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| Part III.6Supplementary information sheet for State aid granted under the Guidelines on State aid for climate, environmental protection and energy 2022 (CEEAG)[[1]](#footnote-2) Chapter 4.11 - Aid in the form of reductions from electricity levies for energy-intensive users |

*This supplementary information sheet must be used for the notification of any aid covered by the Guidelines on State aid for climate, environmental protection and energy 2022 (hereinafter the “CEEAG”).*

*This supplementary information sheet concerns measures covered in Chapter 4.11 of the CEEAG. If the notification includes measures that are covered by more than one chapter of the CEEAG, please once available also fill in the respective supplementary information sheet that concerns the respective chapter of the CEEAG.*

*All documents provided by Member States as annexes to this supplementary information sheet must be numbered and document numbers must be indicated in the relevant sections of this supplementary information sheet.*

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| **Section A: Summary of the main characteristics of the notified measure(s)** |

1. **Background and objective(s) of the notified measure(s).**
2. Please indicate whether this is a new measure or an amendment to an existing measure. If it is an amendment, please provide details on the changes to the scheme.

1. If not already discussed under section 5.2 of the General Information Form (Part. I), please provide the background and the main objective, including the relation to any Union environmental targets that the measure is intended to support.

1. Please indicate any other objectives pursued by the measure. For any objectives that are not purely environmental, please explain whether they may result in any distortions to the internal market.

1. **Entry into force and duration**:
2. To the extent not already provided under section 5.5 of the General Information Form (Part I), please indicate:
   1. For an aid scheme:
      * the date as of which it is planned that the scheme will enter into force;

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* + - the duration of the scheme[[2]](#footnote-3).

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* 1. For individual aid: the (planned) aid granting date (promise of aid) and the payment date (first payment date if various successive payments are foreseen):

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1. **Beneficiary(ies)**
2. If not already provided under section 3 of the General Information Form (Part I), please describe the (potential) beneficiary(ies) of the measure(s).

1. Please indicate the location of the (potential) beneficiary(ies) (i.e. if only economic entities located in the respective Member States or also in other Member States are eligible to participate in the measure).

1. In order to assess the compliance with point 15 of the CEEAG, please specify if aid is granted under the measure(s) in favour of an undertaking (individual or part of a scheme) that is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market.

In the affirmative, please provide information on the amount of aid still to be recovered so that the Commission takes account of it in the assessment of the aid measure(s).

1. Please confirm that the measure(s) does not involve aid to activities falling outside the scope of application of the CEEAG (see point 13 CEEAG). Otherwise, please provide details.

1. **Budget and financing of the measure(s)**.
2. If not already mentioned in the table under section 7.1 of the General Information Form (Part I), please provide the annual and/or total budget for the whole duration of the measure(s); if the total budget is not known (for instance because it depends on the results of tenders), please indicate an estimated budget, including the assumptions used to calculate the respective estimated budget. [[3]](#footnote-4)

1. As the measure concerns a levy, please specify if:
   1. the levy is set by law or any other legislative act; in the affirmative, please provide the legal act, number and date when adopted and entered into force, the internet link to the legal act;

* 1. the levy reduction is financed by raising the levy for other consumers.

* 1. the levy finances fully the measure or only partly. If the levy finances only partly the measure, indicate the other sources of financing of the measure and their respective proportion;

* 1. the levy financing the notified measure also finances other aid measures. If so, indicate the other aid measures financed by the concerned levy.

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| **Section B: Compatibility assessment of the aid** |

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| *Positive condition: the aid must facilitate the development of an economic activity* |

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| Contribution to the development of an economic activity and incentive effect |

*To provide the information in this section, please refer to section 4.11.1 of the CEEAG.*

1. Article 107(3)(c) Treaty on the Functioning of the European Union (TFEU) provides that the Commission may declare compatible ‘aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest’. Therefore, compatible aid under that provision of the TFEU must contribute to the development of certain economic activity.

Furthermore, State aid can only be considered to facilitate an economic activity if it has an incentive effect. An incentive effect occurs when the aid induces the beneficiary to change its behaviour towards the development of an economic activity pursued by the aid, and if this change in behaviour would not otherwise occur without the aid.

1. Please explain how the levy reduction mechanism provides incentives to eligible undertakings to avoid the risk of activities moving outside the Union where environmental disciplines are absent or less ambitious or incentives to encourage the electrification of production processes in line with point 400 of the CEEAG.

