

## Comments on the targeted GBER revision - round 2

### I. Aid Under ETC projects

1. Articles 11 and 12:  
We are positive to the suggested simplification of the reporting and monitoring conditions for limited amounts of aid granted under Article 20a.
2. Article 20:
  - a. We agree with the European Commission proposal to align aid intensity with the ETC Regulation co-financing rates for all project partners (undertakings/enterprises), independently of their size.
  - b. Please, add the following: *"In case the undertaking is a public body, maximum aid intensity may be up to 100% of the budget of the undertaking"*.
  - c. Alternatively to b. above, please, add the following: *"For total eligible costs up to 200.000 EUR aid intensity is 100%"*.
  - d. Please, clarify whether, in case of public and public equivalent bodies/beneficiaries, the public national co-financing shall be considered as "private" contribution of the beneficiary.
3. Article 20, par. 2:  
We suggest that **the special reference to certain eligible costs should be deleted**, as this may cause problems of interpretation. There should be only **direct reference to the Interreg eligibility rules, according to the Commission Delegated Regulation 481/2014 and the new ETC Regulation (2021-2027)**. This shall be similar to the eligibility references in Articles 25a – 25d for Horizon Programme, etc.
4. Article 20a:
  - a. The new Article 20a is in the right direction, particularly in combination to the modifications of article 11 and 12.
  - b. However, we suggest that the **total amount of aid to be considered "limited" shall be set at EUR 30.000 (instead of EUR 20.000)**, as this shall facilitate most of the cases of ETC participants (beneficiaries/undertakings), in line with the intention of the European Commission to cater for these project participants/partners, by limiting the administrative burden, given the small aid amounts.
5. Alignment of Article 14, par. 15 and Article 20, par. 4:  
It is essential to ensure alignment of the Article 14, par. 15 to the modified Article 20. Therefore, and taking into account the intention of the European Commission to ensure reduction of the unnecessary administrative burden for ETC projects, please:
  - a. In Article 14, par. 15, **please delete the second and third phase of the paragraph**, as follows: *"If the initial investment is located in two or more assisted areas, the maximum aid intensity shall be the one applicable in the assisted area where the highest amount of eligible costs is incurred. In assisted areas eligible for aid under Article 107(3)(c) of the Treaty, this provision shall apply to large undertakings only if the initial investment concerns a new economic activity."*
  - b. Alternatively, in order to ensure alignment as suggested in a. above, please add in the new par. 4 of Article 20 the following: *"Maximum aid intensity may be the same for all undertakings of projects within the same European Territorial cooperation Programme."*

## II. Support of RDI projects:

We consider positive the enlarging of the GBER scope to projects approved under initiatives “Horizon 2020” “Seal of excellence” , “Marie Skłodowska-Curie Actions» and “ERC Proof of Concept” as well s the acceptance of our comments during the first round of consultation.

## III. Support under InvestEU:

### **Art. 8.3 (b) and 8.4 (cumulation rules)**

§ The cumulation rules are built upon the existing provisions of article 8.3 and 8.4 GBER. The application of the different provisions on cumulation may be better summarized – it is unclear if and how financing provided to final beneficiaries under InvestEU Fund will be cumulated, what thresholds apply and how the two articles interact with each other.

§ Clarifications would also be welcome on how such mechanisms will be centralized and checked.

### **Art. 9.1.(c) (Publication and information)**

§ Very low threshold for beneficiaries active in primary agricultural production.

§ It is recommended that the proposed threshold is increased to EUR 1m as the information on the operation with the financial intermediary is anyway published.

§ Does the “individual aid award” refer to the portion of the loan/investment that is guaranteed/funded by InvestEU?

### **Article 56d.1 (Scope and common conditions)**

It is suggested that that the scope (applicability) of Section 16 is further clarified as it does not address precisely the situations when state aid would be present in the financial products under InvestEU.

### **Article 56d.4 (Scope and common conditions) –calculation of maximum thresholds**

It is not evident how any implementing partner/financial intermediary under InvestEU would be able to monitor and ensure compliance with cumulative thresholds of InvestEU support given by it and other implementing partners.

It is suggested that practical ways to ensure monitoring, document retention and centralising of aid measures are expressly indicated.

### **Article 56d.5 (Scope and common conditions) –refinancing/guarantees on existing portfolios**

It is noted that under InvestEU the EC has confirmed that securitization of existing portfolios could be a pilot project to be considered under InvestEU. To this respect, the ‘or guarantees on existing portfolios’ should be reconsidered.

### **Article 56e. point 9 (Conditions for aid involved in financial products supported by the InvestEU Fund)**

§ A clarification that sub-paragraphs (a) and (b) are alternative (?) is needed

## **Article 56f (Conditions for aid involved in commercially-driven financial products supported by the InvestEU Fund)**

§ Clarification that this article refers to indirect or intermediated financing (it seems to be more appropriate to refer to “intermediated” instead of “commercially-driven”)

§ The definition of “commercial financial intermediary” should be revised in light of Art. 21 GBER

### **Article 56f.2 (Conditions for aid involved in commercially-driven financial products supported by the InvestEU Fund) –financial products addressed**

It should be stated in a clearer way to which precise financial products this paragraph refers to. In principle, all types of financial products should be covered by this paragraph as Sub-paragraph (a) (ii) apply only to guarantees-debt (20% of the risk in each financing transaction) instrument.

### **Article 56f.3**

§ To be clarified if the notion of “total financing provided” refers to the portion of the final recipient transaction receiving InvestEU support (e.g. the guaranteed portion of a loan).

§ To be clarified what does it mean “total financing provided to each final beneficiary by the commercial financial intermediary” when a product may be implemented via several financial intermediaries.

§ To be clarified if this covers both direct and intermediated financing (via several financial intermediaries).

§ Depending on the above clarifications, it is noted that this threshold is more restrictive than the EUR 15m foreseen for risk finance aid under Art. 21.

### **IV General Comments:**

In article 9 we consider positive and towards simplification and business secrecy protection the waiver of the requirement to publish information on each individual award exceeding EUR 500 000 with respect to SMEs which have not carried out any commercial sale in any market for aid granted under article 16 and 21.