences and trade fairs, and establishing and operating buildings and open spaces suitable for this purpose);
- promoting tourism (including marketing; market research; operating tourist facilities; providing tourist activities involving events, conferences and congresses; cultural activities, provision and mediation of tourism-related services; running health spas).
- management of parking facilities (including the provision and operation of parking facilities that do not cover their own costs, such as parking spaces, multi-storey car parks and underground car parks);
- maintenance of historical gardens; care and maintenance of regional cultural heritage;
- establishment and operation of transport infrastructure (bicycle rental system, park-and-ride facilities, underground car parks);
- trade fairs and congresses (holding trade fairs, city and public festivals, event management, providing and renting premises);
- provision and operation of meeting and event venues;
- promotion of business parks (planning, acquisition, development, maintenance and marketing);

- support services for start-ups in the field of biotechnology;
- establishment of a platform for cooperation between undertakings, universities and other institutions for projects, research and initial and further training in the field of logistics and mobility (provision of real estate, funding for research projects);
- promotion of sports (including the promotion of community and elite sport, provision of sports facilities and stadiums, sports marketing, operation of a sports boarding school, development of projects that help to establish structures for the use of 'new media' and to establish their application);
- swimming pools (e.g. operating indoor swimming baths, swimming pools with novelty features and lidos at affordable prices; making space available for school swimming lessons and swimming club sessions);
- operation of adult education centres;
- youth hostels (investment funding);
- education (improving the capacity for education and the employability of young people who do not have a vocational school-leaving certificate and are unemployed);
- further education after the completion of an initial period of education in school, vocational training or university;
- urban renovation and renewal;
- operation of festival halls, cultural and leisure parks (e.g. for concerts, carnival events, exhibitions, shows, conferences, markets and trade fairs);
- nature protection and landscape conservation;
- climate protection (including provision of information, development of educational offers, public relations and networking activities);
- broadband expansion;
- consumer protection;
- food and education advice;
- sludge recycling;
- information and communication services in the fields of climate protection and the energy transition;

- aircraft landing area;
- preparing for and holding the *Land* gardening show in Überlingen, in 2020;
- education;
- renovating and operating the *Merkurbergbahn* (mountain railway).

Forms of entrustment

The entrustment is typically made by means of an administrative deed, contract, articles of association or (municipal) decision.

Duration of the entrustment

generally 10 years

Exclusive or special rights

No exclusive or special rights are typically assigned to the undertakings.

Aid instruments

In particular, use is made of subsidies, guarantees, loans, capital contributions, membership fees, letters of comfort and transfers of staff and premises.

Compensation mechanism

There is no typical compensation mechanism. Losses are frequently compensated (on an annual basis) with reference to separate accounts, or specific expenses are reimbursed. A methodology based on cost allocation is used as a basis in the vast majority of cases.

Arrangements for avoiding and repaying any overcompensation

Checks are typically carried out by means of evidence of use, frequently on the basis of an audited annual financial statement.

Transparency requirements

Not applicable, since Article 7 of the SGEI Decision applies only if the compensation for one and the same SGEI exceeds EUR 15 million, which is not the case for other compensation (Article 2(1)(a)).

Amount of aid granted

According to the information made available to the *Land* government by the authorities, aid amounting to around EUR 65 660 000 in total (2020) or around EUR 67 880 000 in total (2021) was granted at federal, *Land* and municipal level.

3. Description of the application of the 2012 SGEI framework

The Commission has to date not approved any measures under the 2012 SGEI framework.

4. Complaints by third parties

None

5. Miscellaneous questions

None

The SGEI Decision in Baden-Württemberg		Total amount for the <i>Land</i> of Baden-Württemberg	
		2020	2021
Article 2(1)(b)	Hospitals providing medical care, including, where applicable, emergency services	€ 200.400.000,00	€ 333.200.000,00
Article 2(1)(c)	Health and long term care	€ 2.912.000,00	€ 3.350.000,00
	Childcare	€ 5.550.000,00	€ 14.800.000,00
	Access to and reintegration into the labour market	€ 2.800.000,00	€ 2.900.000,00
	Social housing		
	Care and social inclusion of vulnerable groups		
	Other social services		
Article 2(1)(d)	Air or maritime links		
Article 2(1)(e)	Airports and ports		
Article 2(1)(a), not exceeding an annual amount of EUR 15 million	Postal services		
	Energy	€ 50.000,00	€ 150.000,00
	Waste collection		
	Water supply		
	Culture	€ 24.420.000,00	€ 16.620.000,00
	Financial services		
	Other sectors	€ 65.660.000,00	€ 67.880.000,00

The SGEI Framework in your Member State	Total amount for the Member State	
	2018	2019
Postal services		
Energy		
Waste collection		
Water supply		
Air or maritime links		
Airports and ports		
Culture		
Financial services		
Other sectors		

Free State of Bavaria

The report contains no confidential data

I. Expenditure overview

According to the information made available by the Bavarian authorities, aid granted on the basis of the SGEI Decision amounted to approximately EUR 592 million in 2020 and approximately EUR 587 million in 2021 in the form of subsidies, guarantees, capital contributions, land concessions and loans.

Since its introduction, there have been no notifications (and therefore no expenditure) on the basis of the SGEI Framework in Bavaria.

II. Description of the application of the 2012 SGEI Decision

1. Hospitals (Article 2(1)(b))

a. Funding in the context of local self-government

Content of the services of general economic interest

Entrustments were made in the following areas:

- medical care services in the field of inpatient, day patient, pre-admission and post-discharge and outpatient hospital care with all the associated individual services
- emergency services
- ancillary activities directly associated with these principal activities (e.g. accommodation and meals, laboratory, radiology, physiotherapy, cleaning of buildings, technical service, administration, but also basic and advanced training and continuing education in hospital professions, hospital fire department, provision of accommodation and parking facilities for staff, provision of staff meals, operation of canteens, hospital kitchens, central pharmacies, cafeterias and kiosks, property administration, operation of day nurseries, medical opinions)
- long- and short-term care for elderly people (including day and night care)
- emergency reserve services for civil protection and infection protection measures

- midwifery, obstetrics and post-partum care.

Forms of entrustment

The vast majority of entrustments are made by means of an act of entrustment, but some also (for example) by means of decisions of the shareholders bound by instruction (of the relevant municipal decision-maker), or administrative deed.

Duration of the entrustment

In most cases, the duration of the entrustment is 10 years. However, in around 10% of cases, there are also longer entrustments (between 11 and 32 years) due to large investments, long depreciation periods, the terms of the guarantees or the need to provide multiple hospital locations in the municipality. In some cases, the duration of the entrustment is less than 10 years.

Exclusive or special rights

Not relevant

Aid instruments

Often, subsidies (in the form of investment subsidies, operating cost subsidies and interest rate subsidies) are granted and losses compensated. The following are also used:

- transfer of land/buildings/staff without consideration or at a discount
- underwriting of guarantees
- partial reimbursement of pension costs
- granting of low-interest/interest-free loans and cash credits
- reimbursement of interest/redemption payments
- binding letters of comfort
- capital contributions.

Compensation mechanism

Compensation is granted in particular on the basis of the relevant (annual) business plan.

In addition, the following compensation mechanisms are used, among others:

- investment subsidies corresponding to costs incurred or the progress of the works
- allocations to own funds/building maintenance.

A cost allocation methodology is used as a basis in the vast majority of cases.

Arrangements for avoiding and repaying any overcompensation

Checks are typically carried out through the presentation of the annual financial statements and audits (by the municipality, auditor, auditing association) and by means of proof of use of funds, but also by means of:

- presentation of separate accounts with audit
- conclusion of a contract for the use of land/buildings
- final accounts for the measure
- deferred payment of subsidies.

Transparency requirements

Not applicable.

Amount of aid granted

2020		2021	
EUR 300 057 131.50		EUR 284 125 408.33	
	2020	2021	
Subsidies in various forms, e.g. (investment) subsidy, compensation of losses/compensation of annual shortfalls, reimbursements, interest subsidy and reimbursement.	EUR 288 414 003.96	EUR 275 615 830.60	
Transfer of land/building/staff	EUR 209 516.68	EUR 189 456.68	
	1 x unquantified	1 x unquantified	

Guarantees	EUR 3 257 418.86 (Information on the value of the aid was only forwarded in three cases. In total, guarantees amounting to EUR 267 346 243.25 were granted.)	EUR 5 028 928.05 (Information on the value of the aid was only forwarded in three cases. In total, guarantees amounting to EUR 355 996 460.26 were granted.)
(low-interest/interest-free) loans/cash credits	EUR 381 689 (In total, loans amounting to EUR 54 550 000 were granted)	EUR 446 690 (In total, loans amounting to EUR 68 050 000 were granted)
Issue of a binding letter of comfort	EUR 3 000 000	EUR 3 000 000
Capital contribution	EUR 7 794 503	EUR 2 844 503

b. Funding by the Land of Bavaria within the area of competence of the Land Ministry of Health and Care

Content of the services of general economic interest

SGEIs were entrusted in the following sectors:

- provision and use of medical equipment for the care and treatment of Covid-19 patients
- telemedicine projects
- Munich Poisons Information Centre/poisons hotline
- operation of the Schwabing Isolation Ward by München Klinik gGmbH
- transfer of ventilators, patient monitors and blood gas analysis systems for the purpose of medical care and treatment of Covid-19 patients.

Forms of entrustment

In each case, the entrustment took the form of a grant notice or a public contract.

In the case of aid for the provision and use of medical equipment for the care and treatment of Covid-19 patients and the transfer of ventilators, patient monitors and

blood gas analysis systems for the purpose of medical care and treatment of Covid-19 patients, a sample act of entrustment was drawn up and used in multiple cases.

Duration of the entrustment

The duration of the entrustment is up to 10 years, depending on the project.

In some cases, the duration of the entrustment was dictated by the duration of the Covid-19 pandemic, which is still ongoing.

Exclusive or special rights

No exclusive or special rights were assigned to the undertakings.

Aid instruments

Non-repayable subsidies were used.

In most cases, however, when it comes to the provision and use of medical equipment for the care and treatment of Covid-19 patients and the transfer of ventilators, patient monitors and blood gas analysis systems for the purpose of medical care and treatment of Covid-19 patients, the hospitals did not receive benefits in cash, but rather received benefits in kind (medical equipment) for free.

Compensation mechanism

The cost allocation methodology was used.

In line with Article 4(d) of the SGEI Exemption Decision, depending on the project, regulations concerning the type of funding, funding rate, cost and financing plan, staff costs, application of the General Ancillary Conditions for Grants to Fund Projects, audit rights, disbursement and proof of use are part of each grant notice.

Arrangements for avoiding and repaying any overcompensation

In line with Article 4(e) of the SGEI Exemption Decision, various measures to avoid (and repay) overcompensation are taken as part of the individual grant notices:

- Check of proof of use by means of obligatory confirmation of use
- Obligation to notify every compensation payment received by hospitals from third parties for the provision of the transferred medical equipment, and to surrender this payment to the Free State of Bavaria

- Rules on how to proceed in the event of a breach of the ancillary conditions, on auditing the payment application and the proof of use and on recovery
- Presentation of separate accounts with audit
- Calculation of the subsidy on the basis of the submitted invoices for expenses incurred because of SGEI.

Transparency requirements

No aid exceeding EUR 15 million was granted.

Amount of aid

2020	2021
EUR 52 013 550.77	EUR 31 210 105.49

2. Social services (Art. 2(1)(c))

a) Health and long term care

aa. Funding in the context of local self-government

Content of the services of general economic interest

Entrustments are made in the following areas:

- nursing care services, such as inpatient and day patient care, but also short-term and day care of elderly people, long-term care for people with incurable progressive illnesses with all associated individual services to allow a dignified end of life (hospice), provision and operation of retirement and nursing homes
- ancillary services that are directly connected and necessary, including psychological support, catering, provision of a garden for guests, contemplation and prayer room, as well as room cleaning, laundry, rental of housing for employees
- services in the field of geriatric care, such as inpatient care, housing communities, residential care communities, 4th generation advanced residential care

- basic and advanced training and continuing education in the professions required for operation of the retirement homes.

Forms of entrustment

The entrustments are made by means of entrustment acts.

Duration of the entrustment

As a rule, the duration of the entrustment is 10 years. In 3% of cases, it is longer because of the high level of investment.

Exclusive or special rights

Not relevant

Aid instruments

The compensation often takes the form of underwriting the annual shortfalls or subsidies (in the form of investment and repayment subsidies). In addition, one (loan) guarantee was granted.

Compensation mechanism

Annual loss compensation in particular is used, but specific expenditure is also reimbursed. A methodology based on cost allocation was used as a basis.

Arrangements for avoiding and repaying any overcompensation

Checks are typically carried out through the presentation of the annual financial statements and audits (by the municipality, auditor, auditing association) and by means of proof of use of funds, but also by means of:

- enforcement of any recoveries (through the existing authority of the municipality to issue instructions to the institution)
- presentation of separate accounts and audits
- monthly checks
- proof of upstream deficit.

Transparency requirements

Not relevant.

Amount of aid granted

2020		2021
EUR 16 243 368.78		EUR 14 869 161.33
	2020	2021
Subsidies in various forms (subsidy or compensation of losses/compensation of annual shortfalls)	EUR 16 241 897.41	EUR 14 869 161.33
Guarantee	EUR 1 471.73	

bb. Funding by the Land of Bavaria within the area of competence of the Land Ministry of Health and Care

Content of the services of general economic interest

SGEIs were entrusted in the following sectors:

- Development and interconnection of telemedicine projects to establish uniform and coherent provision of telemedical care
- Setting up (or developing) and operating the offices of the Health Regions plus
- MiMi Health Project Bavaria: With Migrants For Migrants (*Mit Migranten für Migranten*) - Intercultural health in Bavaria 2021-2022, taking into account the current pandemic-related challenges (SARS-CoV-2)
- Post COVID Kids Bavaria – long-term effects of Coronavirus infections in children and young people in Bavaria: Detection and prompt treatment of the sequelae.
- Post COVID Kids Bavaria – PCFC – long-term effects of Coronavirus infections in children and young people in Bavaria: Detection and prompt treatment of the sequelae via a Post-COVID-Fatigue Centre.
- Post-COVID LMU: Implementing and evaluating an interdisciplinary and cross-sector care and research network for evidence-led treatment of patients with severe post-Covid syndrome.

- Promotion of structural or design-related measures for the dementia-compatible design of indoor and outdoor spaces in independent institutions providing short-term care, day care and night care.
- Creating new short-term care places in inpatient care institutions in order to meet the demand and improve the availability of short-term care.
- Needs-based provision of care places in institutions for children, youths and young adults with disabilities within the meaning of Section 45(1), first sentence, of Volume VIII of the Social Code, and for adults with disabilities within the meaning of the Care and Housing Quality Act (*Pflege- und Wohnqualitätsgesetz*, PflWoqG).
- Building new outpatient residential communities for adults in need of care, with the goal of meeting the changing needs of people in need of care.
- Testing new care concepts and care structures, in particular for people in need of care who have dementia and other groups of people in need of care whose care requires significant structural development. In particular, the projects test – in individual regions – the model options for an effective network of necessary assistance for people in need of care who have dementia and other groups of people in need of care whose care requires significant structural development.
- Operating a support service for carers. The role of carers' support services is to continuously provide psychosocial counselling for, relieve pressure and support the carers in open cooperation with all the members of the care network.
- Counselling people on all aspects preceding and surrounding care and coordinating the assistance and support available to them so that they can receive community-based care that is as coordinated as possible.
- Operating a care support point as a local point of contact for people seeking help and advice, regional networking with relevant actors, and achieving a level of coordination in community-based help and support options. This concerns information and counselling on all aspects preceding and surrounding care.
- Ensuring the continuity of day-care facilities during the Coronavirus pandemic.
- Ensuring the continuity of inpatient facilities during the Coronavirus pandemic.

- Setting up and expanding comprehensive general and specialised outpatient and inpatient hospice and palliative services in Bavaria. Drafting a practical guide with scientific results, implementation notes and experiences, proposals for further development of the legal basis for day care in connection with flexible day and night care for people affected by rare forms of dementia, and proposals for various organisations to cooperate in hybrid structures in order to close gaps and provide the above services.

Forms of entrustment

The entrustment took the form of a grant notice.

Duration of the entrustment

The duration of the entrustment is up to 10 years, depending on the project.

However, for the needs-based provision of care places in institutions for children, youths and young adults with disabilities within the meaning of Section 45(1), first sentence, of Volume VIII of the Social Code, and for adults with disabilities within the meaning of the Care and Housing Quality Act (*Pflege- und Wohnqualitätsgesetz*, *PfleWoqG*), the average duration of the entrustment is 25 years. Here, the duration of the entrustment exceeded 10 years in 100% of cases.

Within the framework of large investments, the duration of the entrustment is evaluated according to the earmarking period or the payback period of the assets which are most important for the provision of the SGEI.

Exclusive or special rights

No exclusive or special rights were assigned to the undertakings.

Aid instruments

The funding is granted in the form of non-repayable subsidies.

Compensation mechanism

The compensation mechanism is based on a cost allocation methodology.

The grant notices, including requirements, conditions and indications, establish the compensation mechanism and the parameters for the calculation, monitoring and amendment of compensation, in particular on the basis of the cost and financing plan. In line with Article 4(d) of the SGEI Exemption Decision, regulations concerning the

type of funding, grant period, funding rate, cost and financing plan, staff costs, application of the General Ancillary Conditions for Grants to Fund Projects (to municipal authorities), and the General Ancillary Conditions for Disbursements of Institutional Funding, audit rights, disbursement and proof of use are part of each grant notice.

The funding of structural and design-related measures for the dementia-friendly design of indoor and outdoor spaces in independent institutions providing short-term care, day care and night care is designed on a property-specific basis and granted as proportionate financing under the heading of project funding. The beneficiaries are responsible for implementing projects relating to independently operated care facilities that have been approved by the nursing insurance funds through the conclusion of a supply contract. These facilities are subject to the provisions of Section 82 of Volume XI of the Social Code on the financing of approved care facilities. This involves the funding of investment expenses that can be calculated separately for those in need of care, unless they are already covered by the public funding.

Arrangements for avoiding and repaying any overcompensation

In line with Article 4(e) of the SGEI Exemption Decision, regulations concerning the infringement of the ancillary conditions, auditing of the payment application and the proof of use, and recovery are part of each grant notice. The proof of use is audited. Facts relevant to the subsidy are pointed out in the notices.

If, during the SGEI entrustment, the beneficiary generates further revenue beyond the approved cost and financing plan, accrues further third-party funding, or experiences a reduction in expenses, the amount of the grant to be awarded is reduced.

Transparency requirements

A grant of over 15 million EUR was awarded to an undertaking which carries out other activities in addition to services of general economic interest. A summary of the data referred to in Article 4 of the SGEI Exemption Decision and the annual amount of aid for the undertaking in question have been published in a transparency database: <https://www.lfp.bayern.de/pflegesonah-investitionskostenrichtlinie/>.

Apart from the above, no grants exceeding EUR 15 million were awarded.

Amount of aid granted

2020	2021
EUR 55 202 027.05	EUR 69 296 114.10

cc. Funding within the area of competence of the Finance Department (State-owned health resorts):

Content of the services of general economic interest

The health resort management companies are responsible for the practical implementation of health resort operations in the area designated in Annex 1 to the Ordinance on the collection of health resort taxes (*Verordnung über die Erhebung der Kurtaxe*), including the provision of natural local remedies and the operation of appropriate health resort facilities for the provision of information, entertainment, accompanying therapeutic care and sports activities to health resort guests.

Forms of entrustment

A typical form of entrustment does not exist. Entrustments are made by administrative deed, (shareholder) agreement or contractually agreed consortium arrangement with municipal co-shareholders.

Duration of the entrustment

The duration of the entrustment varies between four years and an unlimited term.

Initially, at the conclusion of the contract, the duration of the entrustment exceeded a period of 10 years in 80% of cases since, as a result of substantial investments, integration of municipal co-shareholders in the health resort management companies would not have been feasible with a shorter duration of entrustment. It proved impossible to attract private co-shareholders to participate in any State-owned health resort.

In some cases, the Free State bears sole responsibility for the health resort operations. The involvement of further co-shareholders is not envisaged in the medium term. In this respect, the entrustments were typically made for an unlimited period.

Exclusive or special rights

The undertakings, as appointed entrepreneurs, are entitled to collect the health resort tax under the Ordinance on the collection of health resort taxes.

Aid instruments

The undertakings receive subsidies.

Compensation mechanism

The net avoided cost methodology was used as the basis.

Arrangements for avoiding and repaying any overcompensation

Checks are typically carried out using proof of use, which forms part of the audited annual financial statements.

Transparency requirements

Not relevant

Amount of aid granted

2020	2021
EUR 7 864 000	EUR 6 432 000

b. Childcare (in the broader sense, in this instance: care and catering)

aa. Funding in the context of local self-government

Content of the services of general economic interest

The entrustment involves the care of infants in a nursery and primary school children within the framework of lunchtime and holiday supervision.

Forms of entrustment

The entrustments are made by means of entrustment acts.

Duration of the entrustment

The entrustment duration is 10 years.

Exclusive or special rights

Not relevant

Aid instruments

Compensation payments are made in connection with childcare.

Compensation mechanism

As a rule, compensation is granted on the basis of the annual business plan.

