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성공적인 투자진출을 위한 TIP



대상 부지 매입에 철저한 사전 검토는 필수

중동부유럽 국가들의 경우 토지의 소유권이 복잡한 경우가 많아 토지 매입시 소유권분쟁에 휘말리기 쉬우므로 매입대상 부지에 대한 철저한 사전검토가 필요한데 이미 조성되어 있는 공단에 입주하는 경우 이러한 위험을 사전에 예방할 수 있다.



투자대상 지역 선정시 지역의 실업률과 노동력을 체크할 것

투자대상지역의 실업률은 투자인센티브 수혜 여부 및 지급률에 상당한 영향을 미친다. 또한 슬로바키아인은 체코인과 마찬가지로 고향을 잘 떠나려하지 않기 때문에 공장에서 출퇴근이 가능한 주변지역에서 노동력의 조달이 불가피하다. 따라서 투자대상지역 선정시 해당 지역의 실업률과 노동력을 꼼꼼히 검토하는 것이 매우 중요하다.



정부 관리의 말이라고 맹신하지 마라

투자 시 받을 수 있는 투자인센티브 한도는 EU 관련규정과 각국의 법으로 명시되어 있는바 한도를 초과하는 인센티브 제공에 대한 정부관리의 말에 현혹되지 않아야 함. 특히 슬로바키아의 경우 투자인센티브제도가 모호하여 슬로바키아 정부와의 협상에 의하여 결정되나 내각의 최종승인을 받지 않은 정부와의 인센티브 조건은 언제라도 취소될 수 있다.



경험 많은 법률회사와 컨설팅업체를 활용하여 투자진출 할 것

상기 언급한 바와 같이 슬로바키아의 외국인투자에 대한 인센티브는 사실상 정부와의 협상에 의하여 결정된다. 추후 문제가 발생하지 않도록 인센티브 수혜대상 분야에의 투자 시에는 이런 업무에 경험이 많은 법률회사나 컨설팅업체를 활용하는 것이 바람직하다.

I. 투자 여건

1. 투자 환경

■ 유럽의 중앙에 위치한 지리적 이점

- 체코, 오스트리아, 폴란드, 헝가리, 우크라이나와 국경을 접하고 유럽의 중앙에 위치하여 슬로바키아를 중심으로 서유럽과 동유럽 시장을 동시에 개척하는 데 유리
- 2004년 EU 가입으로 거대 EU 시장에 직접 접근 가능

■ 경쟁력 있는 조세 제도

- 2004년 1월부터 법인세, 개인소득세, 부가가치세율을 모두 19%로 하는 단일세율(Flat Tax Rate) 채택으로 경쟁력 있는 조세제도 보유
- 이중과세의 요소가 있던 배당세(Dividends Tax), 증여세, 상속세, 부동산양도세를 폐지하고 세제를 법인세, 개인소득세, 부동산세, 도로세의 직접세와 부가가치세, 소비세(Excise Tax)의 간접세로 단순화

< 중동부유럽 국가의 세율 >

국명	법인세(%)	배당소득세(%)
슬로바키아	19	0
헝가리	16	0
폴란드	19	19.0
체코	24	15.0

■ 저렴하고 우수한 인적자원

- 노동력의 13.2%가 대학교육을 이수하고, 약 90%가 고등교육을 받았을 정도로 교육수준이 높음
- 중동부유럽에서 인건비 수준이 가장 낮아 저렴한 노동력 활용 가능

< 중동부유럽 국가별 2006년도 월평균 임금 >

(단위: 유로)

슬로바키아	폴란드	체코	헝가리
603	777	785	788

자료원: Allianz-Slovenska DSS, a.s

< 유럽 주요국별 시간당 평균 노동비용 >

(단위: 유로)

국 명	2004	2005
독 일	27.1	29.8
유로화지역(Eurozone)	20.5	23.4
슬로바키아	3.0	4.1
폴란드	4.1	5.3
체 코	4.8	6.4
헝가리	4.8	6.4
크로아티아	5.0	7.3
루마니아	1.8	2.6

자료원: SARIO(Slovak Investment and Trade Development Agency)

■ 잘 갖추어진 국내 산업기반

- 군수산업, 화학 등 오랜 공업역사를 갖추고 있어 기술인력 풍부
- 폭스바겐, PSA, 기아자동차 등 자동차 기업과 삼성전자, 소니, 월폴 등 전자업체들의 진출에 따라 자동차 및 전자업종의 부품 산업 기반이 잘 갖추어짐

■ 유연한 노동시장

- 2003년의 노동법 개정으로 2005년 세계은행의 “고용경직도 지표”에서 덴마크, 스위스 등을 제치고 유럽에서 가장 유연한 노동시장을 보유하고 있는 것으로 평가될 정도로 유연한 노동시장 보유
- 그러나 신 정부의 근로자 보호 강화를 골자로 한 노동법 개정안이 의회에 상정되어 있어 동 법이 시행될 경우 노동시장의 유연성은 크게 저하될 전망

2. 주요국별 대 슬로바키아 투자동향

< 대 슬로바키아 국별 외국인직접투자 >

(단위: 백만 달러)

국 가	2003	2004	2005	2006	2006년말 누계
네덜란드	77	24	45	-	3,531
독 일	342	111	199	152	3,309
오스트리아	51	240	99	268	2,692
이탈리아	19	22	-	1,067	2,246
헝가리	230	212	-	15	1,112
영 국	165	144	20	-	958
체 코	57	142	51	36	748
한 국	-	69	211	265	650
미 국	35	102	33	16	604
총 계	1,060	1,058	705	1,941	18,134

자료원: 체코 중앙은행

- 2001년 투자인센티브법 도입 및 EU 가입으로 외국기업의 투자 본격화
- 2001년 1월 “투자인센티브법(Investment Incentives Act)” 도입, 노동법 개정 및 세제 개편 등 외국기업의 투자환경 개선노력과 EU 가입으로 2002년에는 사상 최대인 40억9천만 달러의 외국인직접투자가 유입되는 등 EU 내 유망 제조업 투자 대상으로 부상
- 최대 투자국은 네덜란드로 총 35억 달러를 투자하여 전체 외국인투자액의 19.5%를 점하고 있으며, 다음은 독일로 33억 달러 투자
- 2002년 이후 외국인직접투자는 제조업 분야에 집중되어 2002년에는 전체 외국인직접투자의 74.7%, 2003년 46.3%, 2004년 75.2%, 2005년 48.6%를 점유
- 2003년 이후 자동차산업 위주로 외국인투자가 집중되면서 체코와 함께 유럽의 주요 자동차 생산단지로 부상
- 2002년 삼성전자와 2004년 기아자동차, 2007년 삼성전자 LCD 모듈공장 진출로 협력업체들의 투자가 이어지면서 한국이 8위의 투자국으로 부상

II. 투자유치 제도

1. 투자유치 제도

■ 투자유치 정책

- 슬로바키아는 별도의 외국인투자법을 두고 있지 않으며, 국내 상법을 그대로 적용
- 항공운송 분야나 금융업을 제외하고는 기업 인수나 신규 법인 설립 또는 합작투자 등 어떠한 형태의 외국인투자에 대해서도 투자신고나 정부 승인 등 제한이 일체 없으며, 국내 기업과 동일한 조건하에서 기업 활동을 보장
- 슬로바키아는 1993년 분리 독립 후 1998년까지 민영화된 950개 국 유기업 중 외국인에게 매각된 기업이 하나도 없을 정도로 외국인 투자에 비우호적이었으나, 1998년 10월 우파 성향의 주린다(Dzurinda) 총리 정부 집권 이후 외국인직접투자 유치 노력 본격화
- 1999년에 외국인투자 인센티브제도 도입, 외국인투자자에 대한 One- Stop 서비스 제공, 산업단지 조성을 골자로 한 “3개 기둥전략(Three-pillar strategy)”을 수립하면서 “정부보조금법(State Aid Act)” 제정
- 2001년 1월에 “외국인투자 인센티브법(Foreign Investment Tax Credit Law)”이 발효되었으며, 2002년 1월에는 “전략적 투자자에 대한 세금감면법(Strategic Investors Tax Law)”이 제정됨
- 2001년 12월에는 “외국인투자인센티브법”을 “투자인센티브법(Investment Incentives Act)”으로 개정하였으며, 2004년 EU 가입에 따라 동 법을 EU 기준에 맞추어 개정하여 시행

- 2007년 1월 1일부터 EU의 인센티브제도 변경에 따라 투자인센티브법을 개정하여 시행하여야 하나, 현재 정부의 개정안이 마련되지 않은 상태

■ 투자 제한 분야

- 금융부문에 대한 투자의 경우 업종에 따른 영업허가 절차를 받아야 함
- 슬로바키아 내 은행 설립 또는 EU 국가 이외 지역 외국은행의 지점 개설 시에는 은행법(Banking Act)에 따라 슬로바키아 중앙은행의 은행업 허가가 필요함
- 슬로바키아 내 보험회사 설립 및 EU 국가 이외 지역 외국 보험회사의 지점 개설 시에는 보험법(Act on Insurance)에 따라 금융감독위원회(Financial Market Authority)의 보험업 허가가 필요함

2. 투자인센티브

■ 개황

- 슬로바키아는 정부보조금법(State Aid Act)을 근간으로 투자인센티브법(Investment Incentives Act)과 소득세법(Income Tax Act), 고용법(Services for Employment Act)에 의하여 외국인 투자에 대하여 투자인센티브를 제공
- 그러나 이들 법률은 정부에서 최대 공여 가능한 인센티브와 조건 등만 규정한 것으로 투자 시 건별로 관련기관과의 협상을 통하여 지원범위 및 지원한도를 결정하고 있고, 최종 지원규모의 경우 내각의 승인이 필요해 정치적 영향을 받을 수 있는 등 인접국에 비하여 투명성 결여

- 이에 따라 2005년에는 한국타이어와 경제부가 합의한 인센티브 지원안이 내각에서 부결되어 한국타이어가 슬로바키아를 포기하고 헝가리에 투자하기로 결정한 바 있음
- 또한 관련법령이 수시로 변경되고 있어 투자시점에 인센티브 수혜가능 여부에 대한 재검토와 함께 경험 많은 법률회사나 컨설팅업체와의 상담이 필요
- EU의 가이드라인 변경에 따라 2007년부터 적용할 “투자인센티브법” 및 기타 법률의 개정이 필요하나, 아직 정부안에 확정되지 않은 상태에 있어 정부안 확정 및 의회 통과에는 상당한 시간이 필요할 전망
- 따라서 현재는 EU 가이드라인에 따른 지역별 투자인센티브 수혜한도 등만 확정되어 있고 세부적인 기준이 마련되지 않아 정상적인 투자인센티브 신청절차가 어려운 상태

■ 인센티브 지급제외 대상 산업

- 철강산업
- 인조섬유(Synthetic fiber) 제조업

■ 인센티브 종류

- 법인세 면제(Tax Relief)
- “투자인센티브법(Investment Incentives Act)”에 따라 공여되며, 현재 동 법은 2007년부터 변경된 EU 기준에 따라 정부에서 개정안 마련 중

- 고용 창출 보조금(Subsidies for Created Jobs)

- “고용법(Services for Employment Act)”에 따라 지역 노동사무소와의 협정에 의거, 경제적 약자(저학력자, 50세 이상자, 지난 16개월 중 최소 12개월 이상 실업자)의 채용에 대하여 지원
- 최대 수혜한도는 지역별 평균 실업률에 따라 차등
- 처음 6개월 동안은 경제적 약자 채용 시 1인당 소요되는 경비의 42%, 추가 9개월은 26%의 보조금 지급
- 브라티슬라바 지역은 최대 12개월간 1인당 소요경비의 26%를 보조금으로 지급

