



State Aid: self-assessment

1. First consider: is it state aid?

Your undertaking is state aid if the answer is yes to all 4 of the following questions:

1. Is the support granted by the state or through state resources?
2. Does the support confer a selective advantage to an undertaking?
3. *Does the support distort or have the potential to distort competition?*
4. *Does the support affect trade between member states?*

Note that in practice the criteria for the last two questions is very low, and that it is likely that if the undertaking fulfils the first two tests it will constitute state aid.

See page 7 of the [state aid manual](#) for more detail on each of these questions.

If after consulting the manual you are still unsure of the answer, contact the state aid team.

If your answer to all of these questions is yes, your support is state aid and you will need to consider what legal cover can be provided for the aid. Examples of state aid include government providing below market rate rents, soft loans, sectoral tax breaks, and other support that could grant an undertaking a competitive advantage.

2. Your support is state aid

Consider whether you can use the General Block Exemption Regulation

If your undertaking meets the state aid test outlined above, and cannot be granted under the De minimis regulation, consider if the aid can be granted under the **General Block Exemption Regulation (GBER)**. The GBER enables aid to be given in the categories set out below. The GBER imposes general conditions that apply to all aid given under GBER (see p.23) as well as specific requirements for each of the individual categories of aid outlined below.

1. Regional aid p28;
2. Aid to SMEs in the form of investment aid, operating aid and SMEs' access to finance p33 and p35;
3. Aid for environmental protection p46;
4. Aid for research & development & innovation p39;
5. Training aid p44;
6. Recruitment and employment aid for disadvantaged workers and workers with disabilities;
7. Aid to make good the damage caused by certain natural disasters;
8. Social aid for transport for residents for remote regions;
9. Aid for broadband infrastructures;
10. Aid for culture and heritage conservation;
11. Aid for sport and multifunctional recreational infrastructures; and
12. Aid for local infrastructures p51

If you think that your undertaking is covered by the GBER, consider:

- Does it comply with all of the criteria for the category that it falls under? See relevant page numbers above.
- Does it also comply with the conditions for all aid as outlined on p.23 of the manual?

If your answer to both of these questions is yes, your aid can be granted under the GBER.

The De minimis regulation for small amounts of aid

As a simple alternative for small amounts of aid, consider whether the aid can be granted under the De minimis regulation. This allows for aid to an undertaking that totals under €200,000 over a rolling 3 year period. The Commission view is that aid under this level is too low to make any impact on competition. See p.20 of the manual.

3. Your support is covered by the GBER

If your aid can be granted under the GBER, you need to register it on the European Commission's SANI2 database, as well as on the transparency website if the aid is over €500,000. Once you have registered the aid, it may be given.

How to register:

1. Register for a SANI2 account: email sapt@bis.gsi.gov.uk and the BEIS State aid team will create an account for you and send you guidance on how to use SANI2.
2. Once you have your account, register your undertaking on the SANI2 website: <https://webgate.ec.europa.eu/competition/sani2/index.gsp>
3. If the aid is over €500,000: register it on the [transparency module](#), which is part of the SANI2 website.
4. What to do if your support is not covered by the GBER

If your support cannot be covered under the GBER, you will have to notify the Commission and seek their approval before aid may be granted, which is a process that can take up to two years. Contact the State aid team in good time if you are considering aid that needs to be notified and approved.

4. Other guidance

Guides:

State aid: manual - www.gov.uk/government/publications/state-aid-manual

State aid: the basics - www.gov.uk/government/publications/state-aid-the-basics

Websites:

BEIS - www.gov.uk/guidance/state-aid

European Commission - http://ec.europa.eu/competition/state_aid/overview/index_en.html

Contacts:

If you are based in Wales or Scotland please contact the respective State aid team: stateaid@wales.gsi.gov.uk or stateaid@scotland.gsi.gov.uk.

If you are based in England contact your local authority www.gov.uk/find-local-council or BEIS State aid branch sapt@bis.gsi.gov.uk.