A methodology based on cost allocation is used as a basis.

Arrangements for avoiding and repaying any overcompensation

Checks are carried out on the basis of proof of use within the framework of the audited annual financial statement.

Transparency requirements

Not relevant

Amount of aid granted

2020	2021
EUR 582 551.44	EUR 600 969.00

bb. Funding by the Land of Bavaria within the area of competence of the Land Ministry of Health and Care***Content of the services of general economic interest***

The objective of the entrustment is to ensure comprehensive provision of qualified care workers, including through binding forms of cooperation.

Forms of entrustment

The entrustment is made in the form of a grant notice.

Duration of the entrustment

The duration of the entrustment is generally one year.

The share of entrustments with a duration exceeding 10 years is 0 %.

Exclusive or special rights

Exclusive or special rights were not assigned.

Aid instruments

The funding is granted in the form of non-repayable subsidies.

Compensation mechanism

The cost allocation methodology was used.

Compensation mechanism

A methodology based on cost allocation is used as a basis.

When submitting an application, the beneficiary must summarise in a financing plan all expenditure exclusively related to the proposed project. The financing plan must include the own contribution (cash, loan, credit) and the revenue, donations and third-party funding to be taken into account. As part of the examination of applications under funding law, the expenses are checked for plausibility according to the following criteria: economy, efficiency, and appropriate use.

The grant notices, including requirements, conditions and indications, establish the compensation mechanism and the parameters for the calculation, monitoring and amendment of compensation, especially on the basis of the cost and financing plan. In line with Article 4(d) of the SGEI Exemption Decision, regulations concerning the type of funding, grant period, funding rate, cost and financing plan, application of the General Ancillary Conditions for Grants to Fund Projects (to municipal authorities), audit rights, disbursement and proof of use are part of each grant notice.

Arrangements for avoiding and repaying any overcompensation

In line with Article 4(e) of the SGEI Exemption Decision, regulations concerning the infringement of the ancillary conditions, auditing of the payment application and the proof of use, recovery, and invalidity, withdrawal or cancellation of the grant are part of each grant notice. Proof of use is audited.

Transparency requirements

Not relevant

Amount of aid granted

2020	2021
EUR 0	EUR 695 565.00

c. Access to and reintegration into the labour market

Content of the services of general economic interest

Entrustments are made in the following areas:

- in general terms, introduction to and integration into the labour market for the most vulnerable groups in the labour market and the long-term unemployed
- support for asylum seekers in relation to job searches, integration and qualifications for the German labour market
- promotion of vocational training and the vocational orientation and qualification of employees that are at risk of or affected by unemployment as a result of structural change, through the creation and provision of further training and qualification options and the execution of projects for the promotion of further vocational training
- development and execution of courses allowing unemployed persons to gain qualifications
- execution of vocational guidance and qualification measures to allow attendees to reach a higher level of education.

Forms of entrustment

The entrustments are made by means of entrustment acts and grant notices.

Duration of the entrustment

The entrustment takes place every year.

Exclusive or special rights

Not relevant

Aid instruments

Subsidies were granted.

Compensation mechanism

The specific expenditure is reimbursed on the basis of the annual statement of funds and revenues received and on the basis of evidence of the deliverables achieved. A methodology based on cost allocation is used as a basis.

Arrangements for avoiding and repaying any overcompensation

Checks are carried out using proof of use based on the audited annual financial statement and annual reporting on any overcompensation and repayment obligations.

Transparency requirements

Not relevant.

Amount of aid granted

2020	2021
EUR 22 844 098.90	EUR 21 620 627.00

d. Social housing (excluding the Länder's joint report to the Federal Ministry of Housing, Urban Development and Building)

Content of the services of general economic interest

A publicly funded housing association was entrusted with the provision of housing for persons seeking accommodation that are unable to find appropriate solutions on the market.

Forms of entrustment

Entrustments are made by means of administrative deeds.

Duration of the entrustment

10 years. However, the entrustment was withdrawn by means of the notice of 22 October 2021.

Exclusive or special rights

No exclusive or special rights are assigned.

Aid instruments

Capital contribution

Compensation mechanism

Pursuant to Article 5 of the Exemption Decision, the level of funding must not exceed the amount necessary to cover the net costs incurred in connection with performance of tasks by the housing association.

The net costs are the difference between the costs incurred while performing these tasks on the one hand and the revenues earned in this connection on the other hand.

The costs to be taken into account in this respect include all expenses incurred in connection with the performance of the tasks. The company's activities are restricted to a single comprehensive service of general economic interest, and all the costs of the entrusted company are therefore eligible.

A methodology based on cost allocation is used as a basis.

Arrangements for avoiding and repaying any overcompensation

Checks are carried out by an external auditor on an annual basis to determine whether overcompensation has occurred.

Transparency requirements

Up to the withdrawal of the entrustment, no activities other than social housing were carried out.

Amount of aid granted

2020	2021
EUR 25 000 000 (payment into capital reserves under Section 272(2)(4) of the Commercial Code)	EUR 30 000 000 (payment into capital reserves under Section 272(2)(4) of the Commercial Code)

e. Care and social inclusion of vulnerable groups

Content of the services of general economic interest

Entrustments are made in the following areas:

- counselling for carers
- provision of care for the elderly within the meaning of Section 71 of Volume XII of the Social Code or within the meaning of provisions replacing that provision
- coordination and interconnection of locally available work with the elderly
- training opportunities for the people affected and their relatives.

Forms of entrustment

The entrustments are made by means of entrustment acts and grant notices.

Duration of the entrustment

The duration of the entrustment is between 2 and 10 years.

Exclusive or special rights

Not relevant

Aid instruments

The undertaking was awarded subsidies and compensation payments.

Compensation mechanism

A methodology based on cost allocation is used as a basis.

Arrangements for avoiding and repaying any overcompensation

Checks are carried out on the basis of proof of use. In order to prevent overcompensation, proof of the appropriate use of funds is required annually after the end of the financial year. This is done by means of the annual financial statement and other evidence.

Transparency requirements

Not relevant.

Amount of aid granted

2020	2021
EUR 289 931	EUR 272 538

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3. Air or maritime links to islands with average annual traffic not exceeding the limit set in Article 2(1)(d) (no information)

4. Airports and ports with average annual traffic not exceeding the limit set in Article 2(1)(e) (no information)

5. Other SGEI compensation not exceeding an annual amount of EUR 15 million (Article 2(1)(a))

a. Postal services (no information)

b. Energy

Content of the services of general economic interest

- supply of electricity, gas, heat and district heat to the general population, and all activities associated with the production, procurement, supply and distribution of energy and district heat
- energy advice (free of charge), including with regard to efficiency and environmental compatibility, for end users as well as public relations work with regard to energy saving, energy efficiency and use of renewable energies and municipal climate protection work
- cross-border cooperation in respect of energy saving and climate protection and execution of EU funding projects
- operation of renewable energy generation plants.

Forms of entrustment

The entrustments are made by means of entrustment acts, shareholder agreements, articles of association and public contracts.

Duration of the entrustment

In the vast majority of cases, the duration of the entrustment is between five and ten years. In around one fifth of the cases, it is unlimited, as a shareholder agreement was signed or articles of association adopted, and there were significant investment costs.

Exclusive or special rights

Not relevant.

Aid instruments

Subsidies (in the form of operating subsidies, rent subsidies and investment subsidies), capital increases are granted and the compensation of losses is used.

Compensation mechanism

Compensation is granted on the basis of the approved annual business plan. Compensation payments are also made on the basis of the guarantor obligation pursuant to Article 89(4) of the Bavarian Municipal Code (*Bayerische Gemeindeordnung*).

A methodology based on cost allocation is used as a basis.

Arrangements for avoiding and repaying any overcompensation

Controls are carried out using proof of use, the audited annual financial statement that is submitted and the imposition of repayment obligations where applicable.

Transparency requirements

Not relevant.

Amount of aid granted

2020	2021
EUR 3 019 054.59	EUR 2 683 241.93

	2020	2021
Subsidies or compensation of losses	EUR 2 941 607.17	EUR 2 638 241.93
Capital reserve	EUR 56 662.92	EUR 45 000
Guarantor obligation	EUR 93 877.90	

c. Waste collection (not specified)

d. Water supply

Content of the services of general economic interest

Water, electricity, gas and heat supply, and waste collection.

Forms of entrustment

Entrustments are made by means of entrustment acts.

Duration of the entrustment

The entrustment is unlimited, as it is organised in the form of articles of association and the task is a public service task.

Exclusive or special rights

Not specified.

Aid instruments

Aid was granted in the form of subsidies and a guarantor obligation.

Compensation mechanism

A methodology based on cost allocation is used as a basis.

Arrangements for avoiding and repaying any overcompensation

A proof of use check is carried out.

Transparency requirements

Not specified.

Amount of aid granted

2020	2021
EUR 2 406 949.85	EUR 2 191 700.00

	2020	2021
Subsidy	EUR 2 406 949.85	EUR 2 191 700.00
Guarantor obligation	EUR 93 877.9	Not yet concluded

e. Culture

aa. Information in the context of local self-government

Content of the services of general economic interest

Entrustments are made in the following areas:

- operation of theatres or renting of venues for theatre and other cultural events, such as drama, opera, operetta/musical, dance, children's and youth theatre, symphony orchestra, literature, cinema, educational theatre, festivals, balls, exhibitions, meetings, conferences and congresses of all kinds and practicable sizes, and bowling events in the existing complex, as well as management of the theatre operation, the functions room operation and the associated ancillary operations
- implementation and organisation of cultural events, for example folklore events, exhibitions, concerts and guest performances.

Forms of entrustment

The entrustments take the form of a shareholder agreement or articles of association, but also an entrustment act and municipal decision.

Duration of the entrustment

The duration of the entrustment is generally between one and ten years. In 20% of cases, an unlimited entrustment was justified by the fact that it was organised in the form of a shareholder agreement.

Exclusive or special rights

Not relevant.

Aid instruments

Subsidies (investment and operating cost subsidies) and capital injections are used and annual shortfalls are compensated.

Compensation mechanism

As a rule, the compensation payments are made on the basis of the annual business plan.

The cost allocation methodology is used.

Arrangements for avoiding and repaying any overcompensation

Checks take place by means of the presentation and audit of the annual financial statement and of separate accounts, as well as through recovery of excess amounts paid where appropriate.

Transparency requirements

Not relevant.

Amount of aid granted

2020	2021
EUR 16 786 309.57	EUR 16 011 119.33

	2020	2021
Compensation of losses	EUR 11 669 000.00	EUR 12 674 619.33
Subsidies	EUR 3 889 809.57	EUR 1 709 000.00
Capital contribution	EUR 1 227 500.00	EUR 1 627 500.00

bb. Information from the public administration sector (local TV)

Content of the services of general economic interest

Production and technical distribution of local and regional television programmes in Bavaria.

Forms of entrustment

Entrustment under Articles 23 and 40(2)(1) of the Bavarian Media Act (*Bayerisches Mediengesetz*, BayMG) in conjunction with decisions by the Media Council; implementation by public law agreements between the Bavarian media authority (*Bayerische Landeszentrale für neue Medien*, BLM) and the programme providers.

Duration of the entrustment

4 years.

Exclusive or special rights

Not relevant.

Aid instruments

Subsidies

Compensation mechanism

Cost allocation methodology.

Arrangements for avoiding and repaying any overcompensation

Check of proof of use.

Transparency requirements

Not relevant.

Amount of aid granted

2020	2021
EUR 11 547 156.49	EUR 12 423 953.85

f. Financial services (no information)

6. Other sectors

a. Advisory services in various fields, especially in the field of consumer advice

Content of the services of general economic interest

- consumer education, advice and information by the Bavarian consumer organisations Verbraucherzentrale Bayern e.V. and Verbraucherservice Bayern im KDFB e.V.
- operation of consumer education support bases with consumer education events by adult education institutions
- provision of independent consumer information and consumer education in the field of nutrition.

Forms of entrustment

Administrative deed or agreement

Duration of the entrustment

Between one and five years

Exclusive or special rights

None

Aid instruments

Subsidies

Compensation mechanism

Shortfall financing (net avoided cost methodology) or cost allocation methodology

Partial financing for consumer education

Arrangements for avoiding and repaying any overcompensation

Proof of use checks

Transparency requirements

Not applicable

Amount of aid granted

2020	2021
EUR 7 936 000	EUR 8 124 250

b. Adult education and educational theory (also out of doors)

Content of the services of general economic interest

Entrustments take place in the following areas:

- promotion and maintenance of adult education centres covering the usual range of local services,
- promotion of education for adults and adolescents, including the planning, organisation and execution of events, talks, courses, tutorials and seminars aimed at providing general, personal, social, political, vocational and cultural education,

- maintaining and further developing a comprehensive educational offer for people in rural areas,
- constructing and operating a treetop path including an integrated educational concept.

Forms of entrustment

Entrustments are made in the forms of an entrustment act, shareholder agreement or administrative deed.

Duration of the entrustment

The duration of the entrustment is between 2 and 10 years.

Exclusive or special rights

Not relevant.

Aid instruments

In addition to subsidies, compensation payments and capital reserves are also granted.

Compensation mechanism

The compensation is based on the annual financial statement.

A methodology based on cost allocation is used as a basis.

Arrangements for avoiding and repaying any overcompensation

Checks are made by means of approval and audit of the annual financial statement by auditors and proof of use, but also by means of potential repayment obligations for the entrusted undertaking in the event of overcompensation.

Transparency requirements

Not relevant.

Amount of aid granted

2020	2021
EUR 4 057 349.00	EUR 4 164 193.40

c. Promotion of economic development and infrastructure and tourism (municipal level)

Content of the services of general economic interest

Entrustments take place in the following areas:

- Promotion of economic development and all related services which serve to strengthen and promote the economic area (including creation of adequate infrastructure and framework conditions for positive economic development; location marketing; market research; advice and support for companies; establishment and operation of centres for commerce, technology, business start-ups and science; development and marketing of commercial property; measures to support inner-city development, in particular in the retail sector; activities aimed at business start-ups and young companies in the IT sector, including in the form of renting office infrastructure, advice, networking, organisational assistance; holding exhibitions, conferences and trade fairs, and establishing and operating buildings and open spaces suitable for this purpose; development of an information system of an economic/structural nature at rural district level (area database), contact point for questions relating to the energy transition)
- management of parking spaces (including construction, provision and operation of parking facilities such as car parks, multi-storey car parks and underground car parking, and bicycle parking)
- establishment, operation and maintenance of traffic infrastructure (provision of eCarsharing, bike rental systems, park & ride and bike & ride systems), expansion and operation of public charging infrastructure, expansion of bike rental systems
- trade fairs and congresses (holding of trade fairs, city and public festivals, event management, providing and renting premises and land)
- provision and operation of meeting and event premises
- promotion of tourism (including marketing; information for visitors, regional tourism development, market research; operation of tourism facilities; organisation of tourist activities, events (accompanying health resort treatment),

conferences and congresses, cultural offerings, provision of tourism-related services; operation of health resort facilities; looking after the municipality's tourism interests and representing the municipality in tourism associations)

- advice and representation of the interests and coordination of local and regional operators in the tourist sector (internal marketing).

Forms of entrustment

The entrustments predominantly take the form of an entrustment act, but also an administrative deed, articles of association, public contract, shareholder agreement and a decision by the municipal decision-maker.

Duration of the entrustment

The duration of the entrustment is 10 years in the vast majority of cases. However, it is never more than 10 years.

Exclusive or special rights

Not relevant

Aid instruments

In many cases, subsidies are granted and annual shortfalls are compensated. Apart from that, loans and guarantees and payments into the capital reserves have been granted and land was made available.

Compensation mechanism

Compensation is granted on the basis of the relevant (annual) business plan.

A methodology based on cost allocation is used in the vast majority of cases, but the net avoided cost methodology is also used in individual cases.

Arrangements for avoiding and repaying any overcompensation

Checks are typically carried out through the presentation of the annual financial statements and audits (by the municipality, auditor, auditing association) and by means of proof of use of the funds, and through recovery of overpaid amounts. Moreover, there is an obligation to apply the principles of the Transparency-Directive Act (*Transparenzrichtlinie-Gesetz*, TranspRLG) when applying separate accounting.

Transparency requirements

Not relevant

Amount of aid granted

2020		2021	
EUR 29 665 092.02		EUR 35 024 376.16	
	2020		2021
Loan	EUR 121 346.25 (loans amounting to EUR 5 078 850 were granted)	EUR 3 700.00 (loans amounting to EUR 370 000 were granted)	
Subsidies/compensation of losses	EUR 27 989 700.54	EUR 34 518 260.16	
Guarantees	EUR 407 069.74	EUR 502 416.00	
Payments into the capital reserve	EUR 510 000		
Remittance of ground rent, transfer of land without consideration	636 975.49		

d. Tourism (without municipalities)

Content of the services of general economic interest

Promotion of tourism and general destination marketing, e.g. in the form of

- measures generally aimed at raising awareness and highlighting the advantages of the location as an attractive travel destination (e.g. organising events, conferences, congresses and trade fairs)
- development and implementation of marketing concepts for general image advertising for tourism
- cooperation with other tourism marketing organisations for the purpose of general promotion of tourism within the relevant field of competence
- general market research on tourism-related topics
- awareness campaigns for individual tourism-related topics and tourism-related fields in the interests of promoting tourism

- development, deployment and operation of digital infrastructures for the transparent and neutral data management in tourism in Bavaria and for the development and improvement of publicly available and tourism-promoting digital services,

both for the Free State of Bavaria as a whole and also in the context of regional tourism associations.

Forms of entrustment

The entrustment is made in the form of an administrative deed within the framework of the grant notice.

Duration of the entrustment

As a general rule, the entrustment is made for one year.

Exclusive or special rights

No exclusive or special rights are granted.

Aid instruments

Subsidy.

Compensation mechanism

Compensation is based on the cost and financing plan of the relevant tourist association/tourism marketing organisation. Separate accounts are kept. (Cost allocation methodology).

Arrangements for avoiding and repaying any overcompensation

Proof of use check.

Transparency requirements

Not applicable.

Amount of aid granted

2020	2021
EUR 12 488 306.39	EUR 16 249 979.84

e. Spas, therapeutic and thermal baths and other leisure facilities

Content of the services of general economic interest

Entrustments are made in the following areas:

- proper administration of health resort resources within the framework of the operation of a health resort centre; practical implementation of health resort operations
- use of the available thermal resources to promote health and tourism
- ancillary services directly associated with the principal activity, such as physical therapy, provision of parking space for cars and motorhomes, saunas, wellness baths, Dead Sea salt grotto, health resort treatments
- maintenance and operation of leisure facilities (including ice sports facilities, saunas and thermal baths, outdoor and indoor swimming pools, ski lift, camping site, conference centres, in so far as cultural events take place there) and corresponding auxiliary and supporting facilities.

Forms of entrustment

Entrustments are typically made by means of entrustment acts, and in individual cases also by means of (public-law) contracts and articles of association.

Duration of the entrustment

The duration of the entrustments is 10 years or less in the majority of cases.

Exclusive or special rights

Not relevant.

Aid instruments

- subsidies
- deficit compensation payments
- capital contributions

Compensation mechanism

A methodology based on cost allocation is used as a basis. The relevant (annual) business plans serve as a basis.

Arrangements for avoiding and repaying any overcompensation

Checks are typically carried out through the presentation of the annual financial statements and audits (by the municipality, advisory board of the contracting parties), through proof of use of the funds, reservation of the right of recovery and the annual settlement of accounts in the context of the preparation of the annual financial statements.

Transparency requirements

Not relevant.

Amount of aid granted

2020	2021
EUR 17 606 219.63	EUR 30 739 295.05

Complaints by third parties

In 2021, a competitor submitted a complaint against the public funding of spas in the Lower Bavaria Region by the Region and by the Free State of Bavaria. In parallel, the issue of whether the funding constituted State Aid at all was submitted for verification to the European Commission at the request of the Region, as part of a pre-notification contact.

f) Training and continuing education in palliative care

Content of the services of general economic interest

Qualification courses for nurses and doctors

Forms of entrustment

The entrustment is made in the form of a grant notice.

Duration of the entrustment

The duration of the entrustment is, in general, one year.

The share of entrustments with a duration exceeding 10 years is 0%.

Exclusive or special rights

No exclusive or special rights were assigned.

Aid instruments

The funding is granted in the form of subsidies.

Compensation mechanism

The cost allocation methodology was used.

In line with Article 4(d) of the SGEI Exemption Decision, regulations concerning the type of funding, funding rate, cost and financing plan, staff costs, application of the General Ancillary Conditions for Grants to Fund Projects, audit rights, disbursement and proof of use are part of each grant notice.

Arrangements for avoiding and repaying any overcompensation

In line with Article 4(e) of the SGEI Exemption Decision, regulations concerning the infringement of the ancillary conditions, auditing of the payment application and the proof of use, and recovery are part of each grant notice.

Transparency requirements

No aid exceeding EUR 15 million was granted.

Amount of aid granted

2020 EUR 206 999.50	2021 EUR 175 327.20
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g) Broadband development

Content of the services of general economic interest

The entrustment supported setting up a comprehensive Next Generation Access (fibre-optic network) broadband.

Forms of entrustment

The entrustments took the form of an entrustment act, a public contract, shareholder agreement and articles of association.