- 교육 보조금(Subsidies for Education)

- “고용법(Services for Employment Act)”에 따라 지역 노동사무소와의 협정에 의거, 고용을 위한 교육에 소요되는 경비의 최대 90% 지원

■ 인센티브 수혜조건

- 대상투자: 신규 공장 건설, 기존 공장의 확장 및 현대화, 경영난에 처해있는 공장의 인수 등
- 최소 투자규모: 4억 슬로바크라운(1천만 유로, 1천2백만 달러)
- 실업률이 10% 이상 지역은 2억 슬로바크라운(5백만 유로, 6백만 달러)
- 투자는 3년 내에 이루어져야 하며, 인센티브 지급결정이 내려진 후 3년 이내에 영업활동이 시작되어야 함

- 자기자본 비율: 전체 투자액의 50% 이상
- 기타: 전체 영업이익의 80% 이상이 인센티브 신청 시 명기한 영업활동에서 발생하여야 함

■ 투자대상 지역별 인센티브 수혜한도

- 슬로바키아 정부로부터 받을 수 있는 인센티브 지원한도는 투자대상 지역별 인센티브 수혜한도를 넘을 수 없음
- 소기업(종업원 50명 미만, 자산 및 연 매출액 1천만 유로 이하) 투자의 경우 지역별 인센티브 수혜한도에서 20% 상향됨
- 중견기업(종업원 250명 미만, 자산 4천3백만 유로 이하, 연 매출액 5천만 유로 이하) 투자는 지역별 인센티브 수혜한도에서 10% 상향됨
- 2007년부터 2013년까지 적용될 지역별 인센티브 수혜한도는 지역별 1인당 GDP 수준에 따라 구분
 - 1인당 GDP가 EU 25개국 평균의 45% 미만인 지역
 - 인센티브 수혜한도 50%
 - 1인당 GDP가 EU 25개국 평균의 60% 미만인 지역
 - 인센티브 수혜한도 40%
- 브라티슬라바성(省)의 일부 지역은 2007년부터 2008년까지 2년간 한시적으로 인센티브 수혜한도 10%를 적용하고, 여타 지역은 인센티브 지원대상에서 제외
- 브라티슬라바시 II구역, III구역, IV구역, V구역 일부(Cunovo,

Jarovce, Rusovce), Malacky District, Senec District는 인센티브
수혜한도 10% 해당지역

- 5천만 유로 이상 대규모 투자의 경우에는 지역별 인센티브 수
혜한도를 하향조정하여 적용
- 투자금액 5천만 유로까지는 지역별 한도의 100%
- 투자금액 5천만~1억 유로는 지역별 한도의 50%
- 투자금액 1억 유로 초과분에 대해서는 지역별 한도의 34%

< 지역별 투자 인센티브 수혜 한도 >

지 역	인센티브 수혜 한도
2007.1.1일~2013.12.31일 기간 중 적용	
서부 슬로바키아(Zapadne Slovensko)	40%
중부 슬로바키아(Stredne Slovensko)	50%
동부 슬로바키아(Vychodne Slovensko)	50%
2007.1.1일~2008.12.31일 기간 중 적용	
Bratislava II구역	10%
Bratislava III구역	10%
Bratislava IV구역	10%
Bratislava V구역 - Cunovo	10%
Bratislava V구역 - Jarovce	10%
Bratislava V구역 - Rusovce	10%
Malacky District	10%
Senec District	10%

Ⅲ. 법인 설립

1. 법인 형태

- 슬로바키아에서 법인의 형태는 합명회사(Unlimited Partnership: ver.obch.spol 또는 v.o.s), 합자회사(Limited Partnership: kom.spol 또는 k.s.), 유한책임회사(Limited Liability Company: s.r.o. 또는 spol.s.r.o.), 주식회사(Joint-Stock Company: akc.spol. 또는 a.s.) 등 4가지 유형이 있으나, 이 중 외국기업이 일반적으로 선호하는 형태는 유한책임회사와 주식회사이며, 주식회사는 프라하 주식시장에 상장할 수 있음

■ 유한책임회사(Limited Liability Company: s.r.o. 또는 spol.s.r.o.)

• 설립 요건

- 최소 등록자본금: 20만 슬로바크라운(등기이사별 최소투자액은 3만 슬로바크라운)
- 설립자: 1인 이상의 개인 또는 법인(최대 50명)
- 법인등기 전 출자자는 출자금의 30% 이상을 출자하여야 하며 전체 납입자본금이 10만 슬로바크라운 이상이어야 함
- 출자자가 1명일 경우 등록자본금 전액 법인등기 전 납입 필요

• 법적 의무

- 출자자는 투자금에 대해서만 유한책임을 짐
- 납입자본금이 등록자본금보다 부족할 경우 차액은 법인설립 후 5년 이내에 전액 납입해야 함

- 감사위원회(Supervisory Board)는 의무사항이 아니며 임의 설치 가능
- 출자자 전원을 구성원으로 하는 주주총회에서 법정 대표자를 선임하여 1년에 최소 한번 이상 주주총회를 개최해야 하며, 출자자는 출자금 1,000슬로바크라운 당 한 표의 투표권을 가짐
- 법정대표자는 1인 또는 다수가 될 수 있으며, 회사를 대표함
- 이윤의 최소 5%를 자본금의 10% 이내에서 법정충당금(Reserve fund)으로 충당할 의무가 있음
- 전년도 연 매출액이 4천만 슬로바크라운 초과, 전년도 말 총 자산이 2천만 크라운 초과, 전년도 평균 종업원 수 20명 이상 등 3가지 조건 중 2개 이상을 충족할 경우 회계감사 의무가 있음

● 장단점

- 법정 최소자본금이 적고 기업 관리체계가 단순하며, 운영에 필요한 행정절차가 간소하여 외국기업이 슬로바키아에 현지법인을 설립할 때 가장 선호
- 주식양도 및 새로운 주주의 수용, 자본금의 증감 시에 법적으로 주주의 만장일치를 요구하기 때문에 기업운영에 유연성이 떨어지는 것이 단점

■ 주식회사(Joint-Stock Company: a.s., akc.spol.)

● 설립 요건

- 최소 등록자본금: 1백만 슬로바크라운

- 설립자: 1개의 법인 또는 2명 이상의 출자자
- 법인 설립 전 등록자본금의 최소 30%가 금융자산으로 납입되어야 함
- 법적 의무
 - 기업은 총 자산에 대해서만 책임을 짐
 - 등록자본금은 회사 설립 후 최소 1년 이내에 납입되어야 함
 - 주주총회에서 선출된 최소 3명 이상의 감사위원회(Supervisory Board)를 설치하여야 함
 - 주주총회에서 이사회를 구성하며, 이사회가 회사를 대표함
 - 1년에 최소 한번 이상의 주주총회를 개최해야 함
 - 정관의 변경, 등록자본금의 증감, 이윤의 배분, 회사 청산, 이사회 및 감사위원회의 선임 등은 주주총회를 거쳐야 함
 - 회사 설립 시 등록자본금의 최소 10%를 법정충당금(Reserve fund)으로 설정하여야 하며, 등록자본금의 20%에 달할 때까지 순이익의 최소 10%를 충당금으로 충당 필요
 - 보통주와 의결 및 의결권이 없는 우선주를 발행할 수 있으며, 우선주의 경상가치는 등록자본금의 50%를 넘을 수 없음
 - 회계보고서에 대한 회계감사 의무
- 장단점
 - 주식양도가 용이하고 주주가 기업경영에 참여하지 않아도 됨
 - 유한책임회사보다 기업관리체계가 복잡하고 주주총회의 소집이나 개최에 대한 법적절차가 까다로움

2. 유한책임회사 설립절차

■ 설립각서(Foundation Deed, Memorandum of Association) 작성

- 통일된 양식은 없고 회사설립의 기본골격을 기록하면 되나 공증 필요
- 설립자가 1명일 경우에는 Foundation Deed, 설립자가 2명 이상일 경우에는 Memorandum of Association이 필요하며 동 설립각서 내용은 반드시 정관에 포함되어야 함
- 회사설립 각서에는 다음 사항이 반드시 포함되어야 함
 - 회사명, 주소, 업종
 - 자본금
 - 주식의 액면가 및 수량, 제약조건 등
 - 주식 발행가
 - 설립자의 보유주식 수량
 - 설립자가 기여한 자산명세 및 화폐단위로 환산한 금액
 - 기여자산의 관리자
 - 회사설립 비용

■ 영업허가서(Trade Licence) 발급

- 필요서류
 - 신청서(소정양식)
 - 회사설립각서
 - 대표자의 무범죄 증명서

- 대표자의 전문성을 입증할 수 있는 서류(졸업증명서, 각종 자격증 등)
- 대표자의 체류허가증(resident permit) 사본
- 대표자의 본국에서의 무범죄 증명서
- 소요비용: 영업허가 건당 100슬로박크라운(Standard license) 또는 500슬로박크라운(Special license)
- 소요기간: 7일(Special license는 30일)
- 허가기관: 각 지역의 영업허가소(Trade licensing office)

■ 법인 등기

- 필요서류
 - 법인등기 신청서(소정 양식)
 - 회사설립각서(Foundation Deed 또는 Memorandum of Association)
 - 자본금 납입 확인서
 - 발기인 각각의 존재를 입증할 수 있는 회사서류
 - 주주총회, 이사회, 감사위원회 등의 설립에 대한 결정문
 - 법정대표자 공인 사인 증명서
 - 이사회 이사들의 체류허가증 사본
 - 영업허가서
- 등기비용: 1만 슬로박크라운
- 소요기간: 5일
- 등록기관: 영업장 소재 지방법원의 상업등기소

■ 등록관련 비용 및 소요기간

1단계	무범죄 증명서 발급	
	소요기간	1일
	비용	100슬로박크라운
	참고사항	내국인은 즉시 발급, 영업허가서 용도로 발급
2단계	신청대상 회사명 중복 여부 확인	
	소요기간	1일
	비용	100슬로박크라운 (www.orsr.sk에서 무료검색)
3단계	회사 정관 및 관련 서류 공증	
	소요기간	1일
	비용	서명 확인용 공증인 수수료: 71슬로박크라운/서명 (부가세 포함)
	참고사항	주주가 1명인 회사의 경우에는 공증 불요
4단계	영업허가서 신청 및 영업 허가 획득	
	소요기간	7일(Standard license), 30일(Special license)
	비용	100슬로박크라운(Standard license) 500슬로박크라운(Special license)
5단계	은행구조 개설	
	소요기간	1일
	비용	500슬로박크라운 (은행에 따라 상이)
	참고사항	단독투자자의 경우 법인등기 전에 자본금 100%, 2명 이상 출자자의 경우 각 주주 출자 자본금의 최소 30% 이상을 예치하여 총액이 최소 10만 슬로박크라운이 되어야 함
6단계	상업등기소에 등록 신청	
	소요기간	5일
	비용	1만 슬로박크라운
	참고사항	• 등록신청 시 대표자 서명이 반드시 필요하며 등록된 대표자에게 대표 권한이 부여됨 • 등기소로부터 Business Identification 번호를 부여받음
7단계	세무등록(부가가치세 사업자 등록 포함)	
	소요기간	7일
	비용	비용 없음
	참고사항	• 슬로바키아에서 영업활동을 하는 모든 회사는 회사