1. Please identify in which part of the (draft) legal basis this consideration is reflected.

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| No breach of any relevant provision of Union law |

*To provide the information in this section, please refer to section 3.1.3 (point 33) of the CEEAG.*

Please provide information to confirm the compliance with the relevant provisions of EU law, in line with point 33 of the CEEAG.

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| *Negative condition: the aid cannot unduly affect trading conditions to an extent contrary to the common interest* |

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| *Minimisation of distortions of competition and trade* |

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| The need for State aid intervention and the appropriateness of the aid |

*To provide the information in this section, please refer to section 4.11.2 and point 413 of the CEEAG.*

1. Point 403 of the CEEAG applies to levy reductions on electricity consumption which finance energy and environmental objectives. For each of the levy on which reductions are envisaged to be granted, please provide a complete and detailed description on the nature, scope and application of the levies by explaining how the levy system works in practice (functioning of the scheme and granting authority) and by making detailed references to its regulatory framework (legal basis).

1. In particular, please share information about the following elements:
2. the purpose of each levy (explaining how the revenues raised through each levy are used);

1. how and on whom the levy is charged; what is the base on which the levy is charged for an undertaking; the methodology to calculate the levy rate; whether, why and how different levy rates apply across the charged base; how frequently and on which basis the levy rate is reviewed;

1. describe the various entities involved in setting and reviewing the levy as well as those involved in collecting and managing the revenues raised through the levy;

1. describe how the levy collection and redistribution system work;

1. provide the most recent annual figures on applied levy rates and total revenues raised. If available, please provide projections for the future;

1. Point 404 of the CEEAG states that Member States have to include all reductions on potentially multiple electricity levies for energy-intensive users into a single scheme and to inform the Commission of the cumulative effect of all eligible levies and all reductions proposed.
2. Please confirm that all levy reductions to be granted on the basis of Section 4.11 of the CEEAG are covered by the notified measure, and that possible future reductions on levies other than those covered will be notified through an amendment to the notified measure.

1. On the basis of recent years and possible projections, please provide information on the cumulative effect of all relevant levies (both in absolute and relative terms, compared to overall electricity costs and overall electricity levies, charges and taxes) and of related reductions for the beneficiaries under the notified scheme.

1. Please describe whether the aid under the notified measure will be in the form of an ex ante reduction in levies, an ex post compensation amount (refund) or a combination of the two. Please make specific references in your answer to the (draft) legal basis (e.g. Article 7, paragraph 3).

1. Pursuant to point 413 of the CEEAG, if the aid is granted in the form of a reduction in levies, please confirm:
   1. that an ex post monitoring mechanism is in place;

* 1. and that any overpayment of aid will be repaid before 1 July of the following year. Indicate where this information can be found in the (draft) legal basis.

1. Pursuant to point 413, last sentence, of the CEEAG, if the aid is granted in the form of a refund, please confirm that it is calculated on the basis of the observed levels of electricity consumption and, if applicable, the gross value added over the period of time during which the eligible levies were applied.

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| Eligibility |

*To provide the information in this section, please refer to section 4.11.3.1 (points 405-407) of the CEEAG.*

1. Point 405 of the CEEAG defines electro-intensive sectors “at significant risk” (point (a)) and “at risk” (point (b)). In order to verify the compliance with point 405 of the CEEAG, please confirm that all eligible electro-intensive sectors “at risk” and “at significant risk” under the notified measure are listed in related parts of Annex I to the CEEAG and provide in annex to this form the lists of NACE‑4 sectors “at risk” and “at significant risk” that are eligible for aid under the measure, indicating where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3).

1. Point 406 of the CEEAG states that a sector or subsector[[4]](#footnote-5) not included in Annex I of the CEEAG will also be considered eligible provided that it meets the eligibility criteria of point 405. If aid under the notified measure is intended to be granted also to sectors and/or subsectors not included in Annex I to the CEEAG, please:
2. demonstrate compliance with the methodology under point 405 of the CEEAG for each (sub)sector;

1. provide in annex to this form data that is representative of the sector or subsector at Union level[[5]](#footnote-6), verified by an independent expert and based on a time period of at least three consecutive years starting no earlier than 2013.