Duration of the entrustment

The duration of the entrustment is 10 and 20 years, and in 50% of cases (one of the two entrustments) is longer than 10 years, as the set-up of the fibre-optic network is an investment amortised over a period significantly longer than 10 years.

Exclusive or special rights

Not relevant

Aid instruments

Subsidies are granted.

Compensation mechanism

Compensation payments were made by compensating the actual 'net costs' of the service of general economic interest not covered by revenues from third parties (loss for the financial year). The compensation payments do not exceed what is necessary to cover the net costs incurred in performing the public service obligation, taking into account the relevant revenues and a reasonable return on the capital employed to discharge these obligations. Article 5 of the Exemption Decision, as currently in force, is applied for the calculation of the net costs, the revenues to be taken into account and the reasonable profit.

A methodology based on cost allocation is used as a basis.

Arrangements for avoiding and repaying any overcompensation

Evidence of use of the funds annually via annual account statements and, if appropriate, separate accounts.

Where appropriate, repayment of overcompensation.

To ensure that the compensation payments do not result in overcompensation for the provision of the services of general economic interest, the entrusted entity keeps an annual record of the use of funds via annual account statements and, where appropriate, separate accounts. Checks are carried out using proof of use, the audited annual financial statement that is submitted and the imposition of repayment obligations where applicable.

Transparency requirements

Not relevant

Amount of aid granted

2020	2021
EUR 6 179 414.59	EUR 357 265.05

THE SGEI decision in your Member State		Total amount for the <i>Land</i> of Bavaria	
		2020	2021
Article 2(1)(b)	Hospitals providing medical care, where applicable including emergency services	€ 352.070.682,27	€ 315.335.513,82
Article 2(1)(c)	Healthcare and long-term care	€ 79.309.395,83	€ 90.597.275,43
	Childcare	€ 582.551,44	€ 1.296.534,00
	Access to and reintegration into the labour market	€ 22.844.098,90	€ 21.620.627,00
	Access to and reintegration into the labour market		
	Social housing (not covered by the joint report by the <i>Länder</i> to the Federal Ministry of Housing, Urban Development and Construction)	€ 25.000.000,00	€ 30.000.000,00
	Care and social inclusion of socially vulnerable groups	€ 289.931,00	€ 272.538,00
	Other social services		

Article 2(1)(d)	Air or maritime links		
Article 2(1)(e)	Airports and ports		
Article 2(1)(a), not exceeding an annual amount of EUR 15 million	Postal services		
	Energy	€ 3.019.054,59	€ 2.683.241,93
	Waste collection		
	Water distribution	€ 2.406.949,85	€ 2.191.700,00
	Culture sector	€ 28.333.466,06	€ 28.435.073,18
	Financial services		
	Other sectors	€ 78.139.381,13	€ 94.834.686,70

The SGEI decision in your Member State	Total amount for the Member State as a whole	
	2020	2021
Postal services		
Energy		
Waste collection		
Water supply		
Air or maritime links		
Airports and ports		
Culture sector		
Financial services		
Other sectors		

ANNEX Land of Berlin

Services of general economic interest: Guidance for the report to be submitted in accordance with the 2012 SGEI Decision and the 2012 SGEI framework

The **reporting obligations** are set out in Article 9 of the 2012 SGEI Decision:

‘Each Member State shall submit a report on the implementation of this Decision to the Commission every 2 years. The reports shall provide a detailed overview of the application of this Decision for the different categories of services referred to in Article 2(1), including:

(a) a description of the application of this Decision to the services falling within its scope, including in-house activities;

(b) the total amount of aid granted in accordance with this Decision, with a breakdown by the economic sector of the beneficiaries;

(c) an indication of whether, for a particular type of service, the application of this Decision has given rise to difficulties or complaints by third parties;

(d) any other information concerning the application of this Decision required by the Commission and to be specified in due time before the report is to be submitted.’

Paragraph 62 of the 2012 SGEI framework sets essentially identical reporting obligations for aid granted under the framework.

Please structure your report as follows:

1. EXPENDITURE OVERVIEW

Please complete the following table:

Total SGEI government expenditure by legal basis (millions of EUR)		
	2020	2021
<i>Total compensation for services of general economic interest (1+2)</i>		
(1) Total compensation granted on the basis of the SGEI Decision	66.84	213.44
(2) Total compensation granted on the basis of the SGEI framework		

2. DESCRIPTION OF THE APPLICATION OF THE 2012 SGEI DECISION

Please structure this part of your report in sections, as follows:

- 1) Hospitals providing medical care, including, where applicable, emergency services (Art. 2(1)(b))
- 2) Social services (Art. 2(1)(c))
 - a) Healthcare and long-term care
 - b) Childcare
 - c) Access to and reintegration into the labour market
 - d) Social housing
 - e) Care and social inclusion of socially vulnerable groups
 - f) Other social services (if applicable)
- 3) Air or maritime links to islands with average annual traffic not exceeding the limit set in Article 2(1)(d)
- 4) Airports and ports with average annual traffic not exceeding the limit set in Article 2(1)(e)
- 5) SGEI compensation not exceeding an annual amount of EUR 15 million (Article 2(1)(a))
 - a) Postal services
 - b) Energy
 - c) Waste collection
 - d) Water distribution
 - e) Culture sector
 - f) Financial services
 - g) Other sectors (please specify)

For each of the items outlined above, please provide information in accordance with the following table:

Section 1. Hospitals providing medical care, where applicable including emergency services (Article 2(1)(b))
Hospital
Please provide a clear and comprehensive description of how the respective services are organised in your Member State.¹
Please state what kind of services in each sector have been defined as SGEIs in your Member State. Please describe the nature of the services entrusted as SGEIs as precisely as possible.
Medical services involving inpatient emergency care in line with the <i>Land</i> hospital plan, plus ancillary services associated with these central activities
Please explain the (typical) forms of entrustment . If standard templates are used for entrustments in a given sector, please attach them.
Act of entrustment in the form of an administrative act
Please indicate the average duration of the entrustment (in years) and the percentage of entrustments per sector whose duration exceeds 10 years . Please specify the sectors in which entrustments exceeding 10 years in length have been undertaken and explain how this duration can be justified.
10 years
Please state whether exclusive or special rights are assigned to the undertakings concerned (in general).
No exclusive or special rights are assigned.
Which aid instruments have been used (direct subsidies, guarantees, etc.)?
Subsidies to equity capital
Please provide information about the typical compensation mechanism for the various services concerned and indicate whether a methodology based on cost allocation or the net-avoided-cost methodology is used.
Cost allocation methodology

¹ If a given sector in your Member State has only a small number of SGEIs, please provide a detailed description of these services. **Conversely, if a large number of services are classed as SGEIs in your Member State (for example because the competence lies with regional or local authorities), it would be disproportionate to provide details of individual entrustments**, but a clear and concise general description of the way the sector is organised, including the common features of the individual entrustments, remains crucial.

Please describe the typical **arrangements for avoiding and repaying any overcompensation**.

The *Land* of Berlin carries out checks on the use of the funds on the basis of auditors' certificates (annual financial statement and separate accounting), regularly and at the end of the entrustment period and also, in the case of investment subsidies or capital measures, on the basis of the final accounts. If an undertaking receives more compensation than necessary, the *Land* recovers the overcompensation paid. Overcompensation can be carried forward to the following calculation period if it does not exceed the average annual compensation by 10% per annum in a maximum of three consecutive years at the time of the first interim check (at least three years after the announcement of the entrustment).

Please explain briefly how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities extend beyond services of general economic interest are met. Please include relevant examples of information published for this purpose (e.g. links to websites or other references). Please say whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and, if so, provide a link to this website). If there is no such website, please say how the information is made public at the level of the authority that grants the aid (i.e. at federal, *Land* or municipal level).

<https://www.berlin.de/sen/finanzen/vermoegen/beteiligungen/beteiligungsunternehmen/artikel.904495.php>

Amount of aid granted

Total amount of aid granted (in millions of EUR)². This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)

2020	2021
38.95	183.3

A: Total amount of aid (in millions of EUR) paid by national central authorities³

2020	2021

B: Total amount of aid (in millions of EUR) paid by regional authorities⁴

2020	2021
38.95	183.3

C: Total amount of aid (in millions of EUR) paid by local authorities⁵

² As stipulated in Article 9 b) of the 2012 SGEI Decision.

³ If the total amount of aid cannot be broken down into the amounts corresponding to central, regional and local authorities respectively, only the total amount of aid granted by all authorities should be reported.

⁴ See footnote 3.

⁵ See footnote 3.

2020	2021
Share of expenditure per aid instrument (direct subsidy, guarantee etc.) (if available)	
2020	2021
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ⁶	
2020	2021
Health sector, organisations running municipal hospitals: 15 000 – 20 000 employees;	Health sector, organisations running municipal hospitals: 15 000 – 20 000 employees;

Please also complete the attached summary Excel file, ‘SGEI Decision 2020 2021’, giving the total amounts per section for the whole Member State (not broken down by region or municipality).

⁶ The Commission would welcome any data you may have on aid granted under the 2012 SGEI Decision, such as the number of beneficiaries per sector, the average amount of aid, the amount per aid instrument, and the size of the undertakings. If other quantitative information of this type is not readily available in your Member State, you may, of course, present aggregate data and/or estimates. If this is the case, please indicate that the data presented are estimates and/or how they were aggregated.

For each of the items outlined above, please provide information in accordance with the table below:

Section 2, Social services (Article 2(1)(c))
Art. 2(1)(c)(Var.3) Access to and reintegration into the labour market
Please provide a clear and comprehensive description of how the respective services are organised in your Member State.⁷
Please state what kind of services in each sector have been defined as SGEIs in your Member State. Please describe the nature of the services entrusted as SGEIs as precisely as possible.
<p>1. <u>Supplementary aid - Section 16i, Volume II of the Social Code (Participation in the labour market)</u></p> <p>Contribution in the form of grants towards the material costs incurred by providers of employment and by increasing aid for the staffing costs incurred by participants in the measure to 100%. The projects must be services of general interest and are therefore not implemented in the unsubsidised primary labour market. As an annual average, 3 395 participants in the financial year 2020 and 3 074 participants in the financial year 2021 were co-financed by the Land of Berlin.</p> <p>2. <u>EGZ supplementary aid for older workers, pursuant to Section 88 ff. of Book III of the German Social Code</u></p> <p>supplementary grants for wage costs in addition to the integration grants for older workers and supplementary grants in respect of material costs paid to providers of employment. As an annual average, 113 participants in the financial year 2020 and 80 participants in the financial year 2021 were co-financed by the Land of Berlin.</p>
Please explain the (typical) forms of entrustment . If standard templates are used for entrustments in a given sector, please attach them.
Approval decisions
Please indicate the average duration of the entrustment (in years) and the percentage of entrustments per sector whose duration exceeds 10 years . Please specify the sectors in which entrustments exceeding 10 years in length have been undertaken and explain how this duration can be justified.

⁷ If a given sector in your Member State has only a small number of SGEIs, please provide a detailed description of these services. **Conversely, if a large number of services are classed as SGEIs in your Member State (for example because the competence lies with regional or local authorities), it would be disproportionate to provide details of individual entrustments**. However, it is nonetheless important to provide a clear and concise general description of the way the sector is organised, including the common features of the individual entrustments.

<p>1. <u>Supplementary aid - Section 16i, Volume II of the Social Code (Participation in the labour market)</u> - five years maximum.</p> <p>2. <u>EGZ supplementary aid for older workers, pursuant to Section 88 ff. of Volume III of the Social Code</u> for up to 36 months (up to 60 months for people with a serious disability who are particularly badly affected, and up to 96 months from the age of 55)</p>	
<p>Please state whether exclusive or special rights are assigned to the undertakings concerned (in general).</p>	
<p>No such rights are assigned.</p>	
<p>What aid instruments have been used (direct subsidies, guarantees, etc.)?</p>	
<p>Non-repayable grants</p>	
<p>Please provide information about the typical compensation mechanism for the various services concerned and indicate whether a methodology based on cost allocation or the net-avoided-cost methodology is used.</p>	
<p>Shortfall financing (degressive compensation for participant fees) and fixed amount financing (flat-rate payment for material costs incurred by employment providers)</p>	
<p>Please describe the typical arrangements for avoiding and repaying any overcompensation.</p>	
<p>The costs incurred by participants in the measure are established by the job centres concerned. The <i>Land</i> of Berlin makes the funding up to 100%.</p>	
<p>Please explain briefly how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities extend beyond services of general economic interest are met. Please include relevant examples of information published for this purpose (e.g. links to websites or other references). Please say whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and, if so, provide a link to this website). If there is no such website, please say how the information is made public at the level of the authority that grants the aid (i.e. at federal, <i>Land</i> or municipal level).</p>	
<p>Grants to individual undertakings (sponsors of measures) do not exceed EUR 15 million.</p>	
<p>Amount of aid granted</p>	
<p>Total amount of aid granted (in millions of EUR)⁸. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)</p>	
<p>2020</p>	<p>2021</p>
<p>27.89</p>	<p>30.14</p>

⁸ As stipulated in Article 9(b) of the 2012 SGEI Decision.

A: Total amount of aid (in millions of EUR) paid by national central authorities⁹	
2020	2021
B: Total amount of aid (in millions of EUR) paid by regional authorities¹⁰	
2020	2021
27.89	30.14
C: Total amount of aid (in millions of EUR) paid by local authorities¹¹	
2020	2021
Share of expenditure per aid instrument (direct subsidy, guarantee etc.) (if available)	
2020	2021
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ¹²	
2020	2021

Please also complete the attached summary Excel file, ‘SGEI Decision 2020 2021’, giving the total amounts per section for the whole Member State (not broken down by region or municipality).
Description of the application of the 2012 SGEI Framework.

Not relevant

1. COMPLAINTS BY THIRD PARTIES

Please provide an overview of complaints by third parties, in particular litigation before national courts, regarding measures falling within the scope of the 2012 SGEI Decision or the 2012 SGEI Framework. Please be as specific as possible in your reply. Include the sector to which

⁹ If the total amount of aid cannot be broken down into the amounts corresponding to central, regional and local authorities respectively, only the total amount of aid granted by all authorities should be reported.

¹⁰ See footnote 3.

¹¹ See footnote 3.

¹² The Commission would welcome any data you may have on aid granted under the 2012 SGEI Decision, such as the number of beneficiaries per sector, the average amount of aid, the amount per aid instrument, and the size of the undertakings. If other quantitative information of this type is not readily available in your Member State, you may, of course, present aggregate data and/or estimates. If this is the case, please indicate that the data presented are estimates and/or how they were aggregated.

the complaints you have received relate, the subjects of the complaints, and any follow-up by your authorities or the likely outcome of the court proceedings.

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2. MISCELLANEOUS QUESTIONS

a) Please indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Decision. We would ask you to consider the following issues in particular:

- drawing up an entrustment act that complies with Article 4 of the SGEI Decision;
- specifying the amount of compensation in line with Article 5 of the SGEI Decision;
- determining what counts as a reasonable profit level in line with Article 5(5)-(8) of the SGEI Decision;
- regularly checking overcompensation as required by Article 6 of the SGEI Decision.

Please be as specific as possible in your reply. Include relevant examples and, if applicable, the sector in which the difficulties are (most) relevant.

No subcontracting on the part of the granting authorities.
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b) Please say whether your authorities have experienced difficulties in applying the 2012 SGEI Framework, paying particular attention to the following issues:

- carrying out a public consultation, in line with paragraph 14 of the SGEI framework;
- complying with public procurement rules, in line with paragraph 19 of the SGEI framework;
- calculating the net cost using the net avoided cost method, as required by paragraphs 25-27 of the SGEI framework;
- ascertaining what constitutes a reasonable profit level, in line with paragraphs 33-38 of the SGEI framework;

Please be as specific as possible in your reply. Include relevant examples and, if applicable, the sector in which the difficulties are (most) relevant.

- c) If you have any other comments on the application of the SGEI Decision and the SGEI framework to issues other than the ones covered in the previous questions, please feel free to provide them below.

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The SGEI decision in your Member State		Total amount for the <i>Land</i> of Berlin	
		2020	2021
Article 2(1)(b)	Hospitals providing medical care, where applicable including emergency services	€ 38.950.000,00	€ 183.300.000,00
Article 2(1)(c)	Healthcare and long-term care		
	Childcare		
	Access to and reintegration into the labour market (EAC project)	€ 26.324.859,47	€ 28.764.256,08
	Access to and reintegration into the labour market (Project 16i)	€ 1.566.017,04	€ 1.373.173,17
	Social housing		
	Care and social inclusion of socially vulnerable groups		
	Social services		
Article 2(1)(d)	Air or maritime links		
Article 2(1)(e)	Airports and ports		
Article 2(1)(a), not exceeding an annual amount of EUR 15 million	Postal services		
	Energy		
	Waste collection		
	Water supply		
	Culture sector		
	Financial services		
	Other sectors		

The SGEI decision in your Member State	Total amount for the Member State as a whole	
	2020	2021
Postal services		
Energy		
Waste collection		
Water supply		
Air or maritime links		
Airports and ports		
Culture sector		
Financial services		
Other sectors		

Potsdam, 22 April 2022

**Report by the *Land* of Brandenburg on services of general interest
under the 2012 SGEI Decision and the
2012 SGEI framework for 2020 and 2021**

Reference: European Commission letter of 26 November 2021
Letter from the Federal Ministry of Economic Affairs and Climate Protection,
dated 30 November 2021

**Services of general economic interest: guidance for the report to be submitted in
accordance with the 2012 SGEI Decision and the 2012 SGEI framework**

1. EXPENDITURE OVERVIEW

Total public expenditure on services of general economic interest by legal basis (millions of EUR)		
	2020	2021
<i>Total compensation for services of general economic interest (1 + 2)</i>		
(1) Total compensation granted on the basis of the SGEI Decision	EUR 41 651 675.30 1	EUR 52 846 866.70 2
(2) Total compensation granted on the basis of the SGEI framework		

¹ These figures also include default guarantees, which have been included as nominal amounts (up to a maximum of EUR 13 894 400.00).

² These figures also include default guarantees, which have been included as nominal amounts (up to a maximum of EUR 13 894 400.00).

2. DESCRIPTION OF THE APPLICATION OF THE 2012 SGEI DECISION

- 1) Hospitals providing medical care, including, where applicable, emergency services (Art. 2(1)(b))
- 2) Social services (Art. 2(1)(c))
 - a) Healthcare and long-term care
 - b) Childcare
 - c) Access to and reintegration into the labour market
 - d) Social housing
 - e) Care and social inclusion of socially vulnerable groups
 - f) Other social services (if applicable)
- 3) Air or maritime links to islands with average annual traffic not exceeding the limit set in Art. 2(1)(d)
- 4) Airports and ports with average annual traffic not exceeding the limit set in Art. 2(1)(e)
- 5) Other SGEI compensation not exceeding an annual amount of EUR 15 million (Art. 2(1)(a))
 - a) Postal services
 - b) Energy
 - c) Waste collection
 - d) Water supply
 - e) Culture sector
 - f) Financial services
 - g) Other sectors (please specify)

Section (for example 1, hospitals or 2b, childcare)
1) Hospitals providing medical care, possibly including emergency services (Article 2(1)(b))
Please provide a clear and comprehensive description of how the respective services are organised in your Member State
Please explain what kind of services in the sector concerned have been defined as SGEIs in your Member State. Please list the content of the services entrusted as SGEIs as clearly as possible.
Medical care, emergency medical care and ancillary services
Please give an account of the (typical) forms of entrustment . If standardised templates for entrustments are used in a given sector, please attach them.
Entrustment act
Please indicate the average duration of the entrustment (in years) and the proportion of entrustments whose duration exceeds 10 years (in %) per sector. Please specify the sectors in which SGEIs were entrusted for periods exceeding 10 years and explain how this duration is justified.
Maximum 10 years
Please state whether exclusive or special rights are assigned to the undertakings concerned (typically).
None
What aid instruments have been used (direct subsidies, guarantees, etc.)?
Grants, loans
Please describe the typical compensation mechanism for the respective services and state whether a methodology based on cost allocation or the net-avoided-cost methodology is used.
Compensation is granted on the basis of the business plan.
Please describe typical arrangements for avoiding and repaying any overcompensation .

Annual review	
Please explain briefly how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities include non-SGEI activities are met. Please include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please state whether you have a central website on which you publish this information for all relevant aid measures in your Member State (and, if so, provide the link to this website). If you have no such website, please state whether, and, if so, how, the information concerned is published at the level granting the aid (e.g. federal, <i>Land</i> or municipal level).	
- Not applicable -	
Amount of aid granted	
Total amount of aid granted (in millions of EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)	
2020	2021
EUR 0 million	EUR 8 000 000 million ³

Section (for example 1, hospitals or 2b, childcare)
2c) Access to and reintegration into the labour market
Please provide a clear and comprehensive description of how the respective services are organised in your Member State
Please explain what kind of services in the sector concerned have been defined as SGEIs in your Member State. Please list the content of the services entrusted as SGEIs as clearly as possible.
To integrate the long-term unemployed into the labour market within the meaning of Article 2(1)(c) of the Exemption Decision, compensation is paid for the provision of services of general economic interest to cover the personnel costs of social enterprises for socio-educational support and professional guidance of people who were formerly unemployed for long periods of time and are now employed staff subject to social security contributions in such enterprises.

³ Max. deficit compensation ceiling for 2021. Actual aid may be lower under the compensation mechanism.