		<p>등록 후 30일 이내에 법인세 등록을 하여 납세번호를 부여받아야 함</p> <ul style="list-style-type: none"> • 종업원 개인 소득세 등록(월급 수령일로부터 15일 이내) • 다른 국가에 등록된 외국기업이 슬로바키아 내에서 영업 활동을 하려면 영업 활동을 시작할 때 부가세 신고를 해야 함.
8단계	사회보장기관에 직원 등록	
	소요기간	1일
	비용	없음
	참고사항	<ul style="list-style-type: none"> • 최초 직원의 근무일 이전에 사회보장기관(Socialna poisťovňa)에 직원 등록 • 최초 직원의 근무일 이전에 상해보험 및 고용주 파산에 대비한 보험을 가입해야 함
9단계	의료보험기관에 등록	
	소요기간	1일
	비용	없음
	참고사항	직원이 근무를 시작한 후 8일 이내에 종업원이 정한 의료보험기관에 등록

Ⅳ. 지사 설립

- 외국기업의 지사(Branch Office)는 슬로바키아 법인으로 인정되지 않으나, 슬로바키아 법인과 동일하게 외국의 모기업을 대신하여 슬로바키아에서 부동산 취득을 포함한 영업활동을 할 수 있으며, 모기업 설립 근거 규정이 지사 내부 활동에도 적용됨
- 지사 신청을 위해서는 지사장이 임명되어야 하며, 지사장은 슬로바키아인이나 슬로바키아 비자를 소지한 외국인이 될 수 있음
- 지사는 최소자본이 필요 없으며, 회계감사를 받을 의무도 없음
- 세무목적으로 지사는 외국의 모기업이 슬로바키아에서 행한 영업에 대한 기록을 유지하여야 하며, 슬로바키아 회계기준에 따른 슬로바키아어로 된 복식부기 회계장부를 갖추고 슬로바키아 내에서 창출한 실제 소득 및 기여 소득에 대해서 법인세를 납부해야 함
- 이윤의 송금에 대해서는 원천과세가 적용되지 않음
- 설립절차와 필요서류 등은 유한회사의 법인등록 절차와 유사하며, 지사 개설을 희망하는 외국기업은 영업 분야에 대하여 영업허가소로부터 영업허가서를 발급 받은 후 지사 설립신청서에 지사의 향후 활동내용을 상세히 기재하여 소재지 법원의 상업등기소에 등록하여야 함

V. 조세 제도

1. 법인세(Corporate Income Tax)

- 법인세율: 19%
- 슬로바키아 내에 주 사업장이 있는 기업은 이중과세방지협정이 되어 있지 않은 전 세계에서 발생한 소득에 대하여, 외국기업의 자회사나 지사는 슬로바키아 내 소득에 대하여 법인세를 납부하여야 함
- 지사의 경우 영업 및 비영업 지사 모두가 과세대상이 되며, 창출한 이윤에서 비용을 뺀 금액을 대상으로 과세되나, 이러한 방법으로 과세표준을 설정하기 어려운 경우 세무당국과의 협의에 의하여 과세표준을 정함. 과세표준은 비슷한 영업을 하는 슬로바키아 법인의 과세표준보다 낮을 수 없음

2. 개인소득세(Personal Income Tax)

- 개인소득세율: 19%
- 슬로바키아에서 개인소득세를 납부해야 할 납세자는 슬로바키아 내 영주 거주자 및 슬로바키아에서 연간 183일 이상 거주한 개인 들이며 이 밖의 경우에는 슬로바키아 내에서 획득한 소득에 대하여만 세금을 납부함
- 슬로바키아에서 개인소득세 납세자(tax residents)로 등록된 사람은 슬로바키아 내 소득뿐 아니라 이중과세방지협정이 되어 있지 않은 슬로바키아 이외의 국가에서 획득한 소득에 대해서도 소득세를 납부해야 함

- 개인공제는 과세소득에 따라 차등 공제됨

- 과세소득이 매년 1월 1일 기준 최저생계비의 100배 이하(2007년 498,000슬로바크라운)인 경우 최저생계비의 19.2배(2007년 95,616슬로바크라운) 공제
- 과세소득이 최저생계비의 100배를 초과할 경우 최저생계비의 44.2배에서 과세소득의 1/4를 뺀 금액을 공제 (2007년의 경우 과세소득이 880,464슬로바크라운 이상일 경우 개인공제 없음)

- 배우자공제도 과세소득에 따라 차등 공제됨

- 과세소득이 매년 1월 1일 기준 최저생계비의 176.8배 이하(2007년 880,464슬로바크라운)인 경우 배우자가 소득이 없으면 최저생계비의 19.2배(2007년 95,616슬로바크라운) 공제, 배우자의 소득이 최저생계비의 19.2배 보다 낮으면 최저생계비의 19.2배에서 배우자의 소득을 뺀 금액을 공제
- 과세소득이 최저생계비의 176.8배를 초과하는 경우 배우자가 소득이 없으면 최저생계비의 63.4배에서 과세소득의 1/4을 뺀 금액을 공제, 배우자가 소득이 있는 경우 최저생계비의 63.4배에서 배우자의 과세소득의 1/4을 뺀 금액을 공제

3. 부가가치세(VAT)

- 대부분의 재화 및 용역에 대하여 19%의 세율 적용
- 일부 의약품 및 의료용품에 대해서는 10% 세율 적용
- 수출품, 우편 서비스, 금융업, 보험업, 방송, 복지 및 교육 서비스, 공공 서비스, 토지 및 건물의 매매 또는 임차, 복권사업 등은 부가세 면제

VI. 노무 관리

1. 임 금

■ 임금 수준

- 슬로바키아의 법정 최저임금은 2006년 10월 1일부터 월 7,600슬로박크라운, 시간당 43.70슬로박크라운임
- 슬로바키아의 임금수준은 2006년 월평균 경상임금이 18,761슬로박크라운으로 중동부유럽 국가 중에서 폴란드보다도 낮은 정도로 임금이 가장 저렴함

■ 퇴직금

- 근로자 측 사유로 인한 퇴직 시 퇴직금은 없으며, 사용자 측 사유로 인한 해고 시에는 월 평균임금의 2배 (5년 이상 근무 직원의 경우 3배)를 퇴직금으로 지불해야 함

2. 노동 조건

■ 노동 시간

- 법정 근로시간은 주당 5일 40시간이며, 2교대 근로자는 주당 38.75시간, 3교대 근로자는 주당 37.5시간
- 사용자가 근로자에게 지시할 수 있는 초과 근무시간은 주당 8시간, 연간 150시간 이내이며, 근로자와 합의할 경우 추가로 연간 250시간까지 초과근무가 가능하므로 연간 최대 초과근무시간은 400시간

- 의회에서 심의 중인 노동법 개정안은 쌍방 합의에 의한 초과 근무 가능시간을 연간 150시간으로 축소하는 것으로 되어 있어, 동 개정안이 시행될 경우 최대 연간 300시간의 초과근무 가능

- 초과근무에 대해서는 시간당 평균임금의 125%, 공휴일 근무에 대해서는 150%를 지급하여야 함

■ 휴가

- 유급휴가는 60일 이상 계속 근무한 경우 연 4주이며, 근무기간이 1년 미만인 경우에는 당해 연도 근무일에 비례

- 15년 이상 근무한 직원은 연 5주

■ 해고

- 해고통지는 최소 2개월 전(5년 이상 근무 직원은 3개월 전)에 서면으로 통보하여야 함

3. 사회보장제도

- 슬로바키아에서 일하는 모든 내국인과 외국인은 슬로바키아의 사회보장제도에 의무적으로 가입하여야 하며, 외국회사 지사의 경우도 해당

- 슬로바키아의 사회보장제도는 연금보험, 실업보험, 질병보험, 장애보험, 의료보험 등 다양한 사회보장보험으로 구성

- 사용자와 근로자가 법률에 규정된 요율에 따라 월 급여 기준으로 분담하게 되나 최대 납부한도액을 정하고 있으며, 납부비율은 다음과 같음

	급여 대비 납부율 (%)		최대 납부한도 기준 급여	2007년 납부한도액 (슬로박크라운, 월)	
	사용자	근로자		사용자	근로자
질병보험	1.4	1.4	전국 월 평균급여의 1.5배	394	394
연금보험	14	4	전국 월 평균급여의 3배	7,880	2,252
장애보험	3	3	전국 월 평균급여의 3배	1,689	1,689
실업보험	1	1	전국 월 평균급여의 3배	563	563
건강보험	10	4	전국 월 평균급여의 3배	5,183	2,073
보증기금	0.25	-	전국 월 평균급여의 1.5배	71	-
적립기금	4.75	-	전국 월 평균급여의 3배	2,674	-
총 계	34.4	13.4		18,454	6,408

주1) 사용자는 위와는 별도로 산재보험으로 근로자 월급여의 0.8% 지급

(2008.1.1일부터 산재보험률이 사업장 위험도에 따라 0.3~2.1% 차등)

주2) 건강보험 2007년 최대납부한도는 2005년 월평균급여(17,274슬로박크라운) 기준으로 책정

주3) 기타보험 2007.7.1일부터 12.31일까지 최대납부한도는 2006년 월평균급여(18,761슬로박크라운) 기준으로 책정

VII. 기타 정보

1. 현지 한국 기관

■ 주 슬로바키아 한국대사관

- 주소: 5th Floor, 4 Dunajska, 811 08 Bratislava
- 전화: (421) 233-070-711
- 팩스: (421) 233-070-730~1
- 이메일: rokembassy@stonline.sk
- 홈페이지: www.mofat.go.kr/slovakia

■ 프라하 한국무역관

- 주소: Václavské nám. 47, 110 00 Praha 1
- 전화: (420) 245-005-650
- 팩스: (420) 245-005-651
- 이메일: kotra@kotra.cz
- 홈페이지: www.kotra.or.kr

2. 현지 투자관련 기관

■ 주한 슬로바키아대사관

- 주소: 서울시 용산구 한남동 389-1
- 전화: (02) 794-3981/5420
- 팩스: (02) 794-3982
- 이메일: slovakemb@yahoo.com

■ Ministry of Economy (경제부)

- 주소: Mierova 19, 827 15 Bratislav 212
- 전화: (421) 248-541-111
- 팩스: (421) 243-337-827
- 이메일: bartonova@economy.sk
- 홈페이지: www.economy.sk

■ SARIO (슬로바키아 투자 무역청)

- 주소: Martineckova 17, 821 01 Bratislava
- 전화: (421) 258-100-310
- 팩스: (421) 258-100-319
- 이메일: sario@sario.sk
- 홈페이지: www.sario.sk

■ Socialna Poistovna (사회보장제)

- 주소: ul. 29. augusta 8, 813 63 Bratislava 1
- 전화: (421) 259-248-111
- 팩스: (421) 259-248-865
- 이메일: podatelna@socpoist.sk
- 홈페이지: www.socpoist.sk

■ Slovak Chamber of Commerce and Industry (상공회의소)

- 주소: Gorkeho 9, 816 03 Bratislava
- 전화: (421) 254-433-291
- 팩스: (421) 267-202-600
- 이메일: sopkurad@sopk.sk
- 홈페이지: www.spok.sk

■ National Labour Office(노동사무소)

- 주소: Vazorova 7/A, 816 16 Bratislava
- 전화: (421) 257-291-303
- 팩스: (421) 257-291-302
- 이메일: upsvr_ba@upsvar.sk
- 홈페이지: www.upsvar.sk

■ Tax Directorate (국세청)

