

Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (Text with EEA relevance)

CHAPTER III

**SPECIFIC PROVISIONS FOR DIFFERENT CATEGORIES OF AID**

*SECTION 4*

*Aid for research and development and innovation*

*Article 25*

**Aid for research and development projects**

- 1 Aid for research and development projects shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty provided that the conditions laid down in this Article and in Chapter I are fulfilled.
- 2 The aided part of the research and development project shall completely fall within one or more of the following categories:
  - a fundamental research;
  - b industrial research;
  - c experimental development;
  - d feasibility studies.
- 3 The eligible costs of research and development projects shall be allocated to a specific category of research and development and shall be the following:
  - a personnel costs: researchers, technicians and other supporting staff to the extent employed on the project;
  - b 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.
  - c 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.
  - d 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;
  - e additional overheads and other operating expenses, including costs of materials, supplies and similar products, incurred directly as a result of the project;
- 4 The eligible costs for feasibility studies shall be the costs of the study.

- 5 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.
- 6 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:
- a by 10 percentage points for medium-sized enterprises and by 20 percentage points for small enterprises;
  - b by 15 percentage points if one of the following conditions is fulfilled:
    - (i) 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
      - 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;
    - (ii) the results of the project are widely disseminated through conferences, publication, open access repositories, or free or open source software.
- 7 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;

#### *Article 26*

### **Investment aid for research infrastructures**

- 1 Aid for the construction or upgrade of research infrastructures that perform economic activities shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided that the conditions laid down in this Article and in Chapter I are fulfilled.
- 2 Where a research infrastructure pursues both economic and non-economic activities, the financing, costs and revenues of each type of activity shall be accounted for separately on the basis of consistently applied and objectively justifiable cost accounting principles.
- 3 The price charged for the operation or use of the infrastructure shall correspond to a market price.
- 4 Access to the infrastructure shall be open to several users and be granted on a transparent and non-discriminatory basis. Undertakings which have financed at least 10 % of the investment costs of the infrastructure may be granted preferential access under more favourable conditions. In order to avoid overcompensation, such access shall be proportional to the undertaking's contribution to the investment costs and these conditions shall be made publicly available.
- 5 The eligible costs shall be the investment costs in intangible and tangible assets.
- 6 The aid intensity shall not exceed 50 % of the eligible costs.

7 Where a research infrastructure receives public funding for both economic and non-economic activities, Member States shall put in place a monitoring and claw-back mechanism in order to ensure that the applicable aid intensity is not exceeded as a result of an increase in the share of economic activities compared to the situation envisaged at the time of awarding the aid.

#### *Article 27*

#### **Aid for innovation clusters**

1 Aid for innovation clusters shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided that the conditions laid down in this Article and in Chapter I are fulfilled.

2 Aid for innovation clusters shall be granted exclusively to the legal entity operating the innovation cluster (cluster organisation).

3 Access to the cluster's premises, facilities and activities shall be open to several users and be granted on a transparent and non-discriminatory basis. Undertakings which have financed at least 10 % of the investment costs of the innovation cluster may be granted preferential access under more favourable conditions. In order to avoid overcompensation, such access shall be proportional to the undertaking's contribution to the investment costs and these conditions shall be made publicly available.

4 The fees charged for using the cluster's facilities and for participating in the cluster's activities shall correspond to the market price or reflect their costs.

5 Investment aid may be granted for the construction or upgrade of innovation clusters. The eligible costs shall be the investment costs in intangible and tangible assets.

6 The aid intensity of investment aid for innovation clusters shall not exceed 50 % of the eligible costs. The aid intensity may be increased by 15 percentage points for innovation clusters located in assisted areas fulfilling the conditions of Article 107(3)(a) of the Treaty and by 5 percentage points for innovation clusters located in assisted areas fulfilling the conditions of Article 107(3)(c) of the Treaty

7 Operating aid may be granted for the operation of innovation clusters. It shall not exceed 10 years.

8 The eligible costs of operating aid for innovation clusters shall be the personnel and administrative costs (including overhead costs) relating to:

- a animation of the cluster to facilitate collaboration, information sharing and the provision or channelling of specialised and customised business support services;
- b marketing of the cluster to increase participation of new undertakings or organisations and to increase visibility;
- c management of the cluster's facilities; organisation of training programmes, workshops and conferences to support knowledge sharing and networking and transnational cooperation.

9 The aid intensity of operating aid shall not exceed 50 % of the total eligible costs during the period over which the aid is granted.

## Article 28

### **Innovation aid for SMEs**

1 Innovation aid for SMEs shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided the conditions laid down in this Article and in Chapter I are fulfilled:

2 The eligible costs shall be the following:

- a costs for obtaining, validating and defending patents and other intangible assets;
- b 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;
- c costs for innovation advisory and support services;

3 The aid intensity shall not exceed 50 % of the eligible costs.

4 In the particular case of aid for innovation advisory and support services the aid intensity can be increased up to 100 % of the eligible costs provided that the total amount of aid for innovation advisory and support services does not exceed EUR 200 000 per undertaking within any three year period.

## Article 29

### **Aid for process and organisational innovation**

1 Aid for process and organisational innovation shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided the conditions laid down in this Article and in Chapter I are fulfilled.

2 Aid to large undertakings shall only be compatible if they effectively collaborate with SMEs in the aided activity and the collaborating SMEs incur at least 30 % of the total eligible costs.

3 The eligible costs shall be the following:

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

4 The aid intensity shall not exceed 15 % of the eligible costs for large undertakings and 50 % of the eligible costs for SMEs.

### *Article 30*

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

1 Aid for research and development in the fishery and aquaculture sector shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided that the conditions laid down in this Article and in Chapter I are fulfilled.

2 The aided project shall be of interest to all undertakings in the particular sector or sub-sector concerned.

3 Prior to the date of the start of the aided project the following information shall be published on the internet:

- a that the aided project will be carried out;
- b the goals of the aided project;
- c the approximate date for the publication of the results expected from the aided project and its place of publication on the internet;
- d a reference that the results of the aided project will be available to all undertakings active in the particular sector or sub-sector concerned at no cost.

4 The results of the aided project shall be made available on internet from the end date of the aided project or the date on which any information concerning those results is given to members of any particular organisation, whatever comes first. The results shall remain available on internet for a period of at least 5 years starting from the end date of the aided project.

5 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.

6 The eligible costs shall be those provided in Article 25(3).

7 The aid intensity shall not exceed 100 % of the eligible costs.