Please give an account of the (typical) forms of entrustment . If standardised templates for entrustments are used in a given sector, please attach them.
Grant decision (administrative act) and the corresponding annex.
Please indicate the average duration of the entrustment (in years) and the proportion of entrustments whose duration exceeds 10 years (in %) per sector. Please specify the sectors in which SGEIs have been entrusted for periods exceeding 10 years and explain how this duration is justified.
Maximum 36 months
Please state whether exclusive or special rights are assigned to the undertakings concerned (typically).
None
What aid instruments have been used (direct subsidies, guarantees, etc.)?
Grant
Please describe the typical compensation mechanism for the respective services and state whether a methodology based on cost allocation or the net-avoided-cost methodology is used.
Under Article 5(1) of the SGEI Exemption Decision, compensation granted with respect to entrustment corresponds to the net costs incurred by the entrusted undertaking in discharging its public service obligation. The grant does not exceed what is required, according to the expenditure set out in the financing plan, to cover the net costs incurred in providing the SGEIs defined above. The amount of any net costs for which compensation is to be provided is ascertained from the undertaking's business plan. The net costs eligible for compensation are calculated as the difference between the net costs incurred by the undertaking in performing the SGEIs concerned and the net costs it would have incurred in the absence of any such obligation (the net-avoided-cost method). As part of the interim proof procedure pursuant to point 6.1.a of the General Ancillary Conditions for Grants from EU Funds, the beneficiary must also compare the revenue and expenditure generated from the SGEIs for the previous financial year. A form for this purpose is provided by the granting authority as an annex to the application form.
Please describe typical arrangements for avoiding and repaying any overcompensation .
For the duration of the public service obligation, the beneficiary must, on request, provide supporting documents for each year. It must also provide accounting evidence that the aid does not exceed the net costs of providing the SGEIs. Final proof is provided at the end of the entrustment period. Regular checks are carried out to ensure that compensation for

SGEIs meets the conditions laid down in the SGEI Exemption Decision and, above all, that the beneficiary does not receive more compensation than that provided for in Article 5 of the SGEI Exemption Decision. Further checks may be carried out by the granting authority independently of the above, as part of verifying the funding request / proof of use. If the checks conducted by the granting authority to ascertain whether the payment made to the beneficiary in the form of a grant has been used correctly show that the revenues earned by the beneficiary for providing services of general economic interest exceed the net costs (overcompensation), the authority asks the beneficiary to repay the surplus amount at the same time as it informs the latter of the audit outcome. This does not apply if the overcompensation does not exceed 10% of the amount eligible for compensation. In this case, the surplus amount not exceeding 10% is credited to the following calendar year in such a way as to reduce the compensation scheduled for that year by 10%.

Please explain briefly how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities include non-SGEI activities are met. Please include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please state whether you have a central website on which you publish this information for all relevant aid measures in your Member State (and, if so, provide the link to this website). If you have no such website, please state whether, and, if so, how, the information concerned is published at the level granting the aid (e.g. federal, *Land* or municipal level).

- Not applicable -

Amount of aid granted

Total amount of aid granted (in millions of EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)

2020	2021
EUR 588 817	EUR 0 million

B: Total amount of aid (in millions of EUR) paid by regional authorities

2020	2021
EUR 588 817	0

Share of expenditure per aid instrument (direct subsidy, guarantee, etc.) (if available)

2020	2021
All expenditure was granted in the form of a direct grant.	No expenses

Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings)	
2020	2021
Three beneficiaries as SMEs with approximately equal shares of the above total expenditure	No beneficiary

Section (for example 1, hospitals or 2b, childcare)
2d) Social housing⁴
Please provide a clear and comprehensive description of how the respective services are organised in your Member State
Please explain what kind of services in the sector concerned have been defined as SGEIs in your Member State. Please list the content of the services entrusted as SGEIs as clearly as possible.
Under this housing support programme, compensation is paid for the provision of services of general economic interest to meet social needs in relation to social housing in accordance with Article 2(1)(c) of the Exemption Decision. The aim is to maintain and create rehabilitated, low-cost housing and to alleviate the burden on housing markets, as well as to create and safeguard affordable rental housing.
Please give an account of the (typical) forms of entrustment . If standardised templates for entrustments are used in a given sector, please attach them.
Loan agreement
Please indicate the average duration of the entrustment (in years) and the proportion of entrustments whose duration exceeds 10 years (in %) per sector. Please specify the sectors in which SGEIs have been entrusted for periods exceeding 10 years and explain how this duration is justified.
The duration of entrustment in the social housing sector is 20 years. In this sector, a significant investment is required from the service provider that needs to be amortised over a longer period, in accordance with generally accepted accounting principles.

⁴ Social housing programme run by the *Land*, in addition to the federal programme run by the Federal Ministry of Housing, Urban Development and Construction.

Please state whether exclusive or special rights are assigned to the undertakings concerned (typically).
None
What aid instruments have been used (direct subsidies, guarantees, etc.)?
Loan repayment grants
Please describe the typical compensation mechanism for the respective services and state whether a methodology based on cost allocation or the net-avoided-cost methodology is used.
The building loan does not exceed what is required, according to the expenditure set out in the cost plan, to cover the net costs incurred in providing the SGEIs defined above. The net costs are the difference between all the costs incurred in performing the relevant SGEIs and calculated in accordance with generally accepted accounting principles on the one hand, including the pro rata overheads and a reasonable profit, and the revenues earned through the SGEIs on the other. A reasonable profit (before interest and taxes) is considered to be a normal commercial return on turnover.
Please describe typical arrangements for avoiding and repaying any overcompensation .
For the duration of the public service obligation, the borrower must, on request, provide the lender with supporting documents for each year. It must also provide accounting evidence that the loan does not exceed the net costs of providing the SGEIs. Final proof is provided at the end of the entrustment period. The lender conducts regular checks to ensure that compensation for SGEIs meets the conditions laid down in the SGEI Exemption Decision and, above all, that the borrower does not receive more compensation than that provided for in Article 5 of the SGEI Exemption Decision. The borrower must provide such evidence at the lender's request. If the checks conducted by the lender to ascertain whether the payment made to the borrower has been used correctly show that the revenues the borrower has earned by performing SGEIs exceed the net costs plus a reasonable profit (overcompensation), the lender asks the borrower to repay the surplus amount at the same time that it informs the latter of the audit outcome. This does not apply if the overcompensation does not exceed 10% of the amount eligible for compensation. In this case, the surplus amount is credited to the following budget year at the due discretion of the lender.
Please explain briefly how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities include non-SGEI activities are met. Please include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please state whether you have a central website on which you publish this information for all relevant aid measures in your Member State (and, if so, provide the link to this website). If you have no such website, please state whether, and, if so, how, the

information concerned is published at the level granting the aid (e.g. federal, <i>Land</i> or municipal level).	
- Not applicable -	
Amount of aid granted	
Total amount of aid granted (in millions of EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)	
2020	2021
EUR 1 868 575 million	EUR 3 196 973 million
B: Total amount of aid (in millions of EUR) paid by regional authorities	
2020	2021
EUR 1 868 575 million	EUR 3 196 973 million
Share of expenditure per aid instrument (direct subsidy, guarantee, etc.) (if available)	
2020	2021
Total expenditure as direct repayment subsidy	Total expenditure as direct repayment subsidy
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings)	
2020	2021
61 beneficiaries as SMEs and non-SMEs in the housing sector with approximately equal shares of the above total expenditure	121 beneficiaries as SMEs and non-SMEs in the housing sector with approximately equal shares of the above total expenditure

Section (for example 1, hospitals or 2b, childcare)
2f) Other social services
Please provide a clear and comprehensive description of how the respective services are organised in your Member State
Please explain what kind of services in the sector concerned have been defined as SGEIs in your Member State. Please list the content of the services entrusted as SGEIs as clearly as possible.
<ul style="list-style-type: none"> • The establishment (including the acquisition of existing buildings) and/or extension and operation of biotechnology, life science and start-up centres; • the provision of infrastructure and community facilities to expand and stabilise the activities of SMEs in the life science sector; • the implementation of preparatory planning measures.
Please give an account of the (typical) forms of entrustment . If standardised templates for entrustments are used in a given sector, please attach them.
Entrustment act
Please indicate the average duration of the entrustment (in years) and the proportion of entrustments whose duration exceeds 10 years (in %) per sector. Please specify the sectors in which SGEIs have been entrusted for periods exceeding 10 years and explain how this duration is justified.
10 years
Please state whether exclusive or special rights are assigned to the undertakings concerned (typically).
None
What aid instruments have been used (direct subsidies, guarantees, etc.)?
Grants
Please describe the typical compensation mechanism for the respective services and state whether a methodology based on cost allocation or the net-avoided-cost methodology is used.

<p>The grant does not exceed what is required, according to the expenditure set out in the financing plan, to cover the net costs incurred in providing the SGEIs defined above.</p>	
<p>Please describe typical arrangements for avoiding and repaying any overcompensation.</p>	
<p>The aid beneficiary provides evidence of the use of funds on an annual basis, after the end of the financial year. If overcompensation occurs within 1 year, a maximum of 10% of the compensation received may be carried forward to the following year in order to restore the proper use of funds within the following year. If the proper use of funds is not ensured within the following year, the granting authority will demand reimbursement of the overcompensation. Compensation is recovered even if the funds are used for areas not covered by the entrustment.</p>	
<p>Please explain briefly how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities include non-SGEI activities are met. Please include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please state whether you have a central website on which you publish this information for all relevant aid measures in your Member State (and, if so, provide the link to this website). If you have no such website, please state whether, and, if so, how, the information concerned is published at the level granting the aid (e.g. federal, <i>Land</i> or municipal level).</p>	
<p>- Not applicable -</p>	
<p>Amount of aid granted</p>	
<p>Total amount of aid granted (in millions of EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)</p>	
<p>2020</p>	<p>2021</p>
<p>EUR 891 309</p>	<p>EUR 464 394</p>
<p>C: Total amount of aid (in millions of EUR) paid by local authorities</p>	
<p>2020</p>	<p>2021</p>
<p>EUR 891 309</p>	<p>EUR 464 394</p>

Section (for example 1, hospitals or 2b, childcare)
4) Airports and ports with average annual traffic not exceeding the limit set in Article 2(1)(e)
Please provide a clear and comprehensive description of how the respective services are organised in your Member State
Please explain what kind of services in the sector concerned have been defined as SGEIs in your Member State. Please list the content of the services entrusted as SGEIs as clearly as possible.
<ul style="list-style-type: none"> • Ensuring day-to-day operations as part of the public operating obligation under Section 45 of the German Air Traffic Authorisation Regulation (<i>Luftverkehrs-Zulassungs-Ordnung</i>, 'LuftVZO') • Ensuring, on request, flight operations over and above the public operating obligation, within the applicable licensing and legal framework • Ensuring border clearance as part of the duties publicly entrusted to airports and ports by the federal police and the customs authority, at times when the public operating obligation applies • Ensuring monitoring of the local airspace • Maintaining aerodrome facilities, including technical installations and appropriately qualified personnel, in accordance with the applicable aviation and other regulations • Further developing aerodrome facilities in view of current and future traffic policy requirements (e.g. approval procedures for instrument approach operations) • Developing aerodrome infrastructure within the meaning of the current planning approval decision • Planning and pursuing future extension and development objectives • Accompanying and supporting companies setting up new branches in the aviation technology park, taking on coordination tasks, business acquisition activities • Advising the rural district of Teltow-Fläming and its towns and municipalities on matters relating to the air transport sector, policy and planning • Close cooperation with licensing authorities and ministries • Representing the district in matters relating to the air transport sector • Providing support to regional universities and research organisations for whose research activities air transport infrastructure is needed

<ul style="list-style-type: none"> • Providing the public with information on aerodrome-related issues
Please give an account of the (typical) forms of entrustment . If standardised templates for entrustments are used in a given sector, please attach them.
Entrustment act
Please indicate the average duration of the entrustment (in years) and the proportion of entrustments whose duration exceeds 10 years (in %) per sector. Please specify the sectors in which SGEIs have been entrusted for periods exceeding 10 years and explain how this duration is justified.
10 years
Please state whether exclusive or special rights are assigned to the undertakings concerned (typically).
None
What aid instruments have been used (direct subsidies, guarantees, etc.)?
Grant
Please describe the typical compensation mechanism for the respective services and state whether a methodology based on cost allocation or the net-avoided-cost methodology is used.
Cost allocation methodology
Please describe typical arrangements for avoiding and repaying any overcompensation .
<p>To ensure that the grant does not result in overcompensation for the provision of services under the entrustment of the company running the aerodrome, or advantage other activities, the beneficiary must provide proof of the use of the funds as part of an annual aid report after the end of the financial year. This is done by means of the annual accounts, which must be submitted together with the proof of use of funds by no later than 30 June following the closure of a given financial year. The information set out in the aid report must be verified by the auditor responsible for auditing the annual accounts. If the audit reveals overcompensation of more than 10% of the average annual grant over the entrustment period, the surplus must be refunded. If the audit reveals overcompensation of no more than 10% of the average annual grant, the excess amount may be carried over to the next funding period and deducted from the grant to be maintained for that period.</p>
Please explain briefly how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities

include non-SGEI activities are met. Please include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please state whether you have a central website on which you publish this information for all relevant aid measures in your Member State (and, if so, provide the link to this website). If you have no such website, please state whether, and, if so, how, the information concerned is published at the level granting the aid (e.g. federal, *Land* or municipal level).

- Not applicable -

Amount of aid granted

Total amount of aid granted (in millions of EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)

2020	2021
EUR 542 243	EUR 596 187

Section (for example 1, hospitals or 2b, childcare)

5e) Culture sector

Please provide a clear and comprehensive description of how the respective services are organised in your Member State

Please explain what kind of services in the sector concerned have been defined as SGEIs in your Member State. Please list the **content of the services entrusted as SGEIs** as clearly as possible.

- Operation of a zoological park for purposes of education, nature and species conservation, recreation and research. In this context, the park operates a car park, playgrounds and educational services. The purpose of its activities is to show people a range of animals of different types, for educational purposes; to disseminate scientific knowledge to all sections of the population; and to promote species conservation.
- Maintaining a park associated with a stately home (park and orangery) and organising cultural and sporting events, in particular the promotion of cultural events. Environmental and landscape protection. Information events, exhibitions and installation of signboards. Educational events. Maintenance and development in line with heritage protection. Integration of art in open spaces. Organisation of art exhibitions and cultural events. Events designed to portray cultural eras of the past, with a particular focus on the 17th and 18th centuries, such as baroque theatre in the gardens and re-enactments of historical events and everyday scenes from the past.

<ul style="list-style-type: none"> Operating a park (the <i>Optikpark</i>) as a recreational area for local people, with particular support for science and research, arts and culture, landscape conservation and environmental protection.
Please give an account of the (typical) forms of entrustment . If standardised templates for entrustments are used in a given sector, please attach them.
Entrustment act
Please indicate the average duration of the entrustment (in years) and the proportion of entrustments whose duration exceeds 10 years (in %) per sector. Please specify the sectors in which SGEIs have been entrusted for periods exceeding 10 years and explain how this duration is justified.
Entrustment applies for 1 year at a time, in line with the annual business plan; in some cases, entrustment is limited to 10 years. There is no provision for entrustment of more than 10 years.
Please state whether exclusive or special rights are assigned to the undertakings concerned (typically).
Provision has, to some extent, been made for the grounds and buildings to be made available free of charge for public service purposes, and for land to be leased.
What aid instruments have been used (direct subsidies, guarantees, etc.)?
Compensation will take the form of an operating grant to cover running costs and an investment grant to finance long-term fixed assets. These payments are intended to compensate for the costs incurred in connection with the entrustment.
Please describe the typical compensation mechanism for the respective services and state whether a methodology based on cost allocation or the net-avoided-cost methodology is used.
Compensation is granted on the basis of the business plan. A methodology based on cost allocation is used as a basis.
Please describe typical arrangements for avoiding and repaying any overcompensation .
The beneficiary is required to provide proof of receipt of the grants in the form of its certified annual accounts. In particular, proof must be provided that the grant awarded does not exceed the net cost of carrying out the public service tasks. In addition, overcompensation checks over the course of 1 year are carried out by submitting separate invoices. Overcompensation is not permitted. The aid beneficiary provides evidence of the use of funds on an annual basis, after the end of the financial year. Revenue and expenditure relating to SGEI services must be shown separately from that relating to other

tasks. The information provided in the proof of use must be verified by the auditor responsible for auditing the annual accounts.

Please explain briefly how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities include non-SGEI activities are met. Please include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please state whether you have a central website on which you publish this information for all relevant aid measures in your Member State (and, if so, provide the link to this website). If you have no such website, please state whether, and, if so, how, the information concerned is published at the level granting the aid (e.g. federal, *Land* or municipal level).

- Not applicable -

Amount of aid granted

Total amount of aid granted (in millions of EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)

2020	2021
EUR 4 188 200 million	EUR 6 034 000 million

Section (for example 1, hospitals or 2b, childcare)

5g) Other sectors (consumer protection)

Please provide a clear and comprehensive description of how the respective services are organised in your Member State

Please explain what kind of services in the sector concerned have been defined as SGEIs in your Member State. Please list the **content of the services entrusted as SGEIs** as clearly as possible.

- Consumer information, advice and education
- Information and public relations activities throughout the *Land* concerning all issues and topics pertaining to consumers and their households
- Use of collective legal remedies to uphold consumers' rights where consumer protection provisions have been infringed, and to prevent business practices harmful to consumer interests
- Upholding the rights of individual consumers in cases where representation in legal proceedings is of great importance for a large number of consumers

Please give an account of the (typical) forms of entrustment . If standardised templates for entrustments are used in a given sector, please attach them.
Entrustment act
Please indicate the average duration of the entrustment (in years) and the proportion of entrustments whose duration exceeds 10 years (in %) per sector. Please specify the sectors in which SGEIs have been entrusted for periods exceeding 10 years and explain how this duration is justified.
Entrustment applies for 1 year at a time.
Please state whether exclusive or special rights are assigned to the undertakings concerned (typically).
None
What aid instruments have been used (direct subsidies, guarantees, etc.)?
Grant
Please describe the typical compensation mechanism for the respective services and state whether a methodology based on cost allocation or the net-avoided-cost methodology is used.
Cost allocation methodology
Please describe typical arrangements for avoiding and repaying any overcompensation .
Checks are carried out through proof of use of funds and separate accounts, often as part of an audited annual financial statement. It is not permissible to create reserves, so any unused funds can be recovered.
Please explain briefly how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities include non-SGEI activities are met. Please include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please state whether you have a central website on which you publish this information for all relevant aid measures in your Member State (and, if so, provide the link to this website). If you have no such website, please state whether, and, if so, how, the information concerned is published at the level granting the aid (e.g. federal, <i>Land</i> or municipal level).

- Not applicable -	
Amount of aid granted	
Total amount of aid granted (in millions of EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)	
2020	2021
EUR 1 982 000 million	EUR 2 341 000 million

Section (for example 1, hospitals or 2b, childcare)
5g) Other sectors (promotion of the economy)
Please provide a clear and comprehensive description of how the respective services are organised in your Member State
<p>Please explain what kind of services in the sector concerned have been defined as SGEIs in your Member State. Please list the content of the services entrusted as SGEIs as clearly as possible.</p> <ul style="list-style-type: none"> • Economic development tasks • Recruitment and stock development of undertakings • Initiation and implementation of projects with a regional scope in close cooperation with the relevant stakeholders that have a presence at regional level, to continue developing this region as a region of business, science, education and tourism • Advice on funding opportunities and authorisation issues, for business start-ups and businesses investing in expansion • Support and advice to businesses in the field of marketing and cooperation • Coordination of investment processes • Promoting innovation by businesses in the region in product and technology development by engaging with scientific partners • Ensuring the long-term availability of skilled workers through measures involving industry, educational institutions and partners at municipal level

<ul style="list-style-type: none"> • Developing strategic objectives and arguments for marketing the location as a logistics hub • Raising the region's profile and enhancing its image through targeted location marketing
Please give an account of the (typical) forms of entrustment . If standardised templates for entrustments are used in a given sector, please attach them.
Entrustment act / grant decision
Please indicate the average duration of the entrustment (in years) and the proportion of entrustments whose duration exceeds 10 years (in %) per sector. Please specify the sectors in which SGEIs have been entrusted for periods exceeding 10 years and explain how this duration is justified.
In some cases entrustment applies for 1 year at a time, in line with the annual business plan. In others, it can last for 10 years. In one case, the entrustment act entered into force on 1 January 2014 – limited to 10 years.
Please state whether exclusive or special rights are assigned to the undertakings concerned (typically).
None
What aid instruments have been used (direct subsidies, guarantees, etc.)?
Grant
Please describe the typical compensation mechanism for the respective services and state whether a methodology based on cost allocation or the net-avoided-cost methodology is used.
The compensation covers the net costs incurred by Wirtschaftsregion Lausitz GmbH (WRL) in performing its SGEI tasks. In calculating the amount of compensation for discharging public service obligations, 2.6% of eligible capital is acknowledged to constitute a reasonable profit for the service. The undertaking provides evidence of the use of funds on an annual basis, after the end of the financial year. This is done by means of an aid report based on the annual accounts. Separate accounting is used for SGEI and non-SGEI activities. Methodology based on cost allocation and, in part, net-avoided-cost methodology
Please describe typical arrangements for avoiding and repaying any overcompensation .