- 주소: Nova ulica c. 13, 975 04 Banska Bystrica
- 전화: (421) 484-393-111
- 팩스: (421) 484-134-989
- 이메일: info@drsr.sk
- 홈페이지: www.drsr.sk

3. 법률 회사 및 컨설팅 업체

■ Deloitte

- 주소: Apollo BC, Prievozska 2/B, 821 09 Bratislava
- 전화: (421) 258-249-213
- 팩스: (421) 258-249-222
- 이메일: ksean@deloitteCE.com
- 홈페이지: www.deloitte.sk
- 담당자: 신경암 회계사

■ KPMG

- 주소: Mostova 2, 811 02 Bratislava
- 전화: (421) 259-984-111

- 팩스: (421) 259-984-448
- 이메일: jaejunbyun@kpmg.sk
- 홈페이지: www.kpmg.sk
- 담당자: 변재준 회계사

■ PricewaterhouseCoopers

- 주소: Hviezdoslavovo nam. 20, 815 32 Bratislava
- 전화: (421) 259-350-111
- 팩스: (421) 259-350-222
- 이메일: ffice.general@sk.pwc.com
- 홈페이지: www.pwc.com/sk

■ Linklaters

- 주소: Hviezdoslavovo nam. 13, 811 02 Bratislava
- 전화: (421) 259-291-154
- 팩스: (421) 259-291-210
- 이메일: seung.yoo@linklaters.com
- 홈페이지: www.linklaters.com
- 담당자: 유승재 변호사

■ WHITE&CASE

- 주소: Hlavne nam. 5, 611 01, Bratislava
- 전화: (421) 254-415-100
- 팩스: (421) 254-416-100
- 이메일: hamalro@bratislav.whitecase.sk
- 홈페이지: www.whitecase.com

■ CECHOVA RAKOVSKY

- 주소: Hurbanovo nam 5, 811 03, Bratislava
- 전화: (421) 254-414-441
- 팩스: (421) 254-434-598
- 이메일: cechrak@cechrak.sk
- 홈페이지: www.cechrak.sk

■ BMB Partners

- 주소: Kapucinska 7, 811 03, Bratislava
- 전화: (421) 254-412-23
- 팩스: (421) 254-412-629
- 이메일: bmb@bmb.sk
- 홈페이지: www.bmb.sk

■ Capital Partners Group

- 주소: Hattalova 12/A, 831 03 Bratislava
- 전화: (421) 244-453-692
- 팩스: (421) 244-453-127
- 이메일: asitar@cpg.sk
- 홈페이지: www.cpg.sk
- 담당자: Mr. Alan Sitar, Senior Consultant

4. 은행

■ Tatra Banka

- 주소: Hodzovo nam. 3, 850 05 Bratislava 55, Slovakia
- 전화: (421) 259-192-522

- 팩스: (421) 259-191-878
- 이메일: shin@tatrabanka.sk
- 홈페이지: www.tatrabanka.sk
- 담당자: 신재철 부행장, Head of Korean Desk in CEE

■ Citibank

- 주소: Mlynske nivy 43, 825 01 Bratislava
- 전화: (421) 258-230-332
- 팩스: (421) 258-230-210
- 이메일: joohyung1.lee@citigroup.com
- 홈페이지: www.citibank.com/slovakia
- 담당자: 이주형, Relationship Manager

국가 개요

- 국 명: 슬로바키아공화국(The Slovak Republic)
 - 면 적: 49,035^{km²} (남한의 1/2)
 - 수 도: 브라티슬라바(Bratislava, 60만명)
 - 주요도시: Kosice, Presov, Trnava, Nitra, Banka Bystrica, Zilina
 - 행정구역: 8개 성(Kraj)
 - 인 구: 539만명 (2006)
 - 산업구조: 제조업(31.4%), 서비스업(64.8%), 농업(2.8%)
 - 민족구성: 슬로바키아인(85.8%), 헝가리인(9.7%),
집시(1.7%), 기타(2.8%)
 - 언 어: 슬로박어
 - 종 교: 가톨릭(68.9%), 개신교(6.9%), 무교(13.0%),
기타(11.2%)
 - 화폐단위: 슬로바크라운(Korun, SKK 또는 Sk로 표기)
 - 환 율: SKK 25.397/ US\$ 1 (2007.5.31일 기준)
 - 기 후: 대륙성 기후
 - 시 차: GMT + 1 (한국보다 8시간 늦음)
- ※ 3월 마지막 일요일부터 10월 마지막 일요일까지 서머타임 실시

<부록> 투자 법령 및 관련 자료

1. 슬로바키아 투자인센티브법 37
2. 지역별 투자인센티브 한도 59
3. EU 투자인센티브 가이드 66

ACT 565

from December 4, 2001

INVESTMENT INCENTIVES ACT,

which also amends other legislation

as amended by the Act 203/2004 Coll.

The National Assembly of the Slovak Republic passed this Act as follows:

Article I.

Section 1

(1) This Act regulates special terms and conditions of dispensing of individual public aid encouraging the development of regions¹⁾ in form of investment incentives, the types of investment incentives, the procedures and the powers of the public administration authorities and the Central Office for Work, Social Issues and Family²⁾ at the dispensing of investment incentives, and the monitoring of the use thereof.

¹⁾ Notice of the Commission (EC) concerning National Regional Aid 98/C74/06 from March 10, 1998, as later amended.

²⁾ Act of the National Assembly of the Slovak Republic 387/1996 Coll. (Employment Act, as later amended)

(2) The provisions of this Act shall apply unless special legislation provides otherwise.³⁾

Section 2

(1) The term “investment incentives” means public aid aimed to finance initial investments and encourage creation of new jobs in connection with such investments. The aid is granted to purchase tangible fixed assets and intangible fixed assets⁴⁾ necessary to launch the production or the provision of services, to expand the production or the provision of services, or to purchase an enterprise, in the following forms:

- a) corporate income tax relieves granted pursuant to special legislation,⁵⁾
- b) contributions for the creation of new jobs granted pursuant to special legislation,⁶⁾
- c) contributions for retraining of staff hired to newly created jobs granted pursuant to special legislation.⁷⁾

(2) Criteria for the dispensing of investment incentives:

- a) opening of a new or expansion or upgrade of an existing establishment for the purpose of launching of new production or new services, or expansion or upgrade of existing production or

³⁾ Act 231/1999 Coll. (Public Aid Act, as amended by the Act 434/2001 Coll.)

⁴⁾ Act 563/1991 Coll. (Accountancy Act, as later amended)

⁵⁾ Sections 35b and 36c of the Act 366/1999 Coll. (Income Taxes Act, as later amended)

⁶⁾ Section 93a of the Act of the National Assembly of the Slovak Republic 387/1996 Coll. (Employment Act, as later amended)

⁷⁾ Section 84a of the Act of the National Assembly of the Slovak Republic 387/1996 Coll. (Employment Act, as later amended)

existing services, or changes to the range of produced goods, or fundamental changes to the production process, or purchase of an enterprise or its part from a businessman in difficulties,⁸⁾

- b) incurring not less than 400 000 000 Sk in the procurement of tangible fixed assets or intangible fixed assets, of which at least 200 000 000 Sk must be financed from the own capital of the legal entity, which has applied for investment incentives (hereinafter referred to only as “applicant”),
- c) at least 80% of the aggregate revenues must be generated from the business specified in the investment incentives application (hereinafter referred to only as “application”),
- d) the tangible fixed assets or the intangible fixed assets referred to in b) above must be procured and the business referred to in the application must be launched not later than three years from the date of issue of the decision to dispense investment incentives.

(3) The Ministry of Economy of the Slovak Republic (hereinafter referred to only as “Ministry”) may decide to grant investment incentives pursuant to subsection 1 above to the applicant or to another legal entity [Section 3 subsection 2 letter b) below], which is eligible for the dispensing of investment incentives under this Act, and which satisfies the criteria set forth in special legislation.⁹⁾

⁸⁾ Section 12 of the Act 231/1999 Coll., as amended by the Act 434/2001 Coll.

⁹⁾ Act of the National Assembly of the Slovak Republic 387/1996 Coll. (Employment Act, as later amended)
Act 231/1999 Coll., as amended by the Act 434/2001 Coll.
Act 366/1999 Coll. as later amended

(4) If the application specifies that the business is to be conducted in a region, in which the rate of unemployment achieves not less than 10% according to the statistics of the Central Office for Work, Social Issues and Family as of the last day of the calendar half-year preceding the half-year of filing of the application, the amounts specified in subsection 2 letter b) shall be reduced to one half.

Section 3

(1) The application shall be filed with the Ministry.

(2) In the application the applicant shall specify *inter allia*:

- a) the types of the investment incentives requested thereby, and the amount of the individual types of the investment incentives,
- b) identity of the investment incentives beneficiary. The beneficiary may either be the applicant or another legal entity, the establishment of which the applicant shall organize in connection with the decision to grant investment incentives. In such a newly established legal entity the applicant shall have the status of controlling party¹⁰⁾ (hereinafter referred to only as “third legal entity”).

(3) Detailed essentials of applications shall be set forth in a generally binding legal regulation to be issued by the Ministry.

Section 4

¹⁰⁾ Section 66a of the Commercial Code

(1) The Ministry shall provide for an expert opinion concerning the application filed therewith, and shall prepare a proposal of granting of investment incentives (hereinafter referred to only as “proposal”). The proposal shall specify:

- a) identification of both the applicant and the beneficiary,
- b) types of the investment incentives, which are to be granted,
- c) terms and conditions of granting of investment incentives,
- d) a specification, whether the beneficiary of the investment incentives is the applicant or a third legal entity [Section 3 subsection 2 letter b)].

(2) The Ministry shall invite the applicant to give its comments with respect to the proposal of the Ministry. The applicant shall give its comments within 30 days from the notice above. If the applicant fails to give its comments by the time above, or if the applicant and the Ministry fail to agree the text of the proposal within 90 days from the comments of the applicant, the Ministry shall discontinue the proceedings and give notice to the applicant accordingly.

(3) Unless the proceedings are discontinued as provided in subsection 2 above after favorable comments are received from the applicant, the Ministry shall submit the proposal for its approval to the Commission (hereinafter referred to only as “Commission”). If the Commission approves the proposal, the Ministry shall submit the same for its approval to the Slovak Government (hereinafter referred to only as “Government”). If the Commission disapproves the proposal, the Ministry shall reject the application.

(4) When deciding, whether to approve the proposal or not, the Government shall take into consideration in particular such factors as the importance of the investment for the national economy, and the impact of the investment incentives on the economic competition on the relevant market of the Slovak Republic.

(5) After the approval is approved by the Government, the Ministry shall issue a decision to grant investment incentives. The decision above shall be issued within 15 days of the approval of the proposal by the Government if it is to be issued to the applicant, otherwise within 15 days from the receipt by the Ministry of the notice of the applicant informing of the incorporation of the third legal entity [Section 3 subsection 2 letter b) above]. If the Government disapproves the proposal, the Ministry shall reject the application.

(6) The Ministry shall give notice to the monitoring authorities referred to in Section 5 subsection 4 below of its decision to grant investment incentives.

Section 5

(1) The dispensing of investment incentives shall be monitored by the Ministry of Finance of the Slovak Republic pursuant to this Act and pursuant to special legislation.³⁾

(2) The use of the investment incentives under Section 2 subsection 1 letter a) above shall be monitored by the Tax Office of competent jurisdiction pursuant to this Act and pursuant to special legislation.¹¹⁾

¹¹⁾ Act of the Slovak National Council 511/1992 Coll. (Administration of Taxes and Fees and Changes to the System of Local Financial Authorities Act)

(3) The use of the investment incentives under Section 2 subsection 1 letters b) and c) above shall be monitored by the bodies of the Central Office for Work, Social Issues and Family pursuant to this Act and pursuant to special legislation.²⁾

(4) The authorities responsible for the monitoring referred to in subsections 1, 2 and 3 above (hereinafter referred to only as “monitoring authorities”) shall collaborate with each other and exchange information necessary for monitoring purposes.

