



# STATE AID RULES GUIDE



# Introduction

The consolidated version of the Treaty on the Functioning of the European Union prohibits any type of advantage conferred by national authorities, on a selective basis, to one or more companies, when they include measures that involve the transfer of state resources, which may be granted by the State or by an intermediary body, public or designated by him, provided that it constitutes an economic advantage that the company would not have obtained in the context of its current activities. Financial transfers that constitute aid can take many forms - not only grants or interest subsidies, but also loan guarantees, accelerated repayments, capital injections, tax exemptions, among others. However, in certain circumstances, government intervention is necessary to enable the economy to function effectively and equitably. Thus, for certain policy objectives and orientations, State aid can be considered compatible with the Treaty.

In the Blue Growth Programme, the support provided, may fall under the rules set on Commission Regulation (EU) No. 651/2014, of June 16, 2014 (General Block Exemption Regulation - GBER), and on Commission Regulation (EU) No 1407/2013, of 18 December 2013 (De minimis).

The State aid regime is not, however, applicable if there is no economic activity (offering goods and services on a given market). However, a non-profit association does not exclude that State aid can be considered State aid, since it can act in the market as if it were an economic agent; in these cases, the public funding received will be covered by the state aid rules only insofar as it covers the costs related to economic activities.

Regarding research institutions, if the activity carried out is almost exclusively considered a non-economic activity, the funding may be excluded from the scope of the State Aid rules, provided that economic use remains merely ancillary (economic activities consume exactly the same inputs - such as material, equipment, labor and fixed capital - as non-economic activities and if the annual capacity allocated to those economic activities does not exceed 20% of the relevant entity's global annual capacity ).

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## Calls: #1 / #2 / #3 / #4 / SGS1

### Applicable rate/ Regulation

#### ✓ Aid for research and development projects : article 25 GBER

- The grant rate may vary from 50% to 100%, depending on the type of the state aid awarded, size of the Applicant and other elements included in the provisions of the Regulation 651/2014 (GBER), which are relevant for the respective project.
- According to Article 25 of GBER, the aid intensity for each beneficiary shall not exceed:
  - a) 100 % of the eligible costs for fundamental research;
  - b) 50 % of the eligible costs for industrial research;
  - c) 25 % of the eligible costs for experimental development;
  - d) 50 % of the eligible costs for feasibility studies.
- The aid intensities for industrial research and experimental development may be increased up to a maximum aid intensity of 80 % of the eligible costs as follows:
  - I. by 10 percentage points for medium-sized enterprises and by 20 percentage points for small enterprises;
  - II. by 15 percentage points if one of the following conditions is fulfilled:
    - the project involves effective collaboration between undertakings among, which at least one is an SME, or is carried out in at least two Member States, or in a Member State and in a Contracting Party of the EEA Agreement, and no single undertaking bears more than 70 % of the eligible costs, or;
    - the project involves effective collaboration between an undertaking and one or more research and knowledge-dissemination organisations, where the latter bear at least 10 % of the eligible costs and have the right to publish their own research results;
    - The results of the project are widely disseminated through conferences, publication, open access repositories, or free or open source software.
- The aid intensities for feasibility studies may be increased by 10 percentage points for medium-sized enterprises and by 20 percentage points for small enterprises.



## Calls: #1 / #2 / #3 / #4 /SGS1 (article 25 GBER)

### Eligible Costs

- **Personnel costs:** researchers, technicians and other supporting staff to the extent employed on the project;
- Costs of instruments and equipment to the extent and for the period used for the project. Where such instruments and equipment are not used for their full life for the project, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible.
- **Costs for of buildings and land**, to the extent and for the duration period used for the project. With regard to buildings, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible. For land, costs of commercial transfer or actually incurred capital costs are eligible.
- **Costs of contractual research, knowledge and patents** bought or licensed from outside sources at arm's length conditions, as well as costs of consultancy and equivalent services used exclusively for the project;
- Additional **overheads** and other operating expenses, including costs of materials, supplies and similar products, incurred directly as a result of the project.



## Calls: #1 / #2 / #3 / SGS1

### Applicable rate/ Regulation

#### ✓ Innovation aid for SMEs : article 28 GBER (Reg UE 651/2014)

- Only SME's. rate of 50%; rate of 100% for aid for innovation advisory and support services.

#### ✓ Aid for process and organisational innovation : article 29 GBER (Reg UE 651/2014)

- Large companies (together with na SME that incurs at least 30 % of the total eligible costs): 15 % of eligible costs;
- SME's: 50 % of eligible costs.