<ul style="list-style-type: none"> • Separate accounts • The beneficiary is obliged to refund the excess funding to the rural district without delay if it was not necessary to cover the costs of the subsidised SGEIs. 	
<p>Please explain briefly how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities include non-SGEI activities are met. Please include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please state whether you have a central website on which you publish this information for all relevant aid measures in your Member State (and, if so, provide the link to this website). If you have no such website, please state whether, and, if so, how, the information concerned is published at the level granting the aid (e.g. federal, <i>Land</i> or municipal level).</p>	
<p>- Not applicable -</p>	
<p>Amount of aid granted</p>	
<p>Total amount of aid granted (in millions of EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)</p>	
<p>2020</p>	<p>2021</p>
<p>EUR 3 346 082.27 million</p>	<p>EUR 3 747 304.73 million</p>

<p>Section (for example 1, hospitals or 2b, childcare)</p>
<p>5g) Other sectors (promotion of tourism)</p>
<p>Please provide a clear and comprehensive description of how the respective services are organised in your Member State</p>
<p>Please explain what kind of services in the sector concerned have been defined as SGEIs in your Member State. Please list the content of the services entrusted as SGEIs as clearly as possible.</p>
<ul style="list-style-type: none"> • Developing tourism ideas • Internal and external marketing • Tourist information
<p>Please give an account of the (typical) forms of entrustment. If standardised templates for entrustments are used in a given sector, please attach them.</p>

Entrustment act / issue of a grant notice
Please indicate the average duration of the entrustment (in years) and the proportion of entrustments whose duration exceeds 10 years (in %) per sector. Please specify the sectors in which SGEIs have been entrusted for periods exceeding 10 years and explain how this duration is justified.
Entrustment applies for 1 year at a time. In one case, the entrustment took place on 30 November 2016 for a period of 10 years, and in another it covered the period from 1 January 2018 to 31 December 2027.
Please state whether exclusive or special rights are assigned to the undertakings concerned (typically).
None
What aid instruments have been used (direct subsidies, guarantees, etc.)?
Grant; performance guarantees up to a maximum of EUR 13 894 400.00 (liability situation 31 December 2020: EUR 10 710 800.00) to collateralise loans
Please describe the typical compensation mechanism for the respective services and state whether a methodology based on cost allocation or the net-avoided-cost methodology is used.
Cost allocation methodology; net-avoided-cost methodology
Please describe typical arrangements for avoiding and repaying any overcompensation.
Overcompensation is avoided through the compensation mechanism and by applying the current accounting principles and verifying them in the context of the annual financial statement. The grant decision contains provisions on separate accounting and a claw-back mechanism in the ancillary provisions. It also makes clear that all revenue generated by SGEIs must be taken into account and that no compensation must be paid in respect of deficits incurred by performing non-SGEIs. To avoid overcompensation, business activity and use of funds are checked in detail annually.
Please explain briefly how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities include non-SGEI activities are met. Please include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please state whether you have a central website on which you publish this information for all relevant aid measures in your Member State (and, if so, provide the link to this website).

If you have no such website, please state whether, and, if so, how, the information concerned is published at the level granting the aid (e.g. federal, <i>Land</i> or municipal level).	
- Not applicable -	
Amount of aid granted	
Total amount of aid granted (in millions of EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)	
2020	2021
<ul style="list-style-type: none"> • EUR 9 600 049 million • Performance guarantees up to a maximum of EUR 13 894 400 million⁵ 	<ul style="list-style-type: none"> • EUR 9 677 608 million • Performance guarantees up to a maximum of EUR 13 894 400 million

Section (for example 1, hospitals or 2b, childcare)
5g) Other sectors (operation of indoor swimming pools and leisure pools)
Please provide a clear and comprehensive description of how the respective services are organised in your Member State
Please explain what kind of services in the sector concerned have been defined as SGEIs in your Member State. Please list the content of the services entrusted as SGEIs as clearly as possible.
<ul style="list-style-type: none"> • Running a swimming pool. The entrusted undertakings must set aside sufficient pool time for school swimming lessons and swimming clubs and must ensure that prices are affordable, in particular for families and people with a disability. • Provision for school swimming lessons and swimming club activities, the cafeteria and the shop are designed to provide recreational facilities for the general public and for grassroots sport.
Please give an account of the (typical) forms of entrustment . If standardised templates for entrustments are used in a given sector, please attach them.
Entrustment act, specifically an administrative act

⁵ Liability situation as at 31.12.2020 = EUR 10 710 800 million

Please indicate the average duration of the entrustment (in years) and the proportion of entrustments whose duration exceeds 10 years (in %) per sector. Please specify the sectors in which SGEIs have been entrusted for periods exceeding 10 years and explain how this duration is justified.
Entrustment is conferred partly through annual statements and partly for 10-year periods. In one case, the entrustment was conferred in 2013 and ends in 2022.
Please state whether exclusive or special rights are assigned to the undertakings concerned (typically).
None
What aid instruments have been used (direct subsidies, guarantees, etc.)?
Shortfall financing in the form of a non-repayable grant
Please describe the typical compensation mechanism for the respective services and state whether a methodology based on cost allocation or the net-avoided-cost methodology is used.
Compensation payments must not exceed what is necessary to cover the costs incurred in performing the public service obligation, taking into account the relevant revenues and a reasonable return on the capital employed to discharge this obligation. The compensation mechanism is based on the company's business plan for the year in question (maximum amount of compensation). If unforeseeable occurrences associated with the provision of SGEIs lead to higher or more extensive compensation needs, appropriate compensation can also be provided. There is no entitlement to the payment of compensation. A methodology based on cost allocation is used as a basis.
Please describe typical arrangements for avoiding and repaying any overcompensation.
Use-of-funds reports; examination of evidence of use by a statutory auditor; separate accounts; where overcompensation not exceeding 10% of the average annual compensation is identified, it can be credited against the compensation to be paid for the following year. In addition, a repayment is made.
Please explain briefly how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for aid exceeding EUR 15 million to undertakings whose activities include non-SGEI activities are met. Please include some relevant examples of information published for this purpose (e.g. links to websites or other references). Please state whether you have a central website on which you publish this information for all relevant aid measures in your Member State (and, if so, provide the link to this website). If you have no such website, please state whether, and, if so, how, the information concerned is published at the level granting the aid (e.g. federal, <i>Land</i> or municipal level).

- Not applicable -	
Amount of aid granted	
Total amount of aid granted (in millions of EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A + B + C)	
2020	2021
EUR 4 750 000 million	EUR 4 895 000 million
C: Total amount of aid (in millions of EUR) paid by local authorities	
2020	2021
EUR 4 750 000 million	EUR 4 895 000 million

SGEI Decision in your Member State		Total amount for Brandenburg	
		2020	2021
Article 2(1)(b)	Hospitals providing medical care, where applicable including emergency services	€ 0,00	€ 8.000.000,00
Article 2(1)(c)	Health and long term care		
	Childcare		
	Access to and reintegration into the labour market	€ 588.817,00	€ 0,00
	Access to and reintegration into the labour market		
	Social housing	€ 1.868.575,00	€ 3.196.973,00
	Care and social inclusion of vulnerable groups		
	Social services	€ 891.309,00	€ 464.394,00
Article 2(1)(d)	Air or maritime links		
Article 2(1)(e)	Airports and ports	€ 542.243,00	€ 596.187,00
Article 2(1)(a), less than EUR 15 million per year	Postal services		
	Energy		
	Waste collection		
	Water supply		
	Culture	€ 4.188.200,00	€ 6.034.000,00
	Financial services		
	Other sectors	€ 33.572.531,30	€ 34.555.312,70

Note: In the case of the 'Other sectors', the figures provided also include guarantees entered as nominal amounts (up to EUR 13 894 400.00, level of guarantee at 31 December 2020 = EUR 10 710 800.00)

SGEI Framework in your Member State	Total amount for whole Member State	
	2020	2021
Postal services		
Energy		
Waste collection		
Water supply		
Air or maritime links		
Airports and ports		
Culture		
Financial services		
Other sectors		

Free Hanseatic City of Bremen

1. EXPENDITURE OVERVIEW

See data in the Excel table

2. DESCRIPTION OF THE APPLICATION OF THE 2012 SGEI DECISION

Point
1 - Hospitals
Clear and comprehensive description of how the respective services are organized in your Member State
Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the contents of the services entrusted as SGEI as clearly as possible.
<p>The entrustments include in particular:</p> <ul style="list-style-type: none">• The medical, nursing, technical and economic operation of hospitals.• Medical care services, for example:<ul style="list-style-type: none">- Medically appropriate and adequate medical care for inpatients, with all associated individual services.- Medically appropriate and adequate medical investigations and treatment for outpatients undergoing treatment at the hospital locations, with all associated individual services, in so far as such outpatient treatment is part of the range of services offered by a hospital.- Emergency services, e.g. ensuring permanent admission and standby services, provision of emergency doctors.• Ancillary services directly associated with these principal activities, for example:<ul style="list-style-type: none">- Basic and advanced training and continuing education in hospital professions;- Training of medical students in their practical year in connection with recognition as an academic teaching hospital;

<ul style="list-style-type: none"> - Letting and leasing of housing and parking facilities to employees, visitors and patients; - Operation of hospital pharmacies.
Explanation of the (typical) forms of entrustment . If standardized templates for entrustments are used for a certain sector, please attach them.
Decision by the municipal decision-maker; administrative deed.
Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.
<p>In principle, the duration of the entrustment is 10 years.</p> <p>In one case, the duration of the entrustment was 25 years. Here, compensation payments on the basis of the entrustment act are made after the first ten years of the entrustment period only if significant investments by the clinic are necessary that need to be amortised over a longer period in accordance with generally accepted accounting principles.</p>
Explanation whether (typically) exclusive or special rights are assigned to the undertakings.
Exclusive or special rights were not assigned.
Which aid instruments have been used (direct subsidies, guarantees, etc.)?
Guarantees, loans (overdrafts), subsidies.
Typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.
<p>Normally, a cost allocation methodology is used:</p> <p>The compensation payments must not exceed what is necessary to cover the costs incurred in the provision of services of general economic interest, taking into account the relevant revenues ('net additional costs').</p> <p>Net additional costs are calculated on the basis of actual data according to the company's business plan and annual financial statement, in order to demarcate the non-profit part from the fiscal business operation and asset management of the hospital operator company. To this end, all of the expenses and revenues to be recorded under commercial law are listed for the activities / services, and the expenses and revenues for other areas are then removed.</p> <p>The maximum amount of the compensation payments is determined on the basis of the annual business plan through the use of cost allocation methodology.</p>

<p>If unforeseeable events in connection with the performance of services of general economic interest result in higher costs that are not covered, these costs can also be compensated.</p>	
<p>Typical arrangements for avoiding and repaying any overcompensation.</p>	
<p>The beneficiaries are obliged to provide evidence of the use of funds on an annual basis, after the end of the financial year. This takes place in connection with the drawing up of the annual financial statements. If the check reveals overcompensation above 10% of the estimated amount to be compensated in the audit year, the amount exceeding 110% of the amount to be compensated must be reimbursed. Overcompensation of up to 10% can be carried forward to the next payment period.</p>	
<p>A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for the aid above 15 million EUR to undertakings that also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).</p>	
<p>In the event that aid above EUR 15 million is granted, transparency is ensured in particular through the publication of the budget laws and budget plans on the internet.</p>	
<p>Amount of aid granted</p>	
<p>Total amount of aid granted (in millions EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)</p>	
2020	2021
<p>A: Total amount of aid granted (in millions EUR) paid by national central authorities</p>	
2020	2021
<p>B: Total amount of aid granted (in millions EUR) paid by regional authorities</p>	
2020	2021
<p>C: Total amount of aid granted (in millions EUR) paid by local authorities</p>	
2020	2021
57.638	44.235

Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available)	
2020	2021
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings)	
2020	2021

Point
2c - Access to and reintegration into the labour market
Clear and comprehensive description of how the respective services are organized in your Member State
<p>Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the contents of the services entrusted as SGEI as clearly as possible.</p> <p>The content of the service relates to the operation of a training restaurant by a vocational education provider.</p> <p>It provides people from disadvantaged groups with an opportunity to gain valuable catering qualifications. The restaurant's operation cannot be funded through its takings alone.</p> <p>The entrustment covers the following services:</p> <ul style="list-style-type: none"> – part-time training in the catering sector, in particular for single parents who would otherwise be excluded from training opportunities in the catering sector, – training for refugees and/or migrants who would otherwise – owing to linguistic and/or cultural obstacles – be unlikely to gain a training place in view of the high level of communication skills required, – training and qualifications for individuals who are disadvantaged in the market and who have not succeeded on the initial training market as a result of multiple barriers to employment, – training and qualifications for individuals with learning disabilities, – opportunities for pupils living in precarious family situations to gain an insight into the reality of work in the catering sector, – opportunities for older people (50+) to gain partial qualifications.

Explanation of the (typical) forms of entrustment . If standardized templates for entrustments are used for a certain sector, please attach them.
Administrative deed
Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.
The entrustment duration is 10 years.
Explanation whether (typically) exclusive or special rights are assigned to the undertakings.
No exclusive or special rights are granted.
Which aid instruments have been used (direct subsidies, guarantees, etc.)?
Loans (overdrafts), subsidies.
Typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.
<p>The annual shortfall eligible for compensation is calculated on the basis of the relevant annual business plan.</p> <p>If unforeseen events result in higher costs that are not covered, these can also be compensated.</p> <p>The compensation payments must not exceed what is necessary to cover the costs incurred in fulfilling the public service obligation, taking into account the relevant revenues ('net additional costs'). Calculations are carried out on the basis of the cost allocation methodology:</p> <p>the net additional costs are determined on the basis of actual data in order to demarcate the non-profit part from other business operation. To this end, the total income and expenditure reported in the annual financial statement under commercial law are adjusted to exclude other sectors.</p> <p>The figure for expenditure must include the overheads that are attributable to the sector on a pro rata basis.</p> <p>In addition, the undertaking may earn a reasonable return on the capital employed to discharge these obligations provided that this does not result in the net additional costs being exceeded.</p> <p>There is no compensation for any shortfalls resulting from other business operation.</p>
Typical arrangements for avoiding and repaying any overcompensation .
The entrusted undertaking provides evidence of the use of funds on an annual basis, after the end of the financial year. This takes place in connection with the drawing up of the annual financial statement. The authority is also entitled to

<p>have books, supporting documents and other business records audited.</p> <p>If the audit reveals overcompensation not exceeding 10%, this amount may be carried forward to the following payment period and deducted from the compensation of losses paid for this following payment period. If the audit reveals overcompensation exceeding 10% of the funds compensated for the audit year, the service provider is asked to repay the excess amount.</p>	
<p>A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for the aid above 15 million EUR to undertakings that also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).</p>	
<p>No aid exceeding EUR 15 million was granted.</p>	
<p>Amount of aid granted</p>	
<p>Total amount of aid granted (in millions EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)</p>	
2020	2021
<p>A: Total amount of aid granted (in millions EUR) paid by national central authorities</p>	
2020	2021
<p>B: Total amount of aid granted (in millions EUR) paid by regional authorities</p>	
2020	2021
<p>C: Total amount of aid granted (in millions EUR) paid by local authorities</p>	
2020	2021
1.01	0.83
<p>Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available)</p>	
2020	2021

Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings)	
2020	2021

Point
5e - Culture
Clear and comprehensive description of how the respective services are organized in your Member State
Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the contents of the services entrusted as SGEI as clearly as possible.
<p>Operation and provision of a town hall with ice rink and all associated services which serve the well-being of the inhabitants in all economic and social matters as well as cultural matters, in particular:</p> <ul style="list-style-type: none"> – operation and provision of a town hall with ice rink, – maintenance of own properties, – organisation and holding of trade fairs, congresses, exhibitions and social, cultural and sporting events, – letting of premises and facilities, in so far as is necessary to fulfil specific public service missions.
Explanation of the (typical) forms of entrustment . If standardized templates for entrustments are used for a certain sector, please attach them.
Administrative deed
Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.
The entrustment duration is 10 years.
Explanation whether (typically) exclusive or special rights are assigned to the undertakings.
Exclusive or special rights were not assigned.
Which aid instruments have been used (direct subsidies, guarantees, etc.)?
Compensation is granted in the form of subsidies and loans (overdrafts).

Typical **compensation mechanism** as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.

As a basic principle, the level of compensation is determined on the basis of the business plan for the relevant year. Higher costs resulting from unforeseen events can be compensated on application if substantiating documents are supplied.

The compensation must not exceed what is necessary to cover the costs incurred in performing the services, taking into account the relevant revenues ('net additional costs'). Revenues include all other grants and third-party compensation as well as revenues.

Calculations are carried out on the basis of the cost allocation methodology: Net additional costs are calculated on the basis of the actual data according to the business plan and the annual financial statement.

In addition, the entrusted undertaking may earn a reasonable return on the capital employed to discharge these obligations.

Typical **arrangements for avoiding and repaying any overcompensation.**

The entrusted undertaking provides evidence of the use of funds on an annual basis in connection with the annual financial statement, after the end of the financial year.

A settlement under State aid law is carried out by comparing the amount to be compensated (net additional costs plus the proportionate overheads and a reasonable return) with the compensation for the year under review.

If the compensation exceeds this amount to be compensated, overcompensation is deemed to be present. Overcompensation exceeding 10% must be repaid.

The settlement under State aid law must be produced together with the annual financial statement and presented to the authority for auditing. The audit takes place in connection with the receipt of the relevant annual financial statement and the adoption of a decision in this respect.

A short explanation of how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for the aid above 15 million EUR to undertakings that also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).

No compensation exceeding EUR 15 million was granted.

Amount of aid granted	
Total amount of aid granted (in millions EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
A: Total amount of aid granted (in millions EUR) paid by national central authorities	
2020	2021
B: Total amount of aid granted (in millions EUR) paid by regional authorities	
2020	2021
C: Total amount of aid granted (in millions EUR) paid by local authorities	
2020	2021
7.784	6.1
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available)	
2020	2021
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings)	
2020	2021

Point
5g - Other sectors Here: Tourism and business promotion
Clear and comprehensive description of how the respective services are organized in your Member State
Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the contents of the services entrusted as SGEI as clearly as possible.
The content of the entrustment relates to the promotion of tourism and business,

<p>and the development, strengthening and promotion of Bremerhaven as a business destination. The tasks implemented include the following services of general economic interest:</p> <ul style="list-style-type: none"> – destination marketing, for example the organisation, management and execution of tourism-related marketing measures, including events, participation in trade fairs, conferences and similar events, – performance of visitor-related tasks, – organisation, management and implementation of tourism-related events, – information from SMEs on business and practical issues, – advice for people wishing to start a business, – location marketing via specialised events, informational events and fairs, – operating business incubators, – ancillary services directly associated with these main services, in particular training and continuing education for employees performing the above tasks.
<p>Explanation of the (typical) forms of entrustment. If standardized templates for entrustments are used for a certain sector, please attach them.</p>
<p>Administrative deed.</p>
<p>Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.</p>
<p>The entrustment duration is 10 years.</p>
<p>Explanation whether (typically) exclusive or special rights are assigned to the undertakings.</p>
<p>No exclusive or special rights are granted.</p>
<p>Which aid instruments have been used (direct subsidies, guarantees, etc.)?</p>
<p>Subsidies are awarded.</p>
<p>Typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.</p>
<p>The level of compensation is calculated in each case on the basis of the annual business plan drawn up and adopted annually before the start of the financial year.</p> <p>Should unforeseen circumstances result in higher costs which are not covered, compensation may also be granted for these upon application, but only in justified exceptional situations. Evidence must be provided that these higher costs were incurred in connection with the provision of services of general</p>

economic interest.

The compensation must not exceed what is necessary to cover the costs incurred in providing the services of general economic interest, taking into account the relevant revenues ('net additional costs'). Calculations are carried out using the cost allocation methodology. Net additional costs are calculated on the basis of comprehensive actual data according to the business plan and the annual financial statement.

Typical arrangements for avoiding and repaying any overcompensation.

Evidence of use of funds is provided on an annual basis in connection with the drawing up of the annual financial statement, after the end of the financial year.

The net additional costs plus the proportionate overheads (jointly the 'amount to be compensated') are compared to the compensation payments for the audit year ('settlement under State aid law'). If the compensation exceeds this amount to be compensated, overcompensation is deemed to be present.

The entrusted undertaking is obliged to repay the overcompensation when requested to do so by the authority. If the overcompensation does not exceed the average annual compensation by more than 10%, it can be carried over to the following period and deducted from the compensation to be paid for this period.

The authority is entitled to have books, supporting documents and other business records inspected.

A short explanation of how the **transparency requirements** (see Article 7 of the 2012 SGEI Decision) for the aid above 15 million EUR to undertakings that also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).

No aid exceeding EUR 15 million was granted.

Amount of aid granted

Total amount of aid granted (in millions EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)

2020	2021
A: Total amount of aid granted (in millions EUR) paid by national central authorities	
2020	2021

B: Total amount of aid granted (in millions EUR) paid by regional authorities	
2020	2021
C: Total amount of aid granted (in millions EUR) paid by local authorities	
2020	2021
5.371	6.273
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available)	
2020	2021
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings)	
2020	2021

3. DESCRIPTION OF THE APPLICATION OF THE 2012 SGEI FRAMEWORK

The SGEI Framework was not applied during the reporting period.