(5) Any investment incentives beneficiary, which fails to make investments into acquisition of tangible or intangible fixed assets, or which fails to launch the business specified in the investment incentives application, shall be obliged to refund or surrender, by the date set forth in Section 2 subsection 2 letter d), any investment incentives previously dispensed thereto pursuant to special legislation.¹²⁾

(6) If the investment incentives beneficiary fails to comply with the criteria set forth in Section 2 subsection 1 above at anytime when drawing at least one of the investment incentives under Section 2 subsection 2 above, or within five years from the date of drawing of the first investment incentives, such a beneficiary shall be obliged to refund or surrender any investment incentives previously dispensed thereto pursuant to special legislation.¹²⁾

Act 366/1999 Coll., as later amended

¹²⁾ Act of the Slovak National Council 511/1992 Coll., as later amended
Act of the National Assembly of the Slovak Republic 387/1996 Coll., as later amended

Act 366/1999 Coll., as later amended

Act 231/1999 Coll., as amended by the Act 434/2001 Coll.

(7) The provisions of subsections 1 through 6 above shall not affect the entitlement of the monitoring authorities to carry out an audit, and to assess or impose default interest, penalties, or other sanctions pursuant to special legislation.¹³⁾

(8) Any investment incentives beneficiary shall be obliged to make possible to the monitoring authorities to monitor the compliance with the criteria set forth in Section 2 subsection 2 above, and also any terms and conditions included in the decision to grant investment incentives. For the purpose above, it shall mainly be obliged to submit to the monitoring authorities any documents and materials necessary for the assessment of compliance.

(9) The monitoring authorities shall be obliged to carry out an audit of compliance with the criteria set forth in Section 2 subsection 2 above at least once a year during the period between the date of issue of the decision to grant investment incentives and the first anniversary of the last drawing of the investment incentives.

Section 6

(1) There is no statutory entitlement law to draw investment incentives.

(2) General provisions applicable to administrative proceedings¹⁴⁾ shall apply to any decisions taken under this Act, unless this Act provides otherwise. No appeal may be filed against the decision of the Ministry referred to in Section 4 subsections 2, 3 and 5 above.

¹³⁾ e.g. Act of the Slovak National Council 511/1992 Coll., as later amended, Act of the National Assembly of the Slovak Republic 387/1996 Coll., as later amended, Act 366/1999 Coll., as later amended, Act 231/1999 Coll., as amended by the Act 434/2001 Coll.

(3) The Ministry shall be dispensing investment incentives under this Act.

Article II

The Act 366/1999 Coll. (Income Taxes Act, as amended by the Act 358/2000 Coll., the Act 385/2000 Coll., the Act 466/2000 Coll. and the Act 154/2001 Coll.) shall be hereby amended as follows:

New Sections 35b and 35c shall be inserted after Section 35a to read (including their headings) as follows:

Tax Relieves to Beneficiaries of Investment Incentives

Section 35b

(1) Tax contributors referred to in Section 17 subsection 2, who were issued a decision to grant investment incentives containing a tax relieve pursuant to special legislation,^{128a)} who were established after December 1, 2001 in connection with the issuance of a decision to grant investment incentives,^{128b)} and who do not claim tax relieves pursuant to Section 35 or Section 35a, may claim a reduction of the tax reported in the tax return (hereinafter referred to as “tax credit”), subject to the satisfaction of the criteria set forth in special legislation^{128a)} and the criterion set forth in subsection 5 below.

(2) Tax credit referred to in subsection 1 above may be claimed up to the amount of the tax reported in the tax return during not more than ten

consecutive tax periods starting from the one, in which the tax base and the tax due (with the tax base not reduced by the tax loss) are reported for the first time, however not later than the third tax period after the tax period, in which:

- a) an occupancy permit became final with respect to the structure or its part, the development of which was encouraged through the investment incentives, or in which the Planning Office issued an authorization to launch trial operations of such a structure or its part prior to the issuance of an occupancy permit,
- b) the tax contributor started earning income from the activities, which were encouraged through the investment incentives.

(3) Tax contributor shall be allowed to claim tax credits up to the amount, which in the tax period (for which a tax allowance is claimed) does not exceed, in the aggregate, the ceiling set forth for the specific kind of investment incentive in the decision to grant investment incentives.^{128c)}

(4) Tax credits may be claimed by tax contributors each year in their tax returns.

(5) Only those tax contributors referred to in subsection 1 above shall be allowed to claim tax credits, who are not wound-up in the tax period with respect to which they may claim tax allowances (except for the reorganization of the tax contributor into another corporate form), and against whom no bankruptcy order is made, or no petition in bankruptcy is rejected due to insufficient property thereof.

(6) In the tax period, with respect to which a tax credit is claimed pursuant to subsection 2 above, the tax contributors shall depreciate their assets as

¹⁴⁾ Act 71/1967 Coll. (Administrative Proceedings Act)

provided in Sections 26 through 33, while the depreciation process shall not be suspended for the term of using of tax allowances (Section 26 subsection 9).

(7) Tax contributors claiming tax allowances shall be allowed to deduct from the tax base any tax losses for the tax period immediately preceding the one, in which the first tax credit is claimed, on a straight line basis during the five tax periods immediately following the one, in which the last tax credit is claimed. The provisions of Section 34 shall not apply.

(8) If any tax contributor fails to satisfy the criterion of subsection 5 above, or any of the general criteria set forth in a special legislation,^{128a)} there shall be no entitlement to claim a tax credit, and the tax contributor shall be obliged to file an additional tax return with respect to each tax period, for which a tax credit was claimed.

(9) The provisions of special legislation^{128c)} concerning tax audit and public aid shall apply to tax contributors drawing tax credits.

Section 35c

(1) Tax contributors referred to in Section 17 subsection 2, who were issued a decision to grant investment incentives containing a tax relieve pursuant to special legislation,^{128a)} shall be allowed to claim tax credits up to the amount set forth in subsection 2 below, subject to the satisfaction of the criteria set forth in special legislation,^{128a)} unless they claim tax credits pursuant to Sections 35, 35a, and 35b.

(2) Tax contributors may claim tax credits up to the tax corresponding to a prorated tax base. The prorated tax base shall be calculated by multiplying the tax base by the following coefficient:

- a) the value of the investment, which was encouraged through investment incentives pursuant to special legislation,^{128a)} however not more than the aggregate cost of acquisition of tangible and intangible assets acquired between the date of issue of the decision to grant investment incentives and the last day of the tax period, for which a tax credit is claimed, divided by
- b) the equity of the tax contributor appearing in the financial statements for the calendar year, in which the decision to grant investment incentives pursuant to special legislation^{128a)} was issued, plus the value of the investment referred to in a) above.

(3) Tax credits may be claimed during not more than ten consecutive tax periods starting from the tax period following the one, in which the decision to grant investment incentives containing a tax relieve was issued, and in which any tax base and taxes due are reported, however not later than the third tax period after the tax period, in which:

- a) an occupancy permit became final with respect to the structure or its part, the development of which was encouraged through the investment incentives, or in which the Planning Office issued an authorization to launch trial operations of such a structure or its part prior to the issuance of an occupancy permit,
- b) the tax contributor started earning income from the activities, which were encouraged through the investment incentives.

(4) The provisions of Section 35b subsections 3 through 6, and subsections 8 and 9 shall apply to tax contributors claiming tax credits pursuant to subsections 1 through 3 above, *mutatis mutandis*.

The footnotes 128a through 128c shall read as follows:

^{128a)} Act 565/2001 Coll. (Investment Incentives Act, which amends other legislation)

^{128b)} Section 2 subsection 3 of the Act 565/2001 Coll.

^{128c)} Act 231/1999 Coll., as amended by the Act 434/2001 Coll.

Act of the Slovak National Council 511/1992 Coll., as later amended

Article III

The Act of the National Assembly of the Slovak Republic 387/1996 Coll. (Employment Act, as amended by the Act 70/1997 Coll., the Act 354/1997 Coll., the Act 366/1997 Coll., the Act 386/1997 Coll., the Act 394/1998 Coll., the Act 56/1999 Coll., the Act 292/1999 Coll., the Act 95/2000 Coll., the Act 241/2000 Coll., the Act 245/2000 and the Act 450/2000 Coll.) shall hereby be amended as follows:

1. In Section 9 letter d) new indents three and four shall be inserted after the indent two to read as follows:

“3. distribution of a State budget grant for the purpose of payment to employers of contributions for retraining of their staff pursuant to Section 84a,

4. distribution of a State budget grant for the purpose of payment to employers of contributions for the creation of new jobs pursuant to Section 93a.”

The current indents three through nine shall be referred to as indents five through eleven.

2. In Section 16 subsection 2 letter c) new indents four and five shall be inserted after indent three to read as follows:

“4. distribution of a State budget grant for the purpose of payment to employers of contributions for retraining of their staff pursuant to Section 84a,

5. distribution of a State budget grant for the purpose of payment to employers of contributions for the creation of new jobs pursuant to Section 93a.”

The current indents four through nine shall be referred to as indents six through eleven.

3. Section 20 subsection 2 letter g) shall read as follows:

“g) to submit to the Administrative Board of the District Labor Office for their approval proposals to grant contributions aimed to encourage a proactive employment policy, other than proposals to grant contributions referred to in Sections 84a, 91a, 93a and 95, to enter into agreements concerning contributions aimed to encourage a proactive employment policy, other than contributions referred to in Section 93a, and to dispense such contributions.”.

4. In Section 73 subsection 1 letter b) the reference “12a” pertinent to the word “taxes” shall be referred to as “12b”.

The footnote 12b shall read as follows:

“12b) Act 366/1999 Coll. (Income Taxes Act, as later amended)”

5. In Section 73 subsection 1 new letters m) and n) shall be inserted to read as follows:

“m) distribution of a State budget grant for the purpose of payment to employers of contributions for retraining of their staff pursuant to Section 84a,

n) distribution of a State budget grant for the purpose of payment to employers of contributions for the creation of new jobs pursuant to Section 93a.”

6. In Section 75 subsection 1 letter b) the reference “12a” pertinent to the word “taxes” shall be referred to as “12b”.

7. In Section 75 subsection 1 new letters h) and i) shall be inserted after letter g) to read as follows:

“h) distribution of a State budget grant for the purpose of payment to employers of contributions for retraining of their staff pursuant to Section 84a,

i) distribution of a State budget grant for the purpose of payment to employers of contributions for the creation of new jobs pursuant to Section 93a.”

The current letter h) shall be referred to as j).

8. New Section 77b shall be inserted after Section 77a to read as follows:

“Section 77b

The State budget grant payable to the National Labor Office and aimed to finance contributions for retraining of staff referred to in Section 84a, and contributions for the creation of new jobs referred to in Section 93a, shall be paid on a quarterly basis in form of an advance. Yearly settlement of any contributions, which were paid, shall be carried out by March 31 of the next calendar year.

9. New Section 84 shall be inserted after Section 84a to read (including its heading) as follows:

“Section 84a

Contribution for Retraining of Staff payable to Beneficiaries of Investment Incentives

(1) Those employers, which are beneficiaries of investment incentives containing a contribution for retraining,^{12c)} shall be paid by District Labor Offices contributions for the retraining of their staff hired to the newly created jobs referred to in Section 93a below.

