

Turku, 21.2.2012

GUIDANCE NOTE BY THE MANAGING AUTHORITY (MA) FOR THE APPROVED PROJECTS OF CENTRAL BALTIC INTERREG IV A PROGRAMME 2007-2013 ON OBLIGATIONS RELATED TO THE DE MINIMIS RULE

The ERDF subsidy has been granted under the De Minimis rule and therefore the relevant restrictions and obligations as set out in the Programme Manual and Subsidy Contract, both based on EU regulations, must be followed. Relevant and applicable EU and national State Aid regulations are to be followed (Cf §5 (4)) (Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to de minimis aid published in Official Journal of European Union on 28.12.2006 L 379/5.).¹ In any approved project the Lead Partner is responsible towards the MA that the rules have been applied.

In addition to setting restrictions and obligations directly to the project partners (Lead Partner and Project Partners) this rule applies also to *key stakeholders* (e.g. private enterprises) participating in targeted project pilots (e.g. training, marketing, new product development etc.) and therefore receiving channelled support via these activities. These key stakeholders which benefit from the project activities **may** in certain cases be given an undue advantage in the respective market environment. To avoid this, the project partners must ensure that these key stakeholders are selected via open and transparent procedures to ensure that no discrimination or any potential market distortion takes place.

In addition the Lead Partner/Project Partners and participating key stakeholders are being informed that any direct or indirect (supportive activities with an identifiable value to the stakeholders) received falls under the De Minimis rule. This means that an organisation may, during a three (3) fiscal year period, not receive more than 200 000 eur of De Minimis aid.

¹ On 1st of December 2009 the Treaty of Lisbon entered into force: former Articles 87 and 88 in the Treaty establishing the European Community (EC) are now Articles 107 and 108 in the Treaty of the Functioning of the European Union (TFEU). A direct link to the State Aid rules of the European Community:
http://ec.europa.eu/competition/state_aid/legislation/compilation/index_en.html



In case the final beneficiaries are project stakeholder, the Lead Partner must first define the value of the aid under the De Minimis rule. In order for the Lead Partner to be able to determine whether stakeholders can participate in the project, the Lead Partner must ask all potential final beneficiaries to fill in the De Minimis declaration. If the 200 000 eur ceiling of De Minimis aid has been exceeded or would be exceeded due to the aid channelled through the project, the stakeholder cannot participate in the project. The Lead Partner is asked to return the declarations – with comments on follow-up, if relevant – to the JTS contact person. The MA is thus able to confirm that the state aid regulation has been followed.

Exceeding the ceiling(s) referred to above may lead to a violation of the De Minimis rule and to a recovery of granted and paid out ERDF funding as also indicated in the Subsidy Contract. In a case like this the recovery is targeted to the respective Lead Partner of the project consortium or directly to the stakeholder organisation.