4. COMPLAINTS BY THIRD PARTIES

Please provide an overview of complaints by third parties, in particular litigation before national courts, regarding measures in scope of the 2012 SGEI Decision or 2012 SGEI Framework. Please be as specific as possible in your reply and include the sector for which you have received the complaints, the contents of the complaints and the possible follow-up by your authorities or the likely outcome of the court proceedings.

There are no complaints by third parties.

5. MISCELLANEOUS QUESTIONS

- a) We kindly invite you to indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Decision and ask you to in particular consider the following issues:
- drawing up an entrustment act that complies with Article 4 of the SGEI Decision;
 - specifying the amount of compensation in line with Article 5 of the SGEI Decision;

- determining the reasonable profit level in line with Article 5(5)-(8) of the SGEI Decision;
- regularly checking overcompensation as required by Article 6 of the SGEI Decision;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

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b) We kindly invite you to indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Framework and ask you to in particular consider the following issues:

- carrying out a public consultation in line with paragraph 14 of the SGEI Framework;
- complying with public procurement rules in line with para 19 of the SGEI Framework;
- determining the net avoided cost as required by paras 25-27 of the SGEI Framework;
- determining the reasonable profit level in line with paras 33-38 of the SGEI Framework;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

The SGEI Framework was not applied during the reporting period (see 3. above).
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c) If you have any other comments on the application of the SGEI Decision and the SGEI Framework on issues other than the ones covered in the previous questions please feel free to provide them below.

N/A

The SGEI Decision in your Member State		Total amount for the <i>Land</i> of Bremen	
		2020	2021
Article 2(1)(b)	Hospitals providing medical care, including, where applicable, emergency services	€ 57.638.000	€ 44.235.000
Article 2(1)(c)	Health and long term care		
	Childcare		
	Access to and reintegration into the labour market		
	Access to and reintegration into the labour market	€ 1.010.000	€ 830.000
	Social housing		
	Care and social inclusion of vulnerable groups		
	Other social services		
Article 2(1)(d)	Air or maritime links		
Article 2(1)(e)	Airports and ports		
Article 2(1)(a), not exceeding an annual amount of EUR 15 million	Postal services		
	Energy		
	Waste collection		
	Water supply		
	Culture	€ 7.784.000	€ 6.100.000
	Financial services		
	Other sectors	€ 5.371.000	€ 6.273.000

The SGEI Framework in your Member State	Total amount for the Member State	
	2020	2021
Postal services		
Energy		
Waste collection		
Water supply		
Air or maritime links		
Airports and ports		
Culture		
Financial services		
Other sectors		

ANNEX Report Free and Hanseatic City of Hamburg

Services of general economic interest: Guidance on reporting pursuant to the 2012 SGEI Decision and the 2012 SGEI Framework

The **reporting obligations** are set out in Article 9 of the 2012 SGEI Decision:

'Each Member State shall submit a report on the implementation of this Decision to the Commission every 2 years. The reports shall provide a detailed overview of the application of this Decision for the different categories of services referred to in Article 2(1), including:

(a) a description of the application of this Decision to the services falling within its scope, including in-house activities;

(b) the total amount of aid granted in accordance with this Decision, with a breakdown by the economic sector of the beneficiaries;

(c) an indication of whether, for a particular type of service, the application of this Decision has given rise to difficulties or complaints by third parties; and

(d) any other information concerning the application of this Decision required by the Commission and to be specified in due time before the report is to be submitted.'

Paragraph 62 of the 2012 SGEI Framework sets in principle identical reporting obligations for aid granted under the 2012 SGEI Framework.

Please structure your report as follows:

1. EXPENDITURE OVERVIEW

Please complete the following table:

Total SGEI government expenditure by legal basis (millions EUR)		
	2020	2021
<i>Total compensation granted on the basis of the SGEI Decision (1+2)</i>		
1) Total compensation granted on the basis of the SGEI Decision	91.107173	73.946880
2) Total compensation granted on the basis of the SGEI Decision		

2. DESCRIPTION OF THE APPLICATION OF THE 2012 SGEI DECISION

Please structure this part of your report by the following sections:

- 1) Hospitals providing medical care, including, where applicable, emergency services (Art. 2(1)(b))
- 2) Social services (Art. 2(1)(c))
 - a) Health and long term care
 - b) Childcare
 - c) Access to and reintegration into the labour market
 - d) Social housing
 - e) Care and social inclusion of vulnerable groups
 - f) Other social services (if applicable)
- 3) Air or maritime links to islands with average annual traffic not exceeding the limit set in Art. 2(1)(d)
- 4) Airports and ports with average annual traffic not exceeding the limit set in Art. 2(1)(e)
- 5) SGEI compensation not exceeding an annual amount EUR 15 million (Art. 2(1)(a))
 - a) Postal services
 - b) Energy
 - c) Waste collection
 - d) Water supply
 - e) Culture
 - f) Financial services
 - g) Other sectors (please specify)

For each of the items outlined above please provide information in the form of the following table:

Section (for example 1, Hospitals or 2b, Childcare)
1, Hospitals
Clear and comprehensive description of how the respective services are organized in your Member State¹
Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the contents of the services entrusted as SGEI as clearly as possible.
Healthcare services and other hospital services providing the highest level of care.

¹ If in a certain sector only a small number of individual SGEIs exist in your Member State, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial.

Explanation of the (typical) forms of entrustment . If standardized templates for entrustments are used for a certain sector, please attach them.	
The entrustment takes the form of a separate written entrustment act.	
Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.	
The entrustment duration is 10 years.	
Explanation whether (typically) exclusive or special rights are assigned to the undertakings.	
No exclusive or special rights are granted to the undertakings.	
Which aid instruments have been used (subsidies, guarantees, etc.)?	
Subsidies are awarded.	
Typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.	
The amount of the compensation is calculated according to the net costs incurred in meeting the public service obligations. Cost allocation methodology.	
Typical arrangements for avoiding and repaying any overcompensation.	
To avoid overcompensation, use-of-funds checks are carried out in line with the provisions of the Hamburg Budget Regulation. The checks for 2020 and 2021 have been carried out.	
A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for the aid above 15 million euro to undertakings that also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).	
Publication on the Hamburg Transparency Portal.	
Amount of aid granted	
Total amount of aid granted (in millions EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
A: Total amount of aid granted (in millions EUR) paid by national central authorities²	

² If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

2020	2021
B: Total amount of aid granted (in millions EUR) paid by regional authorities³	
2020	2021
63.556554	42.349728
C: Total amount of aid granted (in millions EUR) paid by local authorities⁴	
2020	2021
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available)	
2020	2021
100% subsidy	100% subsidy

Section (for example 1, Hospitals or 2b, Childcare)
2 a) Health and long term care
Clear and comprehensive description of how the respective services are organized in your Member State⁵
Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the contents of the services entrusted as SGEI as clearly as possible.
Trauma centre for offering counselling and treatment to victims of torture and traumatised refugees (provision of low-threshold and interdisciplinary psychiatric, psychological and psychosocial help and therapy).
Explanation of the (typical) forms of entrustment . If standardized templates for entrustments are used for a certain sector, please attach them.
The entrustment takes the form of award decisions.
Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.
The entrustment takes place every year.
Explanation whether (typically) exclusive or special rights are assigned to the undertakings.
No exclusive or special rights are granted to the undertakings.
Which aid instruments have been used (subsidies, guarantees, etc.)?
Subsidies are awarded.

³ See footnote 1.

⁴ See footnote 1.

⁵ If in a certain sector only a small number of individual SGEIs exist in your Member State, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial.

Typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.	
The amount of the compensation is calculated according to the net costs incurred in meeting the public service obligations. Cost allocation methodology.	
Typical arrangements for avoiding and repaying any overcompensation .	
This is verified via use-of-funds checks.	
A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for the aid above 15 million EUR to undertakings that also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).	
Not applicable.	
Amount of aid granted	
Total amount of aid granted (in millions EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
A: Total amount of aid granted (in millions EUR) paid by national central authorities⁶	
2020	2021
B: Total amount of aid granted (in millions EUR) paid by regional authorities⁷	
2020	2021
0.75970806	1.01784029
C: Total amount of aid granted (in millions EUR) paid by local authorities⁸	
2020	2021
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available)	
2020	2021
100% subsidy	100% subsidy

Section (for example 1, Hospitals or 2b, Childcare)
5(g) Other sectors

⁶ If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

⁷ See footnote 1.

⁸ See footnote 1.

Clear and comprehensive description of how the respective services are organized in your Member State⁹

Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the **contents of the services entrusted as SGEI** as clearly as possible.

- Youth hostels, youth meeting and education centres. Education in line with the United Nations 2030 Agenda for Sustainable Development. Inclusive, equitable and quality education and lifelong learning with a focus on the Wadden Sea, the causes of climate change and its consequences for people and nature, and sustainable development. Teaching in classes or groups and in cross-class and cross-group formats.
- Consumer advice centre (comprehensive advice and representation of consumer interests, including in the fields of commerce, services, telecommunications, financial services, construction financing, patient counselling and patient protection, nutrition and environmental and energy advice).
- Promotion of tourism, marketing Hamburg as an attractive travel destination and boosting Hamburg's profile, marketing the Free and Hanseatic City of Hamburg and the Hamburg Metropolitan Region as a location for trade fairs, conventions and conferences, and as a travel destination for corresponding events (including via ongoing dialogue with tourism service providers and setting up cooperation with tourism partners).
- Location marketing of the Free and Hanseatic City of Hamburg to increase its national and international reputation as a city and metropolitan region (effective, professional and distinctive location marketing on the basis of a brand strategy and raising awareness of the location's attractiveness at national and international level).
- General and specific economic promotion and all associated services promoting the economy of the Free and Hanseatic City of Hamburg (advertising the Hamburg Metropolitan Region as an economic area, cooperating with economic development agencies in the Hamburg Metropolitan Region and in the *Länder*, attracting external companies, providing advice on relevant location conditions, project support and monitoring, development and marketing of commercial property in the Free and Hanseatic City of Hamburg, district-specific development of commercial areas).
- Providing student care and support through services and counselling in the social and economic sectors, in particular by setting up, making available and maintaining the facilities which serve that purpose (canteen management, student residence subsidies, counselling services for students and student residence administrators).

⁹ If in a certain sector only a small number of individual SGEIs exist in your Member State, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial.

<ul style="list-style-type: none"> Promoting cooperation between business, science, politics and administration in research and development, knowledge and technology transfer, industrial cooperation, teaching, further education, start-ups and business development – by setting up an innovation centre adjoining the university. Park-and-ride and bike-and-ride facilities (operation of facilities for parking motor vehicles or bicycles. Avoiding disruption to inner-city traffic and reducing environmental pollution).
Explanation of the (typical) forms of entrustment . If standardized templates for entrustments are used for a certain sector, please attach them.
Entrustments predominantly take the form of separate written entrustment acts or award decisions.
Average duration of the entrustment (in years) and the proportion of entrustments that are longer than 10 years (in %) per sector. Specify in which sectors SGEI were entrusted with a duration exceeding 10 years and explain how this duration is justified.
The duration of the entrustments is 1-2 years or 10 years. One entrustment has the duration of 25 years because of large investments.
Explanation whether (typically) exclusive or special rights are assigned to the undertakings.
No exclusive or special rights are granted to the undertakings.
Which aid instruments have been used (subsidies, guarantees, etc.)?
Predominantly, subsidies are awarded. Transfer of land without consideration is also granted as an aid instrument.
Typical compensation mechanism as regards the respective services and whether a methodology based on cost allocation or the net avoided cost methodology is used.
The amount of the compensation is calculated according to the net costs incurred in meeting the public service obligations. Cost allocation methodology. The calculation is usually carried out in advance, normally on the basis of the respective business plan.
Typical arrangements for avoiding and repaying any overcompensation .
This is usually verified via proof of use, mostly on the basis of the annual accounts.
A short explanation of how the transparency requirements (see Article 7 of the 2012 SGEI Decision) for the aid above 15 million EUR to undertakings that also have activities outside the scope of the SGEI are being complied with. In your answer please also include some relevant examples of information published for this purpose (e.g. some links to websites or other references), indicate whether you have a central website on which you publish this information for all aid measures concerned in your Member State (and if so provide the link to this website), or alternatively explain if and how the publication takes place at the level granting the aid (e.g. central, regional or local level).
Not applicable, as the requirements of Article 7 of the SGEI Decision are not met.

Amount of aid granted	
Total amount of aid granted (in millions EUR). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
A: Total amount of aid granted (in millions EUR) paid by national central authorities¹⁰	
2020	2021
B: Total amount of aid granted (in millions EUR) paid by regional authorities¹¹	
2020	2021
32.975869	30.772368
C: Total amount of aid granted (in millions EUR) paid by local authorities¹²	
2020	2021
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available)	
2020	2021
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ¹³	
2020	2021

3. Description of the application of the 2012 SGEI Framework

Not applicable. There are no measures under the SGEI Framework.

¹⁰ If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

¹¹ See footnote 1.

¹² See footnote 1.

4. Complaints by third parties

Please provide an overview of complaints by third parties, in particular litigation before national courts, regarding measures in scope of the 2012 SGEI Decision or 2012 SGEI Framework. Please be as specific as possible in your reply and include the sector for which you have received the complaints, the contents of the complaints and the possible follow-up by your authorities or the likely outcome of the court proceedings.

There have been no third-party complaints.
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5. Miscellaneous questions

a) We kindly invite you to indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Decision and ask you to in particular consider the following issues:

- drawing up an entrustment act that complies with Article 4 of the SGEI Decision;
- specifying the amount of compensation in line with Article 5 of the SGEI Decision;
- determining the reasonable profit level in line with Article 5(5)-(8) of the SGEI Decision;
- regularly checking overcompensation as required by Article 6 of the SGEI Decision;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

Not applicable.

We kindly invite you to indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Framework and ask you to in particular consider the following issues:

- carrying out a public consultation in line with paragraph 14 of the SGEI Framework;
- complying with public procurement rules in line with para 19 of the SGEI Framework;
- determining the net avoided cost as required by paras 25-27 of the SGEI Framework;
- determining the reasonable profit level in line with paras 33-38 of the SGEI Framework;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

Not applicable.

b) If you have any other comments on the application of the SGEI Decision and the SGEI Framework on issues other than the ones covered in the previous questions please feel free to provide them below.

We do not have any other questions.

- determining the reasonable profit level in line with Article 5(5)-(8) of the SGEI Decision;
- regularly checking overcompensation as required by Article 6 of the SGEI Decision;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

Not applicable.

We kindly invite you to indicate whether your authorities have experienced difficulties in applying the 2012 SGEI Framework and ask you to in particular consider the following issues:

- carrying out a public consultation in line with paragraph 14 of the SGEI Framework;
- complying with public procurement rules in line with para 19 of the SGEI Framework;
- determining the net avoided cost as required by paras 25-27 of the SGEI Framework;
- determining the reasonable profit level in line with paras 33-38 of the SGEI Framework;

Please be as specific as possible in your reply, include relevant examples and, if applicable, the sector for which the difficulties are (most) relevant.

Not applicable.

b) If you have any other comments on the application of the SGEI Decision and the SGEI Framework on issues other than the ones covered in the previous questions please feel free to provide them below.

We do not have any other questions.

SGEI Decision in your Member State		Total amount for Hamburg	
		2020	2021
Article 2(1)(b)	Hospitals providing medical care, where applicable including emergency services	EUR 63 556 554	EUR 42 349 728
Article 2(1)(c)	Health and long term care	EUR 759 708.06	EUR 1 017 840.29
	Childcare		
	Access to and reintegration into the labour market		
	Access to and reintegration into the labour market		
	Social housing		
	Care and social inclusion of vulnerable groups		
	Social services		
Article 2(1)(d)	Air or maritime links		
Article 2(1)(e)	Airports and ports		
Article 2(1)(a), less than EUR 15 million per year	Postal services		
	Energy		
	Waste collection		
	Water supply		
	Culture		
	Financial services		
	Other sectors	EUR 32 975 869	EUR 30 772 368

SGEI Framework in your Member State	Total amount for whole Member State	
	2020	2021
Postal services		
Energy		
Waste collection		
Water supply		
Air or maritime links		
Airports and ports		
Culture		
Financial services		
Other sectors		

A. Hessen

1. Expenditure overview

Total SGEI government expenditure by legal basis (EUR million)		
	2020	2021
<i>Total compensation for the provision of services of general economic interest (1+2)</i>		
1) Total compensation granted on the basis of the SGEI Decision	EUR 594 799 million	EUR 713 712 million
(2) Total compensation granted on the basis of the SGEI Framework		

2. Description of the application of the 2012 SGEI Decision

1.1) Hospitals (Article 2(1)(b)) (teaching hospitals are mentioned separately (1.2))

Content of the services of general economic interest

Medical care services:

- appropriate and adequate medical care, including accommodation and catering, for day patients and inpatients treated in the clinic's hospitals, with all the associated individual services, including inpatient services for prophylactic treatment or rehabilitation or follow-on rehabilitation within the meaning of Section 40(2) of Volume V of the German Social Code (*Sozialgesetzbuch, SGB*),
- appropriate and adequate medical investigations and treatment for outpatients treated in the clinic's hospitals, with all the associated individual services, namely medically indicated outpatient pre-admission and post-discharge treatment within the meaning of Section 115a of Volume V of the Social Code and outpatient psychiatric and psychotherapeutic treatment in institutional outpatient clinics with a regional care obligation within the meaning of Section 118 of Volume V of the Social Code,
- emergency services such as guaranteeing inpatient and outpatient emergency healthcare for the catchment area of the 'Hospital Group' and providing emergency doctors for the emergency services,
- the mandate to provide healthcare services, which ensures that cost-intensive services, for example, emergency care; specific obligations such as assistance during disasters, pandemics, or events causing large-scale damage; loss-making fields of medical treatment, special departments, and the treatment of high-cost patients are also provided,
- the operation of homes and elderly care facilities, outpatient, part-time inpatient and inpatient care of elderly people, including their social and cultural care and the provision of accommodation in accordance with the principles of elderly care.

SGEI ancillary services directly associated with these principal activities or with SGEI principal activities by the other undertakings of the 'Hospital Group', such as:

- basic, advanced and continuing training in the professions required for the clinical and nursing care operations of the 'Hospital Group',
- operation of a training facility for healthcare, nursing, and care assistants in cooperation with the employment agency,
- consultations as part of the clinical and nursing care operations of the 'Hospital Group',
- laboratory services as part of the clinical and nursing care operations of the 'Hospital Group',
- operation of a laboratory,
- sales of goods and materials as part of the clinical and nursing care operations of the 'Hospital Group',
- operation of a centralised sterilisation unit as part of the clinical and nursing care operations of the 'Hospital Group',

- operation of a radiology unit as part of the clinical and nursing care operations of the 'Hospital Group',
- supply of pharmaceuticals to patients and residents in institutions as part of the clinical and nursing care operations of the 'Hospital Group', particularly within the framework of discharge management,
- patient surveys as part of the clinical and nursing care operations of the 'Hospital Group',
- reception service as part of the clinical and nursing care operations of the 'Hospital Group',
- technical and other services, in each case for purposes relating to the clinical and nursing care operations of the 'Hospital Group', such as services relating to business administration and IT, cleaning services (including internal cleaning of buildings, bed preparation, disinfection, outside catering, laundry service), housekeeping services (including waste disposal, workshop and transport/logistics services, maintenance, garden care) and services relating to medical/technical measures (including device management),
- provision of telephones to patients and residents in the facilities belonging to the clinical and nursing care operations of the 'Hospital Group',
- provision and rental of premises and material resources and supply of staff to undertakings as part of the clinical and nursing care operations of the 'Hospital Group',
- provision and rental or leasing of premises, land and material resources within the framework of emergency medical care,
- rental of living space for visitors, patients' relatives, employees and apprentices or trainees as part of the clinical and nursing care operations of the 'Hospital Group',
- letting services in the context of asset management (letting of patient cafeteria, rental to the *Kuratorium für Heimdialyse* (Germany's largest provider of dialysis services), letting of staff apartments, rental to the health authority and to medical practices, letting of premises to emergency service centre of statutory health insurance registered doctors, letting of an apartment in sheltered housing, letting of an MRT and CT scanner for inpatient and outpatient care, as well as X-ray services during core hours,
- kitchen services,
- carrying out the task of promoting the public healthcare sector through the construction, conversion, renovation and, where necessary, maintenance of buildings,
- sustainable energy contracting and maintenance of the energy production facility for the new building constructed according to the passive house standard.

Forms of entrustment

- Entrustment act
 - o e.g. based on the template published by the local authority associations of Baden-Württemberg and Bavaria.

- Decision by the municipal authorities (*Magistratsbeschluss*) based on the previous decisions of the city council assembly (municipal council) and the shareholder resolution, which is implemented by instruction under company law.

Duration of the entrustment

- 10 years in principle
- Entrustment ranging from 10 years up to long-term entrustment, as the public service obligation is also long-term. In principle, the entrustment act provides for a right of withdrawal.

Exclusive or special rights

- No exclusive or special rights were assigned.