(2) District Labor Offices shall pay contributions for the retraining of staff to the maximum extent of 10 000 SKK per employee, on condition that upon completion of the retraining program the employers under subsection

1 above keep employing such staff members for a period of not less than twelve months.

(3) Contributions for the retraining of staff shall be paid to employers referred to in subsection 1 above under a written agreement entered into between such employers and the District Labor Office, within the jurisdiction of which new jobs have been created, to which the retrained employees have been hired.

(4) The Retraining Contributions Agreement shall include, but not be limited to:

- a) starting date of employment,
- b) amount of the retraining contribution per employee,
- c) number of retraining employees,
- d) date of starting and completion of the retraining program,
- e) terms of payment of the retraining contribution,
- f) terms of refund of the retraining contribution in case of breach of the Agreement.

The footnote 12c shall read as follows:

“^{12c)} Section 2 subsection 1 letter c) of the Act 565/2001 Coll. (Investment Incentives Act, which amends other legislation)”

10. The text of the current Section 87 shall be referred to as subsection 1, and shall be followed by subsection 2 to read as follows:

“(2) Those employers, which are beneficiaries of investment incentives containing contributions for the creation of new jobs,^{12d)} shall be paid by

District Labor Offices contributions for each newly created job at the terms set out in Section 93a and in special legislation.^{12e)}

The footnotes 12d and 12e shall read as follows:

“^{12d)} Section 2 subsection 1 letter b) of the Act 565/2001 Coll.

^{12e)} Act 231/1999 Coll. (Public Aid Act as amended by the Act 434/2001 Coll.)”

11. New Section 93a shall be inserted after Section 93 to read (including its heading) as follows

“Section 93a
Contribution for Newly Created Jobs payable to Beneficiaries of
Investment Incentives

(1) Those employers, which are beneficiaries of investment incentives containing a contribution for newly created jobs,^{12d)} shall be paid by District Labor Offices contributions for the creation of new jobs against their written applications and for the amount set forth in subsection 4 through 6 below, which however shall not be higher than the ceiling specified in special legislation.^{12e)} Such contributions shall be paid upon expiration of 12 months from the date of creation of the new job. The contributions above shall be paid on the conditions below: the employer must submit evidence showing that employees have been hired to the newly created jobs throughout the 12-months period above, in total for not less than 300 calendar days, and that the aggregate average statistic headcount in the calendar year, in which the new jobs have been created, is not lower than

the aggregate average statistic headcount in the calendar year preceding the one, in which the new jobs have been created. For the purpose above, evidence of the aggregate average statistic headcount shall be submitted by the investment incentives beneficiary upon filing its application for the contributions for the creation of new jobs.

(2) A new job shall be deemed created on the date specified in a written notice of the investment incentives beneficiary sent to the competent District Labor Office, in which it informs the Office of the newly created job. The competent District Labor Office shall be the District Labor Office, within the jurisdiction of which the new job has been created.

(3) Any investment incentives beneficiary, which applies for contributions for the newly created jobs, shall be obliged to submit to the District Labor Office evidence showing that the newly created job is being occupied. The evidence above shall consist of an officially authenticated copy of an employment agreement and it shall be submitted not later than five business days from the creation of the new job.

(4) The aggregate amount of the contribution for newly created jobs, which is payable to employers under subsection 1 above, shall depend on the official rate of unemployment in the region, in which the new jobs have been created. The contribution shall be equal to:

Rate of official unemployment in the region as of the last day of the calendar month preceding the creation of the new job	Aggregate contribution per one newly created job
more than 30%	160 000 SKK
between 25% and 30%	130 000 SKK

between 20% and 25%	100 000 SKK
between 15% and 20%	70 000 SKK
between 10% and 15%	40 000 SKK
10% and less	30 000 SKK

Notwithstanding the above, the contribution shall not be higher than the ceiling set forth in special legislation.^{12e)}

(5) The contribution shall be paid in form of monthly installments upon expiration of 12 months from the date of creation of the new job. The monthly installment shall be 10 000 SKK. The first monthly installment shall be due for the full calendar month immediately following the expiration of 12 months from the date of creation of the new job, except as specified in subsection 6 sentence one below. The first monthly installment shall be paid by the District Labor Office within 15 business days after the last day of the month, for which the installment is due, provided that the employer under subsection 1 files an application within five business days from the last day of the full calendar month following the expiration of 12 months from the date of creation of the new job. If the application is filed later, the District Labor Office shall pay the first monthly installment within ten business days from the date of filing of the application, while any follow-up installments shall be paid not later than the tenth business day of each follow-up month. The application for the contribution for the newly created job referred to in subsection 1 above must be filed not later than 36 months after the date of creation thereof, such a 36th month inclusive.

(6) The District Labor Office shall withhold the monthly installment if during the month in question the newly created job is not occupied. If the

newly created job has been occupied only during a fraction of the month, the monthly installment shall be equal to the product of 333 SKKK and the number of calendar days, during which the newly created job has been occupied.

(7) If the employer under subsection 1 does not meet the criteria giving entitlement to the receipt of the monthly installment in full as specified in subsection 5 above, it shall be obliged to give a written notice thereof to the District Labor Office not later than five business days from the occurrence thereof. If the newly created job is cancelled, the employer shall be obliged to give a written notice thereof to the District Labor Office not later than five business days from the occurrence thereof.

(8) The employer under subsection 1 above shall refund any contributions for the creation of new jobs received thereby, if the aggregate average statistic headcount in the calendar year, in which it started to receive the contribution, or in the consecutive four calendar years, is lower than the aggregate average statistic headcount in the calendar year preceding the one, in which it started to receive the contribution. The refund must be made within 30 business days from the last day of the calendar year, with respect to which the assessment of the aggregate average statistic headcount has been made.

(9) If any inspection authority establishes non-compliance with the criteria for the payment of contributions or any part thereof, as specified in subsections 1 through 7 above, the employer under subsection 1 shall be obliged to refund any contributions or its part unlawfully drawn. The refund must be made within 30 business days from the date, on which the inspection authority informs the employer of the above.

12. In Section 111 subsection 1 letter a) the comma at the end shall be replaced by a semicolon and followed by the following words: “the above shall not apply to employers, which were granted contributions pursuant to Section 93a above.”.

Article IV

This Act shall come into effect on January 1, 2002.



EUROPEAN COMMISSION

Brussels, 13.IX.2006

C(2006) 3975 final

PUBLIC VERSION

WORKING LANGUAGE

**This document is made available for
information purposes only.**

**Subject: State aid N 469/06 – Slovak Republic
Regional aid map 2007-2013**

Sir,

1. PROCEDURE

1. With letter dated 10 July 2006, registered at the Commission on 13 July 2006 the Slovak authorities notified their Regional Aid map for the period 1.1.2007 – 31.12.2013.
2. On 21 December 2005, the Commission adopted the *Guidelines on National Regional Aid for 2007-2013*¹ (hereinafter “RAG”). In accordance with paragraph 100 of the RAG each Member State should notify to the Commission following the procedure of Article 88(3) of the Treaty, a single regional aid map covering its entire national territory which will apply for the period 2007-2013. In accordance with paragraph 101, the approved regional aid map is to be published in the Official Journal of the European Union, and will be considered an integral part of the RAG.

¹ OJ C 54, 4.3.2006, p. 13

The Minister of Foreign Affairs

J.E.pán Eduard KUKAN

Minister zahraničných vecí SR

Ministerstvo zahraničných vecí Slovenskej republiky

Hlboká cesta 2

SK-833 36 Bratislava

2. DESCRIPTION

3. The whole territory of the Slovak Republic was eligible for the period 1.5.2004-31.12.2006² under the derogation of either Article 87(3)(a) or Article 87(3)(c) of the EC Treaty. The Slovak authorities propose that for the period 1.1.2007-31.12.2013 three of their four NUTS-II regions should continue to be eligible to receive regional investment aid under the derogation of Article 87(3)(a) of the EC Treaty. The Slovak authorities also designated parts of the NUTS-II region of SK01 Bratislavský kraj to be eligible under the derogation of Article 87(3)(c) of the EC Treaty as transitional additional coverage for the period 1.1.2007-31.12.2008.
4. All the proposed aid ceilings are those for investments by large enterprises. For medium sized enterprises³ this aid ceiling can be increased⁴ by 10 percentage points and for small enterprises⁵ by 20 percentage points.

2.1. 87(3)(a) regions: proposed for the whole period 2007-2013

5. The following NUTS-II regions are proposed for eligibility under the 87(3)(a) derogation for the whole period 2007-2013 with and aid intensity of 50% GGE:
 - SK03 Stredné Slovensko
 - SK04 Východné Slovensko
6. The following NUTS-II region is proposed for eligibility under the 87(3)(a) derogation for the whole period 2007-2013 with and aid intensity of 40%GGE:
 - SK02 Západné Slovensko

2.2. 87(3)(c) regions: transitional additional coverage (1.1.2007-31.12.2008)

7. The following parts of the NUTS-II region of SK01 Bratislavský kraj are proposed for eligibility under the 87(3)(c) derogation for the period 2007-2008 at an aid ceiling of 10% GGE:
 - LAU1 – 102 District Bratislava II
 - LAU1 – 103 District Bratislava III
 - LAU1 – 104 District Bratislava IV
 - LAU2 – 529435 Bratislava – Čunovo
 - LAU2 – 529443 Bratislava – Jarovce
 - LAU2 – 529494 Bratislava – Rusovce
 - LAU1 – 106 Malacky District
 - LAU1 – 108 Senec District.

² Decision not to raise objections to the regional aid map of the Slovak Republic for the period between 1 May 2004 and 31 December 2006 (SK 72/2003)

³ As defined in the Annex of Commission Regulation (EC) No 364/2004 of 25 February 2004 amending Regulation (EC) 70/2001, OJ L 63, 28.2.2004, p. 22, or any successor regulation.

⁴ Except for aid awarded in the transport sector and aid for large investment projects.

⁵ See footnote 3

3. ASSESSMENT

3.1. 87(3)(a) regions: proposed for the whole period 2007-2013

8. In accordance with paragraph 44 of the RAG, the aid ceiling for regions falling under Article 87(3)(a) must not exceed 50% GGE for regions with less than 45% of average EU-25 GDP per capita, which is the case for the following NUTS-II regions as shown by their respective GDP per capita⁶:

– SK03	Stredné Slovensko	40.72%
– SK04	Východné Slovensko	37.21%

9. In accordance with the same paragraph of the RAG, the aid ceiling for regions falling under Article 87(3)(a) must not exceed 40% GGE for regions with less than 60% of average EU-25 GDP per capita, which is the case for the following NUTS-II region as shown by its GDP per capita:

– SK02	Západné Slovensko	45.42%
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3.2. 87(3)(c) regions: transitional additional coverage (1.1.2007-31.12.2008)

10. In accordance with paragraph 95 of the RAG, Member States may exceptionally designate additional regions to be eligible for regional aid under Article 87(3)(c) until 1 January 2009, provided that the following conditions are met:

- the regions concerned were eligible for regional aid under Article 87(3)(c) on 31 December 2006;
- the maximum aid intensity permitted in the additional regions designated in accordance with this provision shall not exceed 10%.
- Annex V of the RAG attributed 7.5 % of the Slovak national population as transitional additional coverage eligible to national regional aid under the derogation of Article 87(3)(c) of the EC Treaty for the years 2007-2008.