#### ✓ Aid for research and development in the fishery and aquaculture sector: article 30 GBER (Reg UE 651/2014)

- The aid intensity shall not exceed 100 % of the eligible costs (at Blue Growth Programme Agreement establishes a maximum of 70%);

- Aid shall be granted directly to the research and knowledge dissemination organisation and shall not involve the direct granting of non-research related aid to an undertaking producing, processing or marketing fishery or aquaculture products;
- For research purposes only.



## Calls: #1 / #2 / #3 / SGS1 (articles 28 to 30 GBER)

### Eligible Costs

#### ✓ Innovation aid for SMEs

- Costs for obtaining, validating and defending patents and other intangible assets;
- Costs for secondment of highly qualified personnel from a research and knowledge-dissemination organization or a large enterprise, working on research, development and innovation activities in a newly created function within the beneficiary and not replacing other personnel;
- Costs for innovation advisory and support services.

#### ✓ Aid for process and organisational innovation

- Personnel costs;
- Costs of instruments, equipment, buildings and land to the extent and for the period used for the project;
- Costs of contractual research, knowledge and patents bought or licensed from outside sources at arm's length conditions;
- Additional overheads and other operating costs, including costs of materials, supplies and similar products, incurred directly as a result of the project.

#### ✓ Aid for research and development in the fishery and aquaculture sector

- Personnel costs: researchers, technicians and other supporting staff to the extent employed on the project;
- Costs of instruments and equipment to the extent and for the period used for the project. Where such instruments and equipment are not used for their full life for the project, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible.
- Costs for of buildings and land, to the extent and for the duration period used for the project. With regard to buildings, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible. For land, costs of commercial transfer or actually incurred capital costs are eligible.
- Costs of contractual research, knowledge and patents bought or licensed from outside sources at arm's length conditions, as well as costs of consultancy and equivalent services used exclusively for the project;
- Additional overheads and other operating expenses, including costs of materials, supplies and similar products, incurred directly as a result of the project.



## Avisos: #1 / #2 / #3 / SGS1

### Notes / Definitions

**'innovation advisory services'** means consultancy, assistance and training in the fields of knowledge transfer, acquisition, protection and exploitation of intangible assets, use of standards and regulations embedding them;

**'innovation support services'** means the provision of office space, data banks, libraries, market research, laboratories, quality labelling, testing and certification for the purpose of developing more effective products, processes or services;

**'organisational innovation'** means the implementation of a new organisational method in an undertaking's business practices, workplace organisation or external relations, excluding changes that are based on organisational methods already in use in the undertaking, changes in management strategy, mergers and acquisitions, ceasing to use a process, simple capital replacement or extension, changes resulting purely from changes in factor prices, customisation, localisation, regular, seasonal and other cyclical changes and trading of new or significantly improved products;

**'process innovation'** means the implementation of a new or significantly improved production or delivery method (including significant changes in techniques, equipment or software), excluding minor changes or improvements, increases in production or service capabilities through the addition of manufacturing or logistical systems which are very similar to those already in use, ceasing to use a process, simple capital replacement or extension, changes resulting purely from changes in factor prices, customisation, localisation, regular, seasonal and other cyclical changes and trading of new or significantly improved products; .

## Call SGS2

### Applicable rate/ Regulation

#### ✓ Training aid: article 31.º GBER

- The aid intensity shall not exceed **50 %** of the eligible costs.
- It may be increased, up to a maximum aid intensity of **70 %** of the eligible costs
  - by 10 percentage points if the training is given to workers with disabilities or disadvantaged workers;
  - by 10 percentage points if the aid is granted to medium-sized enterprises and by 20 percentage points if the aid is granted to small enterprises.
- Where the aid is granted in the maritime transport sector, the aid intensity may be increased to **100 %** of the eligible costs provided that the following conditions are met:
  - The trainees are not active members of the crew but are supernumerary on board; **and**
  - The training is carried out on board of ships entered in Union registers.

### Eligible Costs

- **Trainers' personnel costs**, for the hours during which the trainers participate in the training;
- **Trainers' and trainees' operating costs directly relating to the training project** such as travel expenses, accommodation costs, materials and supplies directly related to the project, depreciation of tools and equipment, to the extent that they are used exclusively for the training project;
- **Costs of advisory services** linked to the training project;
- **Trainees' personnel costs and general indirect costs** (administrative costs, rent, overheads) for the hours during which the trainees participate in the training.



## Calls: #5 / SGS3

### Applicable rate/ Regulation

#### ✓ De minimis State Aid (Reg UE 1407/2013)

- The total amount of de minimis aid granted per Member State to a single undertaking shall not exceed EUR 200 000 over any period of three fiscal years.



Iceland   
Liechtenstein   
Norway grants 

REPÚBLICA  
PORTUGUESA  
MAR

 Direção-Geral de  
Política do Mar

december2020