**State Aid Legal Declaration**

**To be Completed and Signed by the Employer**

**Company Level Data Capture Form (De Minimis)**

**Section One**

|  |  |
| --- | --- |
| 1. What is your company Name? |  |
| 1. What is your company’s registered address? |  |
| 1. Contact Details | Email: |
|  | Telephone: |

**Section Two (De Minimis)**

STATE AID RULES

Where activity is supporting individuals to improve their employability and help them move closer to the labour market the aid is being provided to the individual and there are no direct benefits for enterprises. However, for those elements which provide support to individuals in employment there may be state aid implications because their employers are receiving support towards the costs of training. Where funding which supports individuals in employment to achieve full or part qualifications this may constitute an aid.

The de minimis regulation enables an enterprise to receive up to €200,000 euros in aid (any public resources including ESF) over three fiscal years. Providing such aid is given within the de minimis rules there is no requirement to notify it to the Commission.

To ensure that the requirements of the de minimis regulation are met, scheme administrators must ensure that any award of funding and other public match funding to an enterprise given under the terms of the de minimis block exemption does not breach the €200,000 ceiling over three fiscal years. Member states are required to keep detailed records of any de minimus aid paid for 10 years.

The de minimis regulation:

* extends the scope of the regulation to marketing and processing of agricultural products with certain conditions and the transport sector (but not to road haulage operations for the acquisition of road freight transport vehicles).
* prohibits the cumulation of de minimis with other block exempted or notified aid schemes for the same costs, and;
* increases the de minimis level from €100,000 to €200,000 except the road transport sector which remains at €100,000. Organisations using the de minimis rules must put in place a monitoring system to ensure the limit is not breached. Typically, such a monitoring system will involve:
* asking enterprises receiving support under their scheme to identify all other sources of support (either in cash or in kind) that they have received in the last three years;
* checking if previous de minimis aid is involved, to ensure that the combined assistance does not exceed €200,000 over any three-year rolling period. If the limit is breached, the aid may have to be reduced or refused to ensure the limit is not breached.

BIS (Department for Business, Innovation and Skills) State Aid Branch advises writing to each recipient in the following terms:

“The assistance for […] constitutes State Aid as defined under Articles 87 and 88 of the Treaty of Rome and is being granted as ‘de minimis’ aid under Commission Regulation EC/1998/2006. European Commission rules prohibit any undertaking from receiving more than €200,000 euros ‘de minimis’ aid over a rolling three-year period. Any ‘de minimis’ aid granted over the €200,000 limit may be subject to repayment with interest. If you have received any ‘de minimis’ aid over the last three years (from any source) you should inform us immediately with details of the dates and amounts of aid received. Furthermore, information on this aid must be supplied to any other public authority or agency asking for information on ’de minimis’ aid for the next three years.”

Whilst de minimis rules are straightforward in principle they are difficult and complex to operate in practice because they are not project related and as such rely on individual enterprises being able to identify how much aid and under which schemes they have received support over a rolling three-year period. Where enterprises have exhausted their aid ceilings under de minimis, there is no capacity for further aid.

State aids must be dealt with using the de minimis rules.

**4.Declaration - I declare that the amount of De Minimis aid received by the company/organisation over the last three fiscal years is:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **2013/14** | **2014/15** | **2015/16** |  | **2016/17** | **Total** |
|  |  |  |  |  |  |

Please complete with 0 if nothing has been claimed.

**5. I confirm that**, to the best of my knowledge, the information above is correct and given in good faith. I will notify you of any new aid received from any source during the life of the project.

|  |  |
| --- | --- |
| Signed: |  |
| Date: |  |
| Name: |  |
| Position within Firm: |  |

*This information may be shared with other organisations and Department for Education and Department for Work & Pensions for administrative, statistical and research purposes, to inform careers and other guidance and to monitor progress*.