

# InterFIN

## State aid

Przemyslaw Kniaziuk, Pieter Louwers | 27 May 2026

**Interact**



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# **GBER Consultation 2026 DG Comp's feedback**





## GBER Consultation – next steps

- The first public consultation closed on 23 April
- DG COMP preparing a revised draft based on the contributions received
- New GBER draft is expected mid-summer, with a deadline for Member States' input by end of August
- Second interservice consultation (ISC) on the draft GBER (our contribution)
- Finalisation of the text is expected from September onwards, with publication planned before the end of the year



## Comments

### **1. Core concern: Article 18 represents cost-based approach instead of performance-based approach**

DG Comp's Answer:

- The issue you raise concerns the GBER in general
- The GBER is based on existing case practice and case law, it is a “conservative” instrument applied by Member States on their own, without any prior Commission assessment of the aid measure
- The existence of case practice allows DG COMP to assess the impact on competition of certain aid measures and the risks of overcompensation



## Comments

### 1. Core concern: Article 18 represents cost-based approach instead of performance-based approach

DG Comp's Answer:

- There is no case practice on performance-based approaches like Financing not linked to costs (FNLCs) implemented at the level of the beneficiary.
- There will be a wider uptake of SCOs in the new GBER, but **FNLCs**, which are completely detached from costs, **will not be covered by the new GBER.**
- **Aid measures purely based on performance-based approaches like FNLCs can be notified to the Commission.**



# Comments

## 7. VAT eligibility and consistency with cohesion policy rules

DG Comp's Answer:

- Performance based approaches like FNLCs are not covered by the GBER



## Comments

### **8. Transparency and Transparency Award Module publication obligation**

Please extend the publication deadline (draft GBER Article 10(5)) from six to twelve months, given the partnership changes, budget revisions, and possible involvement of Member States in State aid assessments.



## Comments

2. Referencing the eligibility provisions which will soon become obsolete
3. Lump Sum of EUR 22,000 in Article 18(2): Meaning, Scope, and Risks of Misinterpretation
4. Risk of automatic application of Article 18(3)
5. Undertakings in Difficulty (UiD) under Article 18(2)
6. Definition of “Undertaking per Project” vs. “Any Undertaking Participating”

**A big “thank you” on behalf of REGIO for the points collected – our REGIO colleagues from the legal unit found it very useful!**



# HIT

## SA Checklist

## SA Section

## SA Reports



Lead partner LP1

Identity    Address    Contact    Budget    Co-financing    **State Aid**

State Aid

State aid criteria self-check

DE BG EN

Criterion I: Is the partner involved in economic activities through the project?  
Please consider questions below, answer Yes/No and briefly justify

State aid question	Answer	Justification
1. Will the project applicant implement activities and/or offer goods/services for which a market exists?	Yes No	Enter text here
2. Are there activities/goods/services that could have been undertaken by an operator with the view to making profit (even if this is not the applicant's intention)?	Yes No	Enter text here

DE BG EN

Criterion II: Does the partner receive an undue advantage in the framework of the project?  
Please consider questions below, answer Yes/No and briefly justify

State aid question	Answer	Justification
1. Does the project applicant plan to carry out the economic activities on its own i.e. not to select an external service provider via public procurement procedures for example?	Yes No	Enter text here
2. Will the project applicant, any other operator not included in the project as a project partner or the target audience gain any benefits from its project economic activities, not received in the normal course of business (i.e. not received in the absence of funding granted through the project)?	Yes No	Enter text here

Result of State aid criteria self-check: **There is a risk of State aid**

State aid relevant activities

State aid relevant activities  
Activity 1.1

GBER scheme / de minimis  
General de minimis



Lead partner LP1

Identity Address Contact Budget Co-financing **State Aid**

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DE BG EN

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State aid relevant activities

State aid relevant activities  
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GBER scheme / de minimis  
GBER Article 20





De-minimis

Date of granting Aid (DD/... 

[Reset](#)

Aid amount granted  
32.200,00

Self-declaration submission date or the date of register consultation (DD/MM/YYYY) 

Aid granted on the basis of  
**Addendum to the subsidy contract**

Aid granted by

	Member state	Amount (in Euro)
<input type="checkbox"/>	Curaçao	0,00
<input type="checkbox"/>	Algeria	0,00
<input type="checkbox"/>	Jordan	0,00
<input type="checkbox"/>	United Kingdom	0,00

Comments



GBER

Date of granting aid (DD/MM/YYYY)  
22/5/2026



Reset

Fund	Co-financing rate
ERDF	100,00 %

Aid amount granted  
32.200,00

Aid intensity  
100,00 %

Sector of activity at Nace group level  
A\_01

Location in assisted area  
sparsely populated "c" area

Comments

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# Disclaimer

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Primary knowledge area

State Aid

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