Aid instruments

- Subsidies
 - o Building cost subsidy
 - o Operating and investment subsidies
 - o Capital contributions
 - o Transfer of assets without consideration
- Loss compensation payments
- Guarantees
- Loans
- Transfers of land
- Provision of personnel

Compensation mechanism

- Cost allocation methodology
 - o Compensation for annual shortfalls and subsidies depending on the annual results and upcoming investments.
 - o Corresponding to the amount needed (costs less revenue), taking into account a reasonable return.
 - o Annual shortfall arising from the approved annual business plan (maximum target compensation).
 - o Proof that the maximum target compensation for the SGEI activities is distinguished from the non-SGEI areas, where necessary, is provided by means of separate accounting. No compensation is provided for non-SGEI services.
- Net avoided cost methodology (on a case-by-case basis).

- Deficiency guarantee/guarantors' undertakings for investment loans upon application and explanation of the amount required.
- Reasonable interest is charged on loans for investment and liquidity purposes or they are provided under market conditions. Debt servicing was waived in some cases in 2020 and 2021.

Arrangements for avoiding and repaying any overcompensation

- Separate accounting,
- checks of the annual accounts and use of funds,
 - o quarterly checks in some cases,
- annual check by an auditor and the entrustment authority of adherence to the conditions of the entrustment act,
- request for repayment in the case of overcompensation (including interest on the amount).
 - o If the overcompensation does not exceed the annual compensation by more than 10%, the company can carry forward the surplus to the next calendar year and deduct it from the compensation to be paid for that calendar year.
- Any shortfalls are settled at a later date

Transparency requirements

- Publication on the website, where applicable, particularly in the case of guarantees.
- *Section 1 TransparenzR* is complied with.
- Aid of above EUR 15 million was indeed granted during the reporting period. However, the transparency rules in Article 7 of the 2012 SGEI Decision are not relevant in this case, as only the above-mentioned entrusted services were provided as SGEIs, and no other additional services were provided.

Amount of aid granted [must be indicated separately for 2020 and 2021]

Amount of aid granted.		
Total amount of aid granted (in EUR million). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)		
2020	2021	
199.122218	272.859169	
C: Total amount of aid granted (in EUR million) paid by local authorities.		
2020	2021	
199.122218	272.859169	
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available) in EUR million (not complete for the entire sector).		
Amount in EUR million.	2020	2021
Subsidies and loss compensation payments	45.7	30.2
Guarantees as at 31 December	114.313	114.981
Loans	3.000	3.000
Financial support through equity injection	0	35.000
Other financial support	1.500*	2.161*
Total	164.513	185.342

* of which, EUR 1.5 million and EUR 0.127 million were transferred in 2020 and 2021 respectively from the municipal investment programme (*Kommunale Investitionsprogramm*, KIP) to boost investment activity by hospital operators.

1.2) Teaching hospitals

Content of the services of general economic interest

- Contribution of the teaching hospital to the performance of research and teaching activities.
- Together with the university, the teaching hospital ensures the connection between healthcare and research and teaching (Section 5(1) of the Hessen Teaching Hospitals Act (*Gesetz für die hessischen Universitätskliniken*, UniKlinG) of 26 June 2000 in the current version).
- The research and teaching activities were transferred under Section 5(1) UniKlinG by public-law entrustment in the form of the public-law cooperation agreement (see Section 25a UniklinG).
- In accordance with Section 5(2) UniKlinG - Section 5(1) and (2) UniKlinG apply on the basis of Section 25a(1) UniklinG - the teaching hospitals carry out tasks in healthcare, in the basic, advanced and continuing training of members of paramedical professions and of the public healthcare sector, in the basic, advanced and continuing training of doctors, as well as other public healthcare tasks, or they ensure that such tasks are carried out.

- Needs-based healthcare services are provided to the general population through high-performance hospitals (mandate to provide healthcare services).
- Healthcare tasks are entrusted through the UniKlinG and the public-law cooperation agreement to be concluded under Section 15 UniKlinG. The hospital plan includes the teaching hospitals, taking into account their tasks in research and teaching, in so far as they serve the inpatient care of the population in general (Section 18(2) of the 2011 Hessen Hospitals Act (*Hessisches Krankenhausgesetz 2011*, HKHG 2011)).

Forms of entrustment

- Healthcare tasks are entrusted directly through the UniKlinG and the public-law cooperation agreement to be concluded under Section 15 UniKlinG.
- Entrustment act in the form of notices.

Duration of the entrustment

- There is no time limit on the statutory entrustment of the teaching hospitals to carry out healthcare tasks.
- In the notices, the entrustment is limited to no more than 10 years.

Exclusive or special rights

- Particularities result from the connection between academia and medical care.
 - o According to Section 1(5), third sentence, UniKlinG, the teaching hospital adheres to the freedom in research and teaching granted to the university and ensures that the members of the university can exercise the fundamental rights guaranteed by Article 5(3), first sentence, of the Basic Law (*Grundgesetz*) and the freedoms guaranteed in Article 10 of the Constitution of the Federal State of Hessen (*Verfassung des Landes Hessen*).

Aid instruments

- Subsidies
- Guarantor liability of the federal state.
 - o According to Section 4(1) UniKlinG, in addition to the Frankfurt teaching hospital itself, the federal state also has unlimited liability for the teaching hospital's commitments if and to the extent that satisfaction cannot be obtained from the teaching hospital's assets (guarantorship).

Compensation mechanism

- Cost allocation methodology.

Arrangements for avoiding and repaying any overcompensation

- Use-of-funds reports (*Verwendungsnachweise*).
- Claw-back mechanism in the case of overcompensation.

Transparency requirements

- Please refer to the relevant budget law in connection with the budget for Hessen.

Amount of aid granted [must be indicated separately for 2020 and 2021]

Amount of aid granted.	
Total amount of aid granted (in EUR million). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
30.312	36.54
B: Amount of aid granted (in EUR million) paid by regional authorities.	
2020	2021
30.312	36.54
C: Amount of aid granted (in EUR million) paid by local authorities.	
2020	2021
0	0

2) Social services (Art. 2(1)(c))

a) Health and long term care

Content of the services of general economic interest

- Nursing services
 - o medically appropriate and adequate care including accommodation and catering for the day patients and inpatients requiring nursing care and treated in the 'Geriatric Nursing Group', with all the associated individual services,
 - o medically appropriate and adequate care including housekeeping services for the inpatients treated in-house by the 'Geriatric Nursing Group', with all the associated individual services,
- promotion of hospice work and the establishment and/or operation of hospices or similar institutions where terminally ill and dying people are enabled to live with dignity at end of their life,
- Ancillary services directly associated with these principal activities, such as:
 - o basic, advanced and continuing training in geriatric nursing,
 - o organisation of celebrations and other social and cultural support for patients,
 - o operation of cafeterias and kiosks for employees, patients and visitors,
 - o technical and other services, including a cleaning service, as part of the 'Geriatric Nursing Group',
- operation and management of a health resort (including in particular healthcare services) and maintenance of the associated infrastructures,
- operation of medical care centres.

Forms of entrustment

- Entrustment act (notice)

Duration of the entrustment

- 10 years in principle

Exclusive or special rights

- No exclusive or special rights were assigned.

Aid instruments

- Subsidies
- Compensation
- Guarantees

Compensation mechanism

- Cost allocation methodology

Arrangements for avoiding and repaying any overcompensation

- Separate accounting,
- Checks of the annual accounts and use of funds,
- Repayments in the case of overcompensation.

Transparency requirements

- Not applicable

Amount of aid granted [must be indicated separately for 2020 and 2021]

Amount of aid granted.		
Total amount of aid granted (in EUR million). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)		
2020	2021	
4.5	13.2	
C: Total amount of aid granted (in EUR million) paid by local authorities.		
2020	2021	
4.5	13.2	
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available) in EUR million (not complete for the entire sector).		
Amount in EUR million (where available).	2020	2021
Subsidies and loss compensation payments	4.5	13.2
Guarantees	-	-

b) Childcare

Content of the services of general economic interest

- The childcare sector is tasked with the education, support and upbringing of children, from the age of 8 weeks until the end of primary school, in day care centres and/or in schools, taking into account the legal framework laid down in Volume VIII of the Social Code, and based on the applicable provisions of the education and training plan for Hessen in cooperation with schools, as well as on the provisions applying in Hessen and the municipal guidelines.
- Support is provided for children's personal development.
- Children's respective home environments and their individual needs are taken into account, working together with their parents and guardians.
- Support is provided for school pupils in the framework of whole-day care offered by schools.
- Education and care are promoted in schools as well as measures to boost skilled employment and basic and advanced vocational training and continuing vocational education, in particular, for young school-leavers, refugees, socially disadvantaged and unemployed persons, and persons receiving social security benefits, through
 - o whole-day care at schools: the planning, organisation and provision of reliable education and care programmes at, and in consultation with, schools;
 - o employment and social services: careers guidance for young school-leavers, advice, care, support and integration for refugees, as well as advice, care and support for socially disadvantaged persons,
- services directly connected with the above-mentioned main activities.

Forms of entrustment

- Entrustment act
- Grant agreements
- Funding notices
- Decision by the municipal authorities (municipal executive committee) based on the above-mentioned decisions of the city council assembly (municipal council) which was implemented by means of internal instructions to the operations manager of the municipal enterprise pursuant to Section 4(1) of the Act on municipal enterprises of Hessen (*Eigenbetriebsgesetz Hessen*).

Duration of the entrustment

- 10 years in principle

Exclusive or special rights

- No exclusive or special rights were assigned.

Aid instruments

- Subsidies
 - o In the form of contributions

- Loss compensation payments
- Operating and investment subsidies
- Guarantees
- Loans
- Transfers of land

Compensation mechanism

- Cost allocation methodology
 - The scope and quality are determined by a decision by the municipal authorities in the context of municipal self-administration, and determine the level of the necessary expenses less the attributable revenue (business plan, separate accounting, third-party subsidies).
 - There is scope for an appropriate revenue surcharge of up to 4%.
 - Where applicable, compensation is reduced owing to overcompensation in earlier periods.
 - Target compensation is established annually.
- General rules for entrustment acts.
 - Compensation of the annual shortfall (institutional and project funding) and voluntary investment subsidies based on the annual business plan and a budget.
 - Other benefits provided by the rural district (*Landkreis*) are to be indicated separately in the relevant annual business plan or elsewhere.
 - If unforeseeable events in connection with the performance of services of general economic interest pursuant to Section 2(1) of the entrustment act result in a higher compensation amount, this can also be taken into consideration. Detailed evidence must be provided of those events and their impacts.
- Rules for whole-day care.
 - The funds are granted on the basis of the entrustment act and the Rural District of Gießen Rules on support for the provision of care in primary schools and the elementary levels of special needs schools.

Arrangements for avoiding and repaying any overcompensation

- Claw-back mechanism in the case of overcompensation.
 - Checks are carried out at least every 3 years (in practice, annually) and at the end of the entrustment period.

- If the overcompensation does not exceed the average annual compensation by more than 10%, it can alternatively be carried over to the following period and deducted from the compensation to be paid for this period.
 - The average annual compensation is calculated taking into account a continuous 3-year period including the year in which the overcompensation occurred.
- Appropriate measures are taken by the shareholder in order to avoid infringements of State aid legislation.
- Use-of-funds reports
- Separate accounting
- Projected and actual account

Transparency requirements

- Aid of above EUR 15 million was granted in 2020 and 2021; however, the company provides only SGEI services, meaning that the transparency rules of Article 7 of the 2012 SGEI Decision do not apply.

Amount of aid granted [must be indicated separately for 2020 and 2021]

Amount of aid granted.		
Total amount of aid granted (in EUR million). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)		
2020	2021	
128.384063	144.950375	
B: Total amount of aid granted (in EUR million) paid by regional authorities.		
2020	2021	
2.058	2.344	
C: Total amount of aid granted (in EUR million) paid by local authorities.		
2020	2021	
126.326	142.606	
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available) in EUR million (not complete for the entire sector).		
Amount in EUR million (where available).	2020	2021

Subsidies	128.284	144.85
Guarantees	0.1	0.1

c) Access to and reintegration into the labour market

Content of the services of general economic interest

Social services as set out in Article 2(1)(c) of the Decision (2012/21//EU) on access to and reintegration into the labour market.

- The demand-oriented, interconnected and coordinated use of funding to initiate and finance assistance measures for the benefit of long-term unemployed and low-skilled people after the age of 25, in order to achieve the greatest possible positive impact with the available funding.
- The promotion of suitable (innovative) projects to improve the living situation and employment prospects of the target group.
- Measures to ensure professional and effective fund-raising in relation to EU funds and third-party funds for use in measures to improve the life situation of the target group.
- The establishment and operation of a counselling centre as a central point of contact for the target group on issues of career planning and placement in the context of the funded measures. The counselling centre should have sufficient space and personnel to provide appropriate counselling.
- Support and counselling regarding entrepreneurship, especially in the case of unemployment.
 - o Qualification programme consisting of seminars and workshops
- Basic, advanced and continuing (vocational) training, qualification, counselling, support as well as employment promotion measures, especially for the disadvantaged young people and adults living in the district.
 - o The training of young people and adults in in-house training workshops and through the organisation, coordination and promotion of third-party measures,
 - o the creation of training and employment opportunities,
 - o providing accompanying support in the form of occupational therapy and social education,
 - o the development and testing of new and innovative fields of work and employment,
 - o employment, qualification, vocational preparation and orientation within the framework of public/publicly funded employment,
 - o measures for (re)integration,
 - o socio-pedagogical support and intervention,
 - o provision of accommodation and care services for asylum seekers and other persons entitled under the Asylum Procedure Act (*Asylverfahrensgesetz*).
- Promotion of crime prevention.
- Promotion of the protection of nature and the environment.

- Taking over, representing and participating in companies of the same or similar kind as long as they retain their charitable focus.

Forms of entrustment

- Obligation within the scope of the company's object.
- Section 44(2) and (3) of the Federal-State Budget Regulation (*Landeshaushaltsordnung*, LHO).
- Entrustment act
- Grant notices
- Funding notices

Duration of the entrustment

- 10 years in principle

Exclusive or special rights

- Management of funds and provision of grants (Sections 23 and 44 of the Federal State Budget Regulation (LHO)) and the application of the corresponding administrative regulations on the entity's own behalf and in accordance with the terms of public law.
- Fiduciary management of the share of the budget items indicated annually in the budget statutes, limited to measures within the scope of the entrustment act.

Aid instruments

- Subsidy
- (Guarantee)
- (Loan)

Compensation mechanism

- Cost allocation methodology
 - o Costs incurred in carrying out the public service obligation
 - o Taking into consideration the formation of adequate reserves
 - o Within the meaning of Article 5(2) sentence 1 of the SGEI Decision
- Separate accounting
- General rules for entrustment acts
 - o Compensation of the annual shortfall (institutional and project funding) and voluntary investment subsidies based on the annual business plan and a budget.
 - o If unforeseeable events in connection with the performance of services of general economic interest pursuant to Section 2(1) of the entrustment act result in a higher

compensation amount, this can also be taken into consideration. Detailed evidence must be provided of those events and their impacts.

- Offsetting against the following year.

Arrangements for avoiding and repaying any overcompensation

- Checking of the annual financial statement by a third party (e.g. an auditor) in accordance with Section 4 of the decision by the municipal authorities of 12 December 2014.
- Separate accounting
- Projected and actual account
- Use-of-funds reports
- Repayments in the case of overcompensation
- General rules for entrustment acts
 - o Annual Use-of-funds reports (according to Section 4 of the entrustment act on the basis of the annual financial statement)
 - o If the overcompensation does not exceed the average annual compensation by more than 10%, it can alternatively be carried over to the following period and deducted from the compensation to be paid for this period.

Transparency requirements

- No activities outside the scope of the SGEI.

Amount of aid granted [must be indicated separately for 2020 and 2021]

Amount of aid granted.	
Total amount of aid granted (in EUR million). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
16.428329	16.298058
A: Total amount of aid granted (in EUR million) paid by national central authorities.	
2020	2021
0.160267	0.096489
B: Total amount of aid granted (in EUR million) paid by regional authorities.	
2020	2021
1.267784	1.783086
C: Total amount of aid granted (in EUR million) paid by local authorities.	

2020	2021
15.000278	14.418483

(e) Care and social inclusion of vulnerable groups

Content of the services of general economic interest

- Promoting and ensuring the provision of community development activities for the residents of the relevant urban district.
 - o Management of town centres
 - o Organising the mobilisation, participation and networking of residents, social institutions and other stakeholders in the projects.
 - o Responsibility for the neighbourhood and urban district management.

Forms of entrustment

- The entrustment was awarded pursuant to Article 4 of Commission Decision 2012/21/EU of 20 November 2011 (OJ L 7 of 11 January 2012, p. 3).
- Grant agreements

Duration of the entrustment

- 10 years in principle

Exclusive or special rights

- No exclusive or special rights were assigned.

Aid instruments

- Subsidies
 - o Investment subsidies

Compensation mechanism

- Cost allocation methodology
- Separately concluded performance-oriented grant agreements

Arrangements for avoiding and repaying any overcompensation

- Use-of-funds reports
- Separate accounting
- Request for repayment in the case of overcompensation

Transparency requirements

- Not applicable

Amount of aid granted [must be indicated separately for 2020 and 2021]

C: Total amount of aid granted (in EUR million) paid by local authorities.		
2020	2021	
0.1035	0.1035	
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available) in EUR million (not complete for the entire sector).		
Amount in EUR million (where available).	2020	2021
Subsidies	0.1035	0.1035

d) Other social services (where applicable)

Content of the services of general economic interest

- Entrustment with public service obligations in the area of providing assistance pursuant to Chapters 5, 6 and 8 of Volume 12 of the German Social Code (SGB XII). The object of the entrustment is the provision and operation of various homes for the elderly and nursing homes.
- Promotion of youth support including the promotion of training through the establishment, operation and maintenance of decentralised urban services and institutions in which youth support services pursuant to Volume VIII of the Social Code are provided.
- Services in the areas of support for children in day-care and public child and youth work.

Forms of entrustment

- Notice on confirmation and/or granting of a guarantee and on entrustment with a service of general economic interest.
- Entrustment act
 - o Composed of a decision by the municipal authorities (municipal executive committee), a decision of the city council assembly (municipal council) and an instruction under company law pursuant to Section 4(1) of the Act on municipal enterprises of Hessen.

Duration of the entrustment

- 10 years in principle
- Remaining term of secured loans, if shorter than 10 years.

Exclusive or special rights

- No exclusive or special rights were assigned.

Aid instruments

- (Deficiency) guarantees
- Loans
- Subsidies (contributions to the capital reserve).

Compensation mechanism

- Cost allocation methodology
 - o Charging of a guarantee fee or compensation for the costs of the mixed-economy activity with obligations to provide evidence regarding the net expenses incurred in the process.
 - o Determined by decision by the municipal authorities that takes into account an appropriate revenue surcharge of up to 4%.

Arrangements for avoiding and repaying any overcompensation

- Separate accounting
- Request for repayment in the case of overcompensation
 - o If the overcompensation does not exceed the annual compensation by more than 10%, the company can carry forward the surplus to the next calendar year and deduct it from the compensation to be paid for that calendar year.

Transparency requirements

- Aid of more than EUR 15 million was granted in 2020 and 2021. The entrusted entity does not perform any activity other than its entrusted SGEIs, meaning that the transparency rules of Article 7 of the 2012 SGEI Decision do not apply.

Amount of aid granted [must be indicated separately for 2020 and 2021]

C: Total amount of aid granted (in EUR million) paid by local authorities.		
2020	2021	
24.692969	23.2386412	
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available) in EUR million (not complete for the entire sector).		
Amount in EUR million (where available).	2020	2021
Loan/guarantee	9.450361	7.834266
Subsidy	15.242608	15.404375

- 3) Air or maritime links to islands on which the average annual traffic does not exceed the maximum level referred to in Article 2(1)(d)

Content of the services of general economic interest

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Forms of entrustment

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Duration of the entrustment

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Exclusive or special rights

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Aid instruments

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Compensation mechanism

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Arrangements for avoiding and repaying any overcompensation

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Transparency requirements

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Amount of aid granted [must be indicated separately for 2020 and 2021]

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- 4) Airports and ports with average annual traffic not exceeding the maximum level referred to in Article 2(1)(e)

Content of the services of general economic interest

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Forms of entrustment

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Duration of the entrustment

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Exclusive or special rights

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Aid instruments

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Compensation mechanism

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Arrangements for avoiding and repaying any overcompensation

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Transparency requirements

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Amount of aid granted [must be indicated separately for 2020 and 2021]

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5) Other compensation not exceeding an annual amount of EUR 15 million for the provision of services of general economic interest (Article 2(1)(a))

a) Postal services

Content of the services of general economic interest

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Forms of entrustment

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Duration of the entrustment

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Exclusive or special rights

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Aid instruments

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Compensation mechanism

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Arrangements for avoiding and repaying any overcompensation

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Transparency requirements

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Amount of aid granted [must be indicated separately for 2020 and 2021]

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b) Energy

Content of the services of general economic interest

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Forms of entrustment

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Duration of the entrustment

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Exclusive or special rights

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Aid instruments

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Compensation mechanism

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Arrangements for avoiding and repaying any overcompensation

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Transparency requirements

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Amount of aid granted [must be indicated separately for 2020 and 2021]

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c) Waste collection

Content of the services of general economic interest

Disposal and cleaning services (in public areas)

- in areas where regular cleaning does not form part of the statutory activities, but is urgently required due to environmental and landscape protection,
- disposal and cleaning services that cannot be postponed (e.g. regular removal of stickers and graffiti with anti-Semitic, sexist as well as discriminatory motives in the city area),
- in areas where responsibilities are unclear, but action should not be postponed.
- Fulfilment of the special obligation for the environment and for an orderly living and working environment associated with waste disposal, namely the clearance, recycling or other disposal of waste of all kinds, including landfill aftercare, in particular:
 - o clearance, recycling or other disposal of waste of all kinds, particularly in the area of landfill sites,
 - o energy production in the field of renewable energy, especially by operating a biogas installation, an agrigas installation and photovoltaic installations.