1. Please describe how applicants will have to demonstrate that they operate in an eligible sector, indicating where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3).

1. Please list all other conditions to be eligible for aid under the notified measure, indicating where this information can be found in legal basis (e.g. Article 7, paragraph 3). In particular, please explain (a) whether beneficiaries or (sub)sectors in principle eligible under Annex I CEEAG are excluded, (b) whether there are additional eligibility criteria which would apply and are not mentioned in Section 4.11 CEEAG or (c) whether different levy reductions are envisaged for beneficiaries in the same category.

1. In line with point 407 of the CEEAG, it is possible to further restrict the eligible beneficiaries of the measure. If that is the case, please explain for each such additional eligibility condition the underlying rationale and demonstrate that (i) the respective condition is based on objective, non-discriminatory and transparent criteria and that (ii) the aid is granted, in principle, in the same way for all eligible beneficiaries in the same sector if they are in a similar factual situation.

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| The proportionality of the aid (aid limited to the minimum necessary to attain its objective), including cumulation |

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| The proportionality of the aid |

*To provide the information in this section, please refer to section 4.11.3.2 and point 407 of the CEEAG.*

1. With a view to proving compliance with section 4.11.3.2 and point 407 of the CEEAG, please provide a complete and detailed description of the methodology to calculate levy reductions applicable to the eligible beneficiaries, indicating where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3). In particular:
2. Please indicate the maximum levy reduction rate applicable to undertakings operating in sectors “at risk” and “at significant risk”, respectively;

1. Please indicate whether the notified measure foresees, compared to point “i” above, further limits the additional costs resulting from the relevant electricity levies. If it is the case, please also (a) provide the value of such limits in relation to the gross value added (“GVA”) of undertakings operating in sectors “at risk” and “at significant risk” and (b) describe how the GVA of eligible undertakings operating in sectors “at risk” and “at significant risk” is computed;

1. Please confirm that, in any event, levy reductions will not result in a levy below 0,5 EUR/MWh.

1. Indicate whether the notified measure foresees, in line with point 410 of the CEEAG, higher aid intensities for those undertakings operating in sectors “at risk” that reduce the carbon footprint of their electricity consumption.

In the affirmative:

1. Please describe the higher aid intensities and confirm the related conditions to be fulfilled by the undertakings concerned (i.e. 50% of electricity consumption from carbon-free sources, of which either at least 10% from a forward instrument such as a PPA or at least 5% from on-site or near-site generation), indicating where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3);

1. Please describe how the fulfilment of these conditions will be monitored and, in case of ex‑post monitoring, what would be the effect in case of non-compliance by an undertaking.

1. If applicable, please describe any further modulation of the levy reduction rate across beneficiaries operating in sectors “at risk” and “at significant risk”, respectively, indicating where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3). Please demonstrate that (a) different levy reductions are based on objective, non-discriminatory and transparent criteria and that (b) the aid is granted, in principle, in the same way for all eligible beneficiaries in the same sector if they are in a similar factual situation.

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| Energy audits and management systems |

*To provide the information in this section, please refer to section 4.11.3.4 of the CEEAG.*

1. In line with point 414 of the CEEAG, please describe how the national authorities will verify under the notified measure that beneficiaries comply with the obligation to conduct an energy audit within the meaning of Article 8 of Directive 2012/27/EU. Please indicate where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3).

1. Point 415 of the CEEAG provides that beneficiaries required to conduct an energy audit must comply with at least one of three following options, i.e. (a) implementing audit recommendations, to the extent that the pay-back time is 3 years maximum and that the costs of their investments is proportionate, or (b) covering at least 30% of their electricity consumption from carbon-free sources, or (c) investing at least 50% of the aid in projects that lead to substantial reductions of greenhouse gas emissions. Please describe how the national authorities will monitor under the notified measure that beneficiaries required to conduct an energy audit under Article 8(4) of Directive 2012/27/EU comply with one or more of the three options listed in point 415 of the CEEAG, indicating where this information can be found in the (draft) legal basis (e.g., Article 7, paragraph 3). In particular, please provide details for each option foreseen in the notified measure:
2. how exactly beneficiaries will have to demonstrate compliance;

1. when the deadline is to comply with the requirements (e.g., to complete the relevant investments within one year from the granting of the aid) and how frequently beneficiaries will have to prove compliance (e.g., on an annual basis);

1. how and how frequently the fulfilment of the conditions will be monitored (e.g., on an annual basis);

1. what the consequences of non-compliance will be for the beneficiaries (e.g., refusal to grant the aid, if ex ante verification, or reimbursement of the aid already granted, if ex post verification).