11. The respective populations of the parts of the NUTS-II region of SK01 Bratislavský kraj designated to be eligible to national regional aid under this provision of the RAG are as follows⁷:

– LAU1 – 102	District Bratislava II	107 991
– LAU1 – 103	District Bratislava III	61 606
– LAU1 – 104	District Bratislava IV	93 116
– LAU2 – 529435	Bratislava – Čunovo	927
– LAU2 – 529443	Bratislava – Jarovce	1 212
– LAU2 – 529494	Bratislava – Rusovce	2 011

⁶ Gross Domestic Product expressed in Purchasing Power Standards per capita for the years 2000-2002. (EU-25 = 100)

⁷ Source : Statistical Office of the Slovak Republic 2002, population on 31.12.2002

– LAU1 – 106	Malacky District	64 966
– LAU1 – 108	Senec District	52 998.

12. The total population of all regions designated to be eligible under the derogation of Article 87(3)(c) of the EC-Treaty for the years 2007-2008 is 384 827, which constitutes 7.1% of the total population of the Slovak Republic (5.91 million). Therefore, the total population of the regions covered by the derogation respects the limit of 7.5% of the total population of the Member State attributed to it in Annex V of the RAG.
13. Since the whole territory of the NUTS-II region of SK01 Bratislavský kraj has indeed been eligible for the derogation under Article 87(3)(c) of the EC Treaty for the period between 1 May 2004 and 31 December 2006⁸, the condition that the regions concerned were eligible for regional aid under Article 87(3)(c) of the EC Treaty on 31 December 2006 is also met.
14. The regions designated to be eligible for regional aid under Article 87(3)(c) of the EC Treaty for the period 1.1.2007-31.12.2008 at an aid intensity of 10% GGE meet thus the conditions of point 95 of the RAG.

3.3. General provisions of the map

15. In accordance with paragraph 49 of the RAG all the preceding aid ceilings can be increased by 10% GGE for medium sized enterprises⁹ and 20% GGE for small enterprises¹⁰. However, in accordance with paragraph 67 of the RAG no SME bonuses are allowed for investment projects with eligible expenditure exceeding EUR 50 million.
16. Following the assessment above, the aid ceilings for regional investment aid notified by the Slovak Republic for the period 2007-2013 are in line with the maximum aid intensities allowed for under the RAG.
17. The Commission recalls that in accordance with paragraph 8 of the RAG, these aid ceilings apply to the processing and marketing of agricultural products only to the extent laid down in the Community guidelines for State aid in the agriculture sector¹¹, or any replacement guidelines.
18. The Commission takes note of the following commitments given by the Slovak authorities in the notification:
 - (a) The Slovak authorities confirmed that only the regions identified in the regional aid map published by the Commission pursuant to this notification will be eligible for regional investment aid in accordance with the RAG, or any state aid block exemption regulation relevant for regional aid.

⁸ Decision not to raise objections to the regional aid map of the Slovak Republic for the period between 1 May 2004 and 31 December 2006 (SK 72/2003).

⁹ See footnote 3

¹⁰ See footnote 3

¹¹ OJ C 28 of 1.2.2000, p.2. Corrigendum OJ C 232, 12.8.2000 p. 17.

- (b) The Slovak authorities confirmed that only small enterprises with their economic activity in the regions identified in the regional aid map published by the Commission pursuant to this notification will be eligible for aid for newly created small enterprises as provided for in section 6 (paragraphs 84-91) of the RAG.
- (c) The Slovak authorities confirmed that all plans to grant regional aid will be notified to the Commission in accordance with Article 88(3) of the Treaty, either as an aid scheme, or as an individual notification unless a State aid exemption regulation applies.
- (d) The Slovak authorities confirmed that all regional investment aid will respect the ceilings defined in the region concerned in the regional aid map published by the Commission pursuant to this notification.
- (e) The Slovak authorities confirmed that for large investment projects the upper ceilings defined in respect of the region concerned in the regional aid map published by the Commission pursuant to this notification will be adjusted according to the formula in paragraph 67 of the RAG.
- (f) The Slovak authorities confirmed that all large investment projects for which the amount of aid proposed is more than the maximum allowable amount of aid an investment with eligible expenditure of EUR 100 million can receive under the scale laid down in paragraph 67 of the RAG, will be notified individually to the Commission.

3.4. Appropriate measures

19. By letter of 6 March 2006, reference D/(06)240, the Commission proposed appropriate measures to the Slovak authorities by which, inter alia, the application of their existing regional aid schemes is limited until 31 December 2006. The Slovak authorities accepted these appropriate measures unconditionally by letter of 29 March 2006.

4. DECISION

20. The Commission has accordingly decided:

- to consider the Slovak regional aid map for 2007-2013 as set out in the Annex to be compatible with the EC Treaty as it fulfils the conditions as stipulated in the Guidelines on national regional aid for 2007-2013. This map is valid from 1 January 2007 until 31 December 2013.
- to publish the map as presented in the Annex to this decision in the Official Journal of the European Union. The full text of this letter in the authentic language will be published on the Internet site: http://ec.europa.eu/community_law/state_aids/index.htm

Any request concerning this letter should be sent by registered letter or fax to:

European Commission
Directorate-General for Competition
Directorate for State Aid I
State Aid Greffe
B – 1049 Brussels
Fax No: 0032.2.296 12 42

Yours faithfully,
For the Commission

Neelie KROES
Member of the Commission

Guidelines on National Regional aid for 2007-2013

(OJ C 54, 4.3.2006, p. 13)

SLOVAK REPUBLIC - National regional state aid map 1.1.2007-31.12.2013

(Approved by the Commission on

(NUTS II REGION) (NUTS III REGION)	Ceiling for regional investment aid ¹ (Applicable to large enterprises)
1. Regions eligible for aid under Article 87(3) (a) of the EC Treaty for the period 1.1.2007- 31.12.2013	
SK02 Západne Slovensko	40%
SK03 Stredné Slovensko	50%
SK04 Východné Slovensko	50%
2. Regions eligible for transitional coverage under Article 87(3) (c) of the EC Treaty for the period 1.1.2007- 31.12.2008	
SK01 Bratislavský kraj	
LAU1-102 Okres Bratislava II	10%
LAU1-103 Okres Bratislava III	10%
LAU1-104 Okres Bratislava IV	10%
LAU2-529435 Bratislava-mestská časť Čunovo	10%
LAU2-529443 Bratislava-mestská časť Jarovce	10%
LAU2-529494 Bratislava-mestská časť Rusovce	10%
LAU1 – 106 Okres Malacky	10%
LAU1 – 108 Okres Senec	10%

¹ For investment projects with eligible expenditure not exceeding EUR 50 million, this ceiling is increased by 10 percentage points for medium sized companies and 20 percentage points for small companies as defined in the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36). For large investment projects with eligible expenditure exceeding EUR 50 million, this ceiling is subject to adjustment in accordance with paragraph 67 of the Guidelines on national regional aid for 2007-2013.

GUIDELINES ON NATIONAL REGIONAL AID FOR 2007-2013

(2006/C 54/08)

(Text with EEA relevance)

1. Introduction

1. On the basis of Article 87(3)(a) and (c) of the Treaty, State aid granted to promote the economic development of certain disadvantaged areas within the European Union may be considered to be compatible with the common market by the Commission. This kind of State aid is known as national regional aid. National regional aid consists of aid for investment granted to large companies, or in certain limited circumstances, operating aid, which in both cases are targeted on specific regions in order to redress regional disparities. Increased levels of investment aid granted to small and medium-sized enterprises located within the disadvantaged regions over and above what is allowed in other areas are also considered as regional aid.
2. By addressing the handicaps of the disadvantaged regions, national regional aid promotes the economic, social and territorial cohesion of Member States and the European Union as a whole. This geographical specificity distinguishes regional aid from other forms of horizontal aid, such as aid for research, development and innovation, employment, training or the environment, which pursue other objectives of common interest in accordance with Article 87(3) of the Treaty, albeit sometimes with higher rates of aid in the disadvantaged areas in recognition of the specific difficulties which they face ⁽¹⁾.
3. National regional investment aid is designed to assist the development of the most disadvantaged regions by supporting investment and job creation. It promotes the expansion and diversification of the economic activities of enterprises located in the less-favoured regions, in particular by encouraging firms to set up new establishments there.
4. The criteria applied by the Commission when examining the compatibility of national regional aid with the common market under Articles 87(3)(a) and 87(3)(c) of the EC Treaty have been codified in the 1998 guidelines on national regional aid ⁽²⁾ which cover the period 2000-2006 ⁽³⁾. The specific rules governing aid for large investment projects have been codified in the 2002 Multisectoral Framework ⁽⁴⁾. However, important political and economic developments since 1998, including the enlargement of the European Union on 1 May 2004, the anticipated accession of Bulgaria and Romania and the accelerated process of integration following the introduction of the single currency, have created the need for a comprehensive review in order to prepare new guidelines which will apply from 2007 to 2013.
5. Regional aid can only play an effective role if it is used sparingly and proportionately and is concentrated on the most disadvantaged regions of the European Union. In particular the permissible aid ceilings should reflect the relative seriousness of the problems affecting the development of the regions concerned. Furthermore, the advantages of the aid in terms of the development of a less-favoured region must outweigh the resulting distortions of competition ⁽⁵⁾. The weight given to the advantages of the aid is likely to vary according to the derogation applied, so that a greater distortion of competition can be accepted in the case of the most disadvantaged regions covered by Article 87(3)(a) than in those covered by Article 87(3)(c) ⁽⁶⁾.

⁽¹⁾ Regional top-ups for aid granted for such purposes are therefore not considered as regional aid.

⁽²⁾ OJ C 74 10.3.1998, p. 9, modified in OJ C 288 9.10.1999, p. 2, and OJ C 285 9.9.2000, p. 5.

⁽³⁾ Point 4.4 of the regional aid guidelines was amended by the Community Guidelines on State aid for rescuing and restructuring firms in difficulty, OJ C 288, 9.10.1999, p. 2.

⁽⁴⁾ OJ C 70, 19.3.2002, p. 8, as amended in OJ C 263, 1.11.2003, p. 3.

⁽⁵⁾ See in this respect the judgment of the Court of Justice in Case 730/79, *Philip Morris* [1980], ECR 2671, paragraph 17 and in Case C-169/95, *Spain v Commission* [1997], ECR I-135, paragraph 20.

⁽⁶⁾ See in this respect the judgment of the Court of First Instance in T-380/94, *AIUFFASS and AKT* [1996], ECR II-2169, paragraph 54.

6. In certain very limited, well-defined cases, the structural handicaps of a region may be so severe that regional investment aid, together with a comprehensive horizontal aid regime may not be sufficient to trigger a process of regional development. Only in such cases may regional investment aid be supplemented by regional operating aid.
7. An increasing body of evidence suggests that there are significant barriers to the formation of new enterprises in the Community which are more acute inside the disadvantaged regions. The Commission has therefore decided to introduce a new aid instrument in these guidelines to encourage small business start-ups in disadvantaged regions with differentiated aid ceilings according to the regions concerned.

2. Scope

8. The Commission will apply these Guidelines to regional aid granted in every sector of the economy apart from the fisheries sector and the coal industry ⁽⁷⁾ which are subject to special rules laid down by specific legal instruments.

In the agricultural sector, these guidelines do not apply to the production of agricultural products listed in Annex I of the Treaty. They do apply to the processing and marketing of such products, but only to the extent laid down in the Community guidelines for State aid in the agriculture sector ⁽⁸⁾, or any replacement Guidelines.