Forms of entrustment

- Grant notices (with contractual modalities)
- Entrustment act

Duration of the entrustment

- 10 years in principle
- 14 years
 - o Entrustment exists for 12 months in each case.
 - o It is based on the urgency of the required service and on aspects of general urban cleanliness, landscape protection and environmental protection.

Exclusive or special rights

- No exclusive or special rights were assigned.

Aid instruments

- Subsidy/grant
- Compensation
- Guarantees

Compensation mechanism

- Cost allocation methodology

- (on the basis of the total costs approach pursuant to Article 5(2), first sentence of the Exemption Decision).

Arrangements for avoiding and repaying any overcompensation

- Established in the annual grant notice
- Separate accounting
- Auditing of the annual accounts
- Use-of-funds reports
- Repayment in the case of overcompensation

Transparency requirements

- Not applicable

Amount of aid granted [must be indicated separately for 2020 and 2021]

C: Total amount of aid granted (in EUR million) paid by local authorities.		
2020	2021	
5.058	5.872824	
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available) in EUR million (not complete for the entire sector).		
Amount in EUR million (where available).	2020	2021
Subsidy	5.058	5.872824

d) Water supply

Content of the services of general economic interest

- The supply of water, including the construction and maintenance of all the facilities required for this purpose.
- Taking over, expanding, operating, maintaining, and repairing the existing and future water extraction facilities, including the pipe networks and the house connections, as well as for the storage facilities.

Forms of entrustment

- Entrustment act

Duration of the entrustment

- 10 years in principle

Exclusive or special rights

- No exclusive or special rights were assigned.

Aid instruments

- Subsidies
 - o Compensation
- Guarantees

Compensation mechanism

- Cost allocation methodology

Arrangements for avoiding and repaying any overcompensation

- Separate accounting
- Auditing of the annual accounts
- Use-of-funds reports
- Repayment in the case of overcompensation

Transparency requirements

- Not applicable

Amount of aid granted [must be indicated separately for 2020 and 2021]

C: Total amount of aid granted (in EUR million) paid by local authorities.		
2020	2021	
5.4	6.5	
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available) in EUR million (not complete for the entire sector).		
Amount in EUR million (where available).	2020	2021
Guarantees	5.4	6.5

e) Culture

Content of the services of general economic interest

- Operation and maintenance of event venues, ensuring socially acceptable entrance fees (including for socio-cultural purposes and purposes of joint use by individuals, associations and organisations).
 - o Operation of a municipal cultural office.
 - o Development of cultural concepts and their implementation.
 - o Promotion of art, culture, education and sports.
 - o Organisation of concerts, festivals, exhibitions, theatre and dance performances.

Forms of entrustment

- Entrustment act (notice/administrative act)
 - o (based on the current recommendations/templates of the Rural District Association of Baden-Württemberg/Bavaria applying at the time of the decision).
- Shareholders' agreement

Duration of the entrustment

- 10 years in principle

Exclusive or special rights

- none

Aid instruments

- Subsidies
 - o Compensation
 - o Operating, renovation and investment subsidies
- Guarantees
- Loans
- Transfer without consideration of premises/land/buildings

Compensation mechanism

- Cost allocation methodology

Arrangements for avoiding and repaying any overcompensation

- Separate accounting
- Checking of the annual accounts/business plan
 - o where necessary, by an audit firm.

- Use-of-funds reports
- Repayment in the case of overcompensation

Transparency requirements

- Not applicable

Amount of aid granted [must be indicated separately for 2020 and 2021]

Amount of aid granted.		
Total amount of aid granted (in EUR million). This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)		
2020	2021	
15.900752	16.298948	
B: Total amount of aid granted (in EUR million) paid by regional authorities.		
2020	2021	
0.75285	0.735104	
C: Total amount of aid granted (in EUR million) paid by local authorities.		
2020	2021	
15.147902	15.563844	
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available) in EUR million (not complete for the entire sector).		
Amount in EUR million (where available).	2020	2021
Subsidies	4.606492	4.929425
Guarantees	7.5	7.5
Loans	0.8	0.7

f) Financial services

Content of the services of general economic interest

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Forms of entrustment

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Duration of the entrustment

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Exclusive or special rights

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Aid instruments

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Compensation mechanism

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Arrangements for avoiding and repaying any overcompensation

...

Transparency requirements

...

Amount of aid granted [must be indicated separately for 2020 and 2021]

...

g) Other sectors

Content of the services of general economic interest

- **Promotion of the economy, location marketing** 1) Entrustment of FrankfurtRheinMain International Marketing of the Region to support location marketing for the Rhine-Main economic region, to network and bundle the strengths of the economic region, to promote and raise awareness of the economic region and its locational advantages. 2) Entrustment of FIZ Frankfurter Innovationszentrum Biotechnologie GmbH to promote and maintain the region's existing biotechnology potential, to attract new companies, to operate a centre for biotechnology-oriented start-ups. 3) Economic development in the field of logistics and mobility through House of Logistics and Mobility (HOLM) GmbH, offering premises for universities and for companies in the logistics and mobility industry to establish an interdisciplinary centre of research and development and knowledge transfer, research projects to solve logistics and mobility problems of urban agglomerations, a cooperation platform, public relations work. 4) Region-specific economic development in Limburg-Weilburg and Dietz, through the provision of data, location consulting, location marketing and settlement support for companies, support for municipalities in the designation of residential and commercial areas, support for municipalities in regional planning and regional continuing education. 5) In relation to business start-ups, the Kompass-Zentrum für Existenzgründungen Frankfurt am Main GmbH is entrusted with qualifying and educating the unemployed and those threatened by unemployment to become self-employed, especially in the service sector. 6) Municipal economic development through the entrustment of Wirtschaftsförderung Frankfurt - Frankfurt Economic Development GmbH with the objective of improving the location conditions of the economy by increasing the level of awareness of the location through the creation and improvement of location conditions, conception, implementation and coordination of economic development measures within the framework of the maintenance, development and settlement of companies, with the following main focuses: general consulting and services, real estate services and location marketing.

Total amount of aid granted (in EUR million)¹. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
13.423823	13.372875
A: Total amount of aid (in EUR million) paid by national central authorities²	
2020	2021
--	--

¹ As referred to in Article 9(b) of the 2012 SGEI Decision.

² If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

B: Total amount of aid (in EUR million) paid by regional authorities³	
2020	2021
3.369600	3.290719
C: Total amount of aid (in EUR million) paid by local authorities⁴.	
2020	2021
10.054223	10.082156
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available).	
2020	2021
--	--
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings)⁵.	
2020	2021
--	--

- **Cultural heritage, culture and tourism, trade fair, congress and event management:** 1) Tourism promotion by the Stadt Marburg und Land Tourismus GmbH, creation of a uniform marketing plan, strategic market analysis, expansion of offerings. 2) Tourism promotion and marketing in the district of Marburg-Biedenkopf, tourism office, development of plans and further development of tourism infrastructure. 3) Promotion of central functions of the city in terms of regional development through the promotion of local and regional tourism, the planning and implementation of image and city advertising, development of new tourist offers and city management. 4) Tourismus- und Congress GmbH Frankfurt am Main (TCF) is entrusted with the tasks of marketing the congress segment and holding public and city festivals in order to market and build the image of Frankfurt at home and abroad, providing tourism information, and arranging city tours and other offers. In the congress segment, TCF promotes Frankfurt as a location for holding congresses and arranges contacts between event organisers and companies, such as hotels, etc. 5) Verkehrsgesellschaft Frankfurt am Main mbH is entrusted with the establishment and operation of the Transport Museum for the preservation of the historical heritage for rail transport (history of local transport in Frankfurt am Main and the Rhine-Main area, as well as the organisation of trips on special routes with historical vehicles (Easter

³ See footnote 42.

⁴ See footnote 42.

⁵ The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Decision, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

Bunny Express, public vehicle parades, farewell trips when vehicles are decommissioned, anniversaries, jubilee events, etc.)). 6) Restoration of a part of the old town destroyed during the war in order to preserve its cultural heritage. 7) Repair and maintenance of the historic Aartal railroad, which is a protected monument. 8) The maintenance and operation of the trade fair and congress infrastructure in Wiesbaden, of the Kurhaus and also of the Platte hunting lodge and the tourist information centre are entrusted as SGEIs.

Total amount of aid granted (in EUR million)⁶. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
28.583481	21.502553
A: Total amount of aid (in EUR million) paid by national central authorities⁷	
2020	2021
--	--
B: Total amount of aid (in EUR million) paid by regional authorities⁸	
2020	2021
0	0
C: Total amount of aid (in EUR million) paid by local authorities⁹.	
2020	2021
28.583481	21.502553
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available).	
2020	2021
--	--
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ¹⁰ .	
2020	2021
--	--

⁶ As referred to in Article 9(b) of the 2012 SGEI Decision.

⁷ If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

⁸ See footnote 42.

⁹ See footnote 42.

¹⁰ The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Decision, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

- **Provision, operation, maintenance and construction of sports facilities, public swimming pools, youth and recreational facilities:** 1) Maintenance and operation of facilities used by the residents of Weilburg for recreational, therapeutic, sports and leisure purposes. 2) BBF GmbH is entrusted with making available and operating the 'Rebstockbad' public swimming pool for sports, health and leisure purposes under socially acceptable conditions, making it available for club and school swimming, and taking the interests of specific user groups into consideration. 3) BBF GmbH is entrusted with making available and operating the Bornheim panorama swimming pool /family swimming pool. 4) BBF GmbH is entrusted with making available and operating the 'Höchst', 'Riedbad Bergen-Enkheim', 'Textorbad' and 'Gartenbad Fechenheim' public indoor swimming pools. 5) BBF GmbH is entrusted with constructing, maintaining and operating indoor and outdoor swimming pools. 6) Sportpark Stadion Frankfurt am Main Gesellschaft für Projektentwicklung mbH (SSF) is entrusted with promoting public health and sports by making available the stadium and other sports facilities for the residents of the urban area of Frankfurt am Main. This includes the organisation of major events.

Total amount of aid granted (in EUR million)¹¹. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
49.069432	45.580242
A: Total amount of aid (in EUR million) paid by national central authorities¹²	
2020	2021
--	--
B: Total amount of aid (in EUR million) paid by regional authorities¹³	
2020	2021
0	0
C: Total amount of aid (in EUR million) paid by local authorities¹⁴.	
2020	2021
49.069432	45.580242
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available).	
2020	2021

¹¹ As referred to in Article 9(b) of the 2012 SGEI Decision.

¹² If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

¹³ See footnote 42.

¹⁴ See footnote 42.

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Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ¹⁵ .	
2020	2021
--	--

Total amount of aid granted (in EUR million) ¹⁶ . This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
13.5298	12.4436
A: Total amount of aid (in EUR million) paid by national central authorities ¹⁷	
2020	2021
--	--
B: Total amount of aid (in EUR million) paid by regional authorities ¹⁸	
2020	2021
0	0
C: Total amount of aid (in EUR million) paid by local authorities ¹⁹ .	
2020	2021
13.5298	12.4436
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available).	
2020	2021
--	--

¹⁵ The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Decision, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

¹⁶ As referred to in Article 9(b) of the 2012 SGEI Decision.

¹⁷ If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

¹⁸ See footnote 42.

¹⁹ See footnote 42.

Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ²⁰ .	
2020	2021
--	--

- **Operation of educational institutions, general basic and further training of the population:** 1) Specialist camps for professions of the future in health, nursing, child and youth welfare, young people will receive in-depth career orientation in the fields of work and explore the working methods in the institutions. 2) Nursing qualification centre in Hessen to provide support for prospective foreign employees, specialists in the recognition of qualifications or language acquisition, coordination of adaptation and preparatory courses with examination. 3) The municipal enterprise 'Volkshochschule Frankfurt am Main (VHS)' is entrusted with the provision of basic and advanced training courses in accordance with the Act on the Promotion of Further Training in the State of Hessen (*Hessisches-Weiterbildungsgesetz* - HWBG). This includes courses on society, culture, health, languages and careers, target-group courses for seniors, children and young people, support for highly gifted children through the provision of relevant courses at the Highly Gifted Centre (*Hochbegabtenzentrum*, HBZ), as well as the promotion of political education for young people and adults through the Höchst Municipal Film Forum and counselling on the aforementioned training courses and the holding of exams to determine learning results.

Total amount of aid granted (in EUR million)²¹. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
13.336464	13.722673
A: Total amount of aid (in EUR million) paid by national central authorities²²	
2020	2021
--	--

²⁰ The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Decision, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

²¹ As referred to in Article 9(b) of the 2012 SGEI Decision.

²² If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

B: Total amount of aid (in EUR million) paid by regional authorities²³	
2020	2021
0.0	0.59307
C: Total amount of aid (in EUR million) paid by local authorities²⁴.	
2020	2021
13.336464	13.129603
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available).	
2020	2021
--	--
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ²⁵ .	
2020	2021
--	--

- **Land bank / land development:** 1) KEG Konversions-Grundstücksentwicklungsgesellschaft mbH (KEG): Development of plots that are difficult to develop/market under market principles: The entrusted activities include urban development measures involving land and real estate which, for a wide variety of reasons, cannot find buyers in the market, or whose owners cannot take advantage of market opportunities. 2) Land bank for structured agricultural purposes in Hessen: The object and purpose of the undertaking is to act as a non-profit settlement company within the meaning of the Reich Settlement Act (*Reichssiedlungsgesetz*) and, in particular, to implement settlement, agricultural structure improvement and land development measures.

Total amount of aid granted (in EUR million)²⁶. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
0.146246	0.15

²³ See footnote 42.

²⁴ See footnote 42.

²⁵ The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Decision, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

²⁶ As referred to in Article 9(b) of the 2012 SGEI Decision.

A: Total amount of aid (in EUR million) paid by national central authorities²⁷	
2020	2021
--	--
B: Total amount of aid (in EUR million) paid by regional authorities²⁸	
2020	2021
0	0
C: Total amount of aid (in EUR million) paid by local authorities²⁹.	
2020	2021
0.146246	0.15
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available).	
2020	2021
--	--
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ³⁰ .	
2020	2021
--	--

- **Non-productive investment in nature conservation, environmental lottery, consumer protection:** 1) Entrustment of services involving the representation of consumer interests, taking into account the general public good and vis-à-vis legislation, administration, companies and business associations, measures to strengthen the position and rights of consumers, development towards more sustainable economic practices, informing consumers about their rights, and support during legal enforcement. 2) Implementation of 12 projects under the joint scheme for agricultural structures and coastal protection (*Gemeinschaftsaufgabe Agrarstruktur und Küstenschutz*, GAK), such as the Dillenburg-Donsbach nutrient-poor grassland (*Magergrünland*) and meadow orchard project or the de-bushing of the vineyard terraces in Assmannshausen, as investment measures with and without land acquisition. 3)

²⁷ If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

²⁸ See footnote 42.

²⁹ See footnote 42.

³⁰ The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Decision, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

Implementation of six projects with funds from the environmental lottery, such as climate-adapted flowering gardens or the preservation of meadow orchards.

Total amount of aid granted (in EUR million) ³¹ . This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
4.804	5.313
A: Total amount of aid (in EUR million) paid by national central authorities ³²	
2020	2021
--	--
B: Total amount of aid (in EUR million) paid by regional authorities ³³	
2020	2021
4.804	5.313
C: Total amount of aid (in EUR million) paid by local authorities ³⁴ .	
2020	2021
0	0
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available).	
2020	2021
--	--
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings) ³⁵ .	
2020	2021
--	--

- **SGEI aid for other economic sectors not broken down further**

- Maintenance and expansion of parks.

³¹ As referred to in Article 9(b) of the 2012 SGEI Decision.

³² If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

³³ See footnote 42.

³⁴ See footnote 42.

³⁵ The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Decision, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

- Acquisition and maintenance of municipal assets.
- Control and coordination of the digitalisation of municipal services.
- Public transport, mobility.
- Operation of science and congress centres.
- All of the aforementioned categories for the Darmstadt and Kassel regional government offices, which report aid for other economic sectors on an aggregate basis.

Total amount of aid granted (in EUR million)³⁶. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
55.534	79.488
A: Total amount of aid granted (in EUR million) paid by national central authorities³⁷.	
2020	2021
--	--
B: Amount of aid granted (in EUR million) paid by regional authorities³⁸.	
2020	2021
0	0
C: Amount of aid granted (in EUR million) paid by local authorities³⁹.	
2020	2021
55.534	79.488
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available).	
2020	2021
--	--
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings)⁴⁰.	

³⁶ As referred to in Article 9(b) of the 2012 SGEI Decision.

³⁷ If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

³⁸ See footnote 42.

³⁹ See footnote 42.

⁴⁰ The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Decision, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

2020	2021
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Forms of entrustment

- Entrustment act
- Decision by the city's municipal authorities on the shareholder resolution regarding entrustment.
- Grant notice with entrustment.

Duration of the entrustment

- 10 years in principle
- 1.5 to 4 years
- 20 years for SSF
- 26 years for HOLM
- 30 years for the construction of an indoor swimming pool and panorama swimming pool for sports, health and leisure purposes.
- Up to 7 years for the land bank

Exclusive or special rights

- Exclusive or special rights are not assigned.
- In the case of the land bank, the company is commissioned to provide plots of land for public, agricultural structural and ecological purposes on behalf of the State of Hessen; municipal authorities may commission the undertaking to carry out that task on the basis of land bank contracts (on the basis of the Guidelines).

Aid instruments

- Subsidies, compensation payments, guarantees, overdrafts, loans
- Annual subsidies as loss compensation through retention of dividend distributions from the energy division
- Operating grants
- Investment subsidies
- Capital contributions
- Long-term leases

- Transfers of land and provision of personnel
- Capital injections in the form of loss compensation payments and investment subsidies
- Deficiency guarantees without consideration to secure capital market loans for the carrying out and financing of real estate transactions in the area of the land bank measures
- Waiving of guarantee fees as part of the compensation payment
- Loss compensation based on an agreement on the transfer of profits
- Transfer of premises without consideration (waiving of a transfer or rental fee)

Compensation mechanism

- Cost allocation methodology
- According to the business plan, the maximum expenditure eligible for compensation is established beforehand and a risk premium is taken into account.
- Separate accounting.
- Decision by the municipal authorities in the context of municipal self-administration.
- Checks of proof of use.
- Retention of dividends from the energy division.
- Estimate and decision within the framework of the budget, proof according to statutory and regulated parameters based on an estimate in the business plan.
- Higher compensation may be paid, upon submission of proof, in the event of unforeseen circumstances.
- Establishment of an appropriate return on capital which, when exceeded, triggers an appropriate guarantee fee.

Arrangements for avoiding and repaying any overcompensation

- Annual check regarding overcompensation.
- Proof must be submitted for specific investment subsidies within 3 months of the measure being agreed.

Transparency requirements

- In the majority of cases, no aid of above EUR 15 million is granted, meaning that the transparency rules of Article 7 of the SGEI Decision do not apply to most of the aid measures.
- Disclosure of the business plan, annual financial statement and annual reports, all documents are archived for 10 years.

Amount of aid granted.

Total amount of aid granted (in EUR million)⁴¹. This includes all aid granted in your territory, including aid granted by regional and local authorities. (A+B+C)	
2020	2021
164.897446	177.85027
A: Total amount of aid granted (in EUR million) paid by national central authorities⁴²	
2020	2021
--	--
B: Total amount of aid (in EUR million) paid by regional authorities⁴³	
2020	2021
8.1736	9.196789
C: Total amount of aid (in EUR million) paid by local authorities⁴⁴.	
2020	2021
156.723846	168.653481
Share of expenditure per aid instrument (direct subsidy, guarantees etc.) (if available).	
2020	2021
--	--
Additional quantitative information (e.g. number of beneficiaries per sector, average aid amount, size of the undertakings)⁴⁵.	
2020	2021
--	--

⁴¹ As referred to in Article 9(b) of the 2012 SGEI Decision.

⁴² If the aid amount cannot be split between central, regional and local authorities only the total amount of aid granted for all authorities should be reported.

⁴³ See footnote 42.

⁴⁴ See footnote 42.

⁴⁵ The Commission would welcome any data that you might have on aid granted under the 2012 SGEI Decision, for example the number of beneficiaries per sector, average amount of aid, amount per aid instrument, size of the undertakings, etc. Should such other quantitative information data not be readily available in your Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

3. Description of the application of the 2012 SGEI Framework

To date, the Commission has not approved any measures under the SGEI Framework of 2012.

4. Complaints by third parties

No complaints by third parties that concern the above-mentioned SGEIs directly are known.

3. Description of the application of the 2012 SGEI Framework

To date, the Commission has not approved any measures under the SGEI Framework of 2012.

[Please do not fill in]