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| Cumulation |

*To provide the information in this section, please refer to points 56-57 of the CEEAG*.

1. In so far as not already provided under the General Information Form (Part I) and in order to verify compliance with point 56 of the CEEAG, please clarify if the aid under the notified measure(s) may be awarded concurrently under several aid schemes or cumulated with ad hoc or *de minimis* aid in relation to the same eligible costs. If that is the case, please provide details on those aid schemes, ad hoc aid or *de minimis* aid and how the aid will be cumulated.

1. If point 56 of the CEEAG is applicable to the notified aid measure(s), please justify how the total amount of aid granted under the notified measure(s) for an activity does not lead to overcompensation or exceed the maximum aid amount allowed under points 408 to 410 of the CEEAG. Please specify, for each measure, that the aid granted under the notified aid measure(s) can be cumulated with the method used for ensuring compliance with the conditions set out in point 56 of the CEEAG.

1. In case point 57 of the CEEAG is applicable, i.e., the aid granted under the notified measure(s) is combined with centrally managed Union funding[[6]](#footnote-7), please justify how the total amount of public funding granted in relation to the same eligible costs does not lead to overcompensation.

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| Transitional rules |

*To provide the information in this section, please refer to section 4.11.3.5 of the CEEAG.*

1. Please indicate whether the present notification encompasses non-notified aid granted in the form of reduced electricity levies for energy-intensive users in the period prior to the publication of the CEEAG. In the affirmative, please explain how the non-notified aid complies with point 419 of the CEEAG, paragraphs (a) and (b).

1. Please indicate whether the notified measure establishes a transitional plan to avoid disruptive changes in the levy burden for individual undertakings that do not meet the eligibility conditions set out in Section 4.11 of the CEEAG. In the affirmative, please reply to the next questions of this section.

1. In line with point 416 of the CEEAG, please explain how eligibility to the transitional plan will be limited to undertakings that (i) met the eligibility criteria of Section 3.7.2 of the Guidelines on State aid for environmental protection and energy 2014-2020, and (ii) received aid in the form of reduced levies in at least one of the 2 years prior to the amendment of existing aid schemes in order to bring them into line with the CEEAG. Please indicate where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3)

1. Please describe how the transitional plan will entail a progressive and complete adjustment to the conditions resulting from the application of the eligibility and proportionality criteria of section 4.11 of the CEEAG, and notably how the aid intensity decreases over time and how the GVA cap increases over time in line with the schedule mentioned in point 417 of the CEEAG. Please make specific references to where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3).

1. Please indicate whether the transitional plan will exceptionally allow fixed aid intensities throughout the entire transitional period, provided that the undertakings concerned reduce the carbon footprint of their electricity consumption in line with the conditions in point 418 of the CEEAG (i.e. 50% of electricity consumption from carbon-free sources, of which either at least 10% from a forward instrument such as a PPA or at least 5% from on-site or near-site generation). In the affirmative, please indicate where this information can be found in the (draft) legal basis (e.g. Article 7, paragraph 3) and explain how compliance with point 418 of the CEEAG is ensured and monitored by the national authorities.

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| Transparency |

*To provide the information in this section, please refer to section 3.2.1.4 (points 58-62) of the CEEAG.*

1. Please confirm that the Member State will comply with the requirements on transparency provided in points 58-61 of the CEEAG.

1. In order to verify compliance with point 61 of the CEEAG, please confirm that the information provided in point 58(b) will be available for at least 10 years from the date on which the aid was granted in order to allow the enforcement of State aid rules under the TFEU,

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| *Avoidance of undue negative effects of the aid on competition and trade and balancing* |

*To provide the information in this section, please refer to section 3.2.2 of the CEEAG.*

1. In order to verify compliance with point 70 of the CEEAG:
   1. please confirm that the duration of the scheme is of maximum 10 years from the date of the notification of the Commission’s decision declaring the aid compatible;

* 1. please confirm that if the Member State wishes to extend the duration of the measure beyond that maximum period of 10 years, it will renotify the measure(s).

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| *Weighing the positive effects of the aid against the negative effects on competition and trade* |

*To provide the information in this section, please refer to section 3.3 (points 71-76) and points 400-402 of the CEEAG.*

1. In line with point 75 of the CEEAG, please clarify if the notified measure(s) includes features to facilitate the participation of SMEs. In the affirmative, please provide information on those features and justify how the positive effects of ensuring participation and acceptance of SMEs in the notified measure(s) outweigh the possible distortive effects.

1. As regards the application of point 76(c) of the CEEAG, please specify if the aid measure(s) is subject to a time limitation.

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| Evaluation |

*To provide the information in this section, please refer to point 76(a) and Chapter 5 (points 455-463) of the CEEAG.*

1. If the notified measure(s) exceed the budget/expenditure thresholds in point 456 of the CEEAG, please either explain why in your view the exception in point 457 of the CEEAG should apply, or attach to this supplementary information sheet an annex that includes a draft evaluation plan covering the scope mentioned in point 458 of the CEEAG.[[7]](#footnote-8)

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1. If a draft evaluation plan is provided, please:
2. provide below a summary of that draft evaluation plan included in the Annex.

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1. confirm that point 460 of the CEEAG will be respected.

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1. provide the date and internet link where the evaluation plan will be publicly available.

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1. In order to verify the compliance with point 459(b) of the CEEAG, in case the aid scheme is not currently subject to an *ex post* evaluation, and its duration exceeds three years, please confirm that you will notify a draft evaluation plan within 30 working days following a significant modification increasing the budget of the scheme to over EUR 150 million in any given year or EUR 750 million over the total duration of the scheme.

1. In order to verify the compliance with point 459(c) of the CEEAG, in case the aid scheme is not currently subject to an *ex‑post* evaluation, please provide below a commitment that the Member State will notify a draft evaluation plan within 30 working days after recording in official accounts expenditures in excess of EUR 150 million in the previous year.

1. In order to verify the compliance with point 461 of the CEEAG:
2. Please clarify if the independent expert has already been selected or it will be selected in the future.

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1. Please provide information on the selection procedure of the expert.

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1. Please justify how the expert is independent from the granting authority.

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1. In order to verify the compliance with point 461 of the CEEAG:
2. Please provide your proposed deadlines for the submission of the interim and final evaluation report. Please note that final evaluation report must be submitted to the Commission in due time to allow for the assessment of the possible prolongation of the aid scheme and at the latest 9 months before its expiry, in line with point 463 of the CEEAG. Please note that that deadline could be reduced for schemes triggering the evaluation requirement in their last 2 years of implementation.

1. Please confirm that the interim and final evaluation report will be made public. Please provide the date and internet link where those reports will be publicly available.

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| 1. ***Reporting and monitoring*** |

*To provide the information in this section, please refer to Section 6 (points 464-465) of the CEEAG.*

1. Please confirm that the Member State will comply with the requirements for reporting and monitoring provided in Section 6, points 464 and 465, of the CEEAG.

1. OJ C 80, 18.2.2022, p.1. [↑](#footnote-ref-2)
2. Please note that for an aid scheme, the duration is the period during which aid may be applied for and decided upon (includes thus also the time needed for the authorities to approve the aid applications). The duration referred to under this question does not relate to the duration of the contracts concluded under the aid scheme, which may continue beyond the duration of the measure. [↑](#footnote-ref-3)
3. Please note that a change to the actual or estimated budget may be an alteration of aid, requiring a new notification. [↑](#footnote-ref-4)
4. In the definition of the Statistical Classification of Economic Activities in the European Community (‘NACE rev. 2’ classification), to a level of disaggregation not higher than eight digits (‘PRODCOM’ level). [↑](#footnote-ref-5)
5. For example, data covering a significant percentage of the gross value added at EU level of the concerned sector or subsector. [↑](#footnote-ref-6)
6. Centrally managed union funding is Union funding centrally managed by the institutions, agencies, joint undertakings or other bodies of the European Union that is not directly or indirectly under the control of the Member State. [↑](#footnote-ref-7)
7. The template for the supplementary information sheet for the notification of an evaluation plan (Part III.8) is accessible here: <https://competition-policy.ec.europa.eu/state-aid/legislation/forms-notifications-and-reporting_en#evaluation-plan> [↑](#footnote-ref-8)