In addition, some other sectors are also subject to specific rules which take account of the particular situation of the sectors concerned and which may totally or partially derogate from these guidelines ⁽⁹⁾.

As regards the steel industry, in accordance with its long-established practice, the Commission considers that regional aid to the steel industry as defined in Annex I is not compatible with the common market. This incompatibility also applies to large individual aid grants made in this sector to small and medium-sized enterprises within the meaning of Article 6 of Regulation (EC) No 70/2001 ⁽¹⁰⁾, or any successor regulation, which are not exempted by the same Regulation.

In addition, due to its specific characteristics, no regional investment aid may be granted in the synthetic fibres sector as defined in Annex II.

9. Aid may only be granted to firms in difficulties within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty ⁽¹¹⁾ in accordance with the latter guidelines. ⁽¹²⁾
10. As a general rule, regional aid should be granted under a multi-sectoral aid scheme which forms an integral part of a regional development strategy with clearly defined objectives. Such a scheme may also enable the competent authorities to prioritise investment projects according to their interest for the region concerned. Where, exceptionally, it is envisaged to grant individual ad hoc aid to a single firm, or aid confined to one area of activity, it is the responsibility of the Member State to demonstrate that the project contributes towards a coherent regional development strategy and that, having

⁽⁷⁾ For the purposes of these guidelines 'coal' means high-grade, medium-grade and low-grade category A and B coal within the meaning of the international codification system for coal laid down by the United Nations Economic Commission for Europe.

⁽⁸⁾ OJ C 28 of 1.2.2000, p.2. Corrigendum OJ C 232 12.8.2000, p. 17.

⁽⁹⁾ The sectors covered by special rules over and above those set out here are currently: transport and shipbuilding.

⁽¹⁰⁾ OJ L 10, 13.1.2001, p. 33. Regulation as amended by Regulation (EC) No 364/2004 (OJ L 63, 28.2.2004, p. 22).

⁽¹¹⁾ OJ C 244, 1.10.2004, p. 2.

⁽¹²⁾ In particular, aid granted to large or medium-sized enterprises during the restructuring period must always be notified individually to the Commission, even if it is granted as part of an approved scheme.

regard to the nature and size of the project, it will not result in unacceptable distortions of competition. If aid granted under a scheme appears to be unduly concentrated on a particular sector of activity, the Commission may review the scheme pursuant to Article 17 of Regulation (EC) No 659/1999 of 22 March 1999 on modalities for the application of Article 93 of the EC Treaty ⁽¹³⁾ and may propose, in line with Article 18 (c) of this Regulation, to abolish the scheme.

11. Member States do not have to notify national regional aid schemes which fulfil all the conditions laid down in the group exemption Regulations adopted by the Commission pursuant to Article 1 of Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the EC Treaty establishing the European Community to certain categories of horizontal State aid ⁽¹⁴⁾.

3. Demarcation of regions

3.1. Population coverage eligible for regional aid, 2007-2013

12. In the light of the principle of the exceptional nature of regional aid, the Commission considers that the total population coverage of assisted regions in the Community must be substantially less than that of unassisted regions.
13. Having regard to the conclusions of different European Councils calling for a reduction in overall levels of State aid, and in view of the widely shared concerns about the distortive effects of investment aid for large companies, the Commission considers that the overall population coverage of the regional aid guidelines for 2007-2013 should be limited to that which is necessary to allow coverage of the most disadvantaged regions, as well as a limited number of regions which are disadvantaged in relation to the national average in the Member State concerned. Accordingly, it has decided to fix the limit for the overall population coverage to 42 % of the population of the current Community of 25 Member States, which is similar to the limit fixed on the basis of a Community of 15 members in 1998. This limit will provide for an appropriate level of concentration of regional aid in EU-25, while allowing a sufficient degree of flexibility for the accession of Bulgaria and Romania, the entire territory of which will normally be eligible for regional aid ⁽¹⁵⁾.
14. This notwithstanding, in order to ensure a sufficient degree of continuity for the existing Member States, the Commission has also decided to apply an additional safety net to ensure that no Member State loses more than 50 % of the coverage of its population covered during the period 2000-2006 ⁽¹⁶⁾.

3.2. The derogation in Article 87(3)(a)

15. Article 87(3)(a) provides that aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment may be considered compatible with the common market. As the Court of Justice of the European Communities has held, 'the use of the words "abnormally" and "serious" in the exemption contained in [Article 87(3)(a)] shows that it concerns only areas where the economic situation is extremely unfavourable in relation to the Community as a whole' ⁽¹⁷⁾.

⁽¹³⁾ OJ L 83, 27.3.1999, p. 1.

⁽¹⁴⁾ OJ L 142, 14.5.1998, p. 1.

⁽¹⁵⁾ This 42 % limit is estimated to rise to 45,5 % on an EU-27 basis following the Accession of Bulgaria and Romania.

⁽¹⁶⁾ Application of the safety net will lead to a total population coverage of about 43.1 % on an EU-25 basis, or 46,6 % on an EU-27 basis.

⁽¹⁷⁾ Case 248/84, *Germany v Commission* [1987, ECR 4013, paragraph 19.

16. The Commission accordingly considers that the conditions laid down are fulfilled if the region, being a NUTS ⁽¹⁸⁾ level II geographical unit, has a per capita gross domestic product (GDP), measured in purchasing power standards (PPS), of less than 75 % of the Community average ⁽¹⁹⁾. The GDP per capita ⁽²⁰⁾ of each region and the Community average to be used in the analysis are determined by the Statistical Office of the European Communities. In the interest of ensuring the maximum possible coherence between the designation of regions eligible for the derogation under Article 87(3)(a) under the regional aid guidelines, and the regions eligible for the convergence objective under the structural fund regulations, the Commission has used the same GDP per capita data to designate the Article 87(3)(a) regions as that used to designate the convergence regions under the structural fund regulations ⁽²¹⁾.
17. In recognition of the special handicaps which they face by reason of their remoteness and specific constraints in integrating into the internal market, the Commission considers that regional aid for the outermost regions covered by Article 299(2) of the Treaty ⁽²²⁾ also falls within the scope of the derogation in Article 87(3)(a), whether or not the regions concerned have a GDP per capita of less than 75 % of the Community average.

3.3. *Phasing out arrangements for the 'statistical effect' regions*

18. For certain regions, the GDP per capita exceeds 75 % of the Community average solely because of the statistical effect of enlargement. These are regions at NUTS II level which have a GDP per capita of more than 75 % of the EU-25 average, but less than 75 % of the EU-15 average ⁽²³⁾ ⁽²⁴⁾.
19. In order to ensure that the past progress of these regions is not undermined by too rapid change, in terms of aid intensities and the availability of operating aid, the Commission considers that they should continue to remain eligible for the derogation in Article 87(3)(a) on a transitional basis until 31 December 2010.
20. In 2010 the Commission will review the position of these regions on the basis of the three-year average of the most recent GDP data available from Eurostat. If the relative GDP per capita of any of the regions has declined below 75 % of the EU-25 average, the regions concerned will continue to be eligible for the derogation under Article 87(3)(a). Otherwise the statistical effect regions will become eligible for aid under the derogation of Article 87(3)(c) from 1 January 2011.

3.4. *The derogation in Article 87(3)(c)*

21. The Court of Justice, in Case 248/84 ⁽²⁵⁾, has expressed its views on the range of problems covered by this derogation and the reference framework for the analysis as follows: 'The exemption in [Article 87(3)(c)], on the other hand, is wider in scope inasmuch as it permits the development of certain areas without being restricted by the economic conditions laid down in [Article 87(3)(a)], provided such aid "does not adversely affect trading conditions to an extent contrary to the common interest". That provision gives the Commission power to authorize aid intended to further the economic development of areas of a Member State which are disadvantaged in relation to the national average'.

⁽¹⁸⁾ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) OJ L 154, 21.6.2003, p. 1. The NUTS nomenclature is used by EUROSTAT as a reference for the collection, development and harmonisation of EU regional statistics and for socio-economic analyses of the regions.

⁽¹⁹⁾ The underlying assumption being that the GDP indicator is capable of reflecting synthetically both the phenomena mentioned.

⁽²⁰⁾ In this, and all subsequent references to GDP per capita in these guidelines, GDP is measured in terms of purchasing power standards.

⁽²¹⁾ The data cover the period 2000-2002.

⁽²²⁾ Azores, Madeira, Canary Islands, Guadeloupe, Martinique, Réunion and French Guyana.

⁽²³⁾ In practice, 75 % of the average EU-15 GDP per capita corresponds to 82,2 % of the average EU-25 GDP per capita.

⁽²⁴⁾ These regions are subsequently referred to as the 'statistical effect' regions.

⁽²⁵⁾ Footnote 17, *supra*.

22. The regional aid covered by the derogation in Article 87(3)(c) must, however, form part of a well-defined regional policy of the Member State and adhere to the principle of geographical concentration. Inasmuch as it is intended for regions which are less disadvantaged than those to which Article 87(3)(a) relates, both the geographic scope of the exception and the aid intensity allowed must be strictly limited. This being so, only a small part of the national territory of a Member State may normally qualify for the aid in question.
23. So as to afford national authorities sufficient latitude when it comes to choosing eligible regions without jeopardizing the effectiveness of the system of checks and balances operated by the Commission in respect of this type of aid and the equal treatment of all Member States, the selection of the regions eligible under the derogation in question should be undertaken by a two-step process which consists, first, of the determination by the Commission of the maximum population coverage for each Member State ⁽²⁶⁾ for such aid, and, secondly, of the selection of eligible regions.

3.4.1. Determination of eligible national population coverage

24. As a first step, the determination of the national population coverage eligible for aid under the derogation in Article 87(3)(c) must be made by a method which is objective, fair and transparent. Furthermore, the final outcome must remain within the overall limit for coverage of regional aid determined by the Commission under section 3.1, taking account also of the safety net. In order to achieve this, the Commission determines the population ceiling for each Member State on the basis of the following method.
25. First, Member States automatically receive an allocation equivalent to the population of any regions which were eligible for aid under the derogation in Article 87(3)(a) of the Treaty but which no longer meet the conditions for eligibility under that Article and which are not covered by the arrangements for the statistical effect regions described in section 3.3. These are the regions which had a GDP per capita of less than 75 % on an EU-15 basis when the 1998 regional aid guidelines were adopted, but which as a result of their economic development no longer meet that condition on an EU-15 basis. Since these regions ⁽²⁷⁾ have previously benefited from a relatively high level of aid, the Commission considers it necessary to allow Member States the flexibility, if they so wish, to continue to support these regions for the duration of these guidelines, under the derogation in Article 87(3)(c) ⁽²⁸⁾.
26. Second, in order to allow for the continued support of low population density regions, the Member States concerned also receive an allocation based on the population of low population density regions ⁽²⁹⁾.
27. After deducting the population coverage resulting from the application of the objective criteria set out in sections 3.2 and 3.3, as well as the allocations referred to in the two preceding paragraphs from the upper limit of 42 % of EU-25 population determined in section 3.1, the balance is available for distribution between the Member States using a distribution key that takes account of variations in GDP per capita and unemployment between the regions, both in a national and a Community context. The detailed formula is set out in Annex IV ⁽³⁰⁾.
28. Finally, as indicated in section 3.1, a safety net is applied to ensure that no Member State loses more than 50 % of the coverage of its population under the 1998 guidelines.

⁽²⁶⁾ With the exception of Member States whose entire territory is eligible for the derogation under Article 87(3)(a).

⁽²⁷⁾ Subsequently referred to as the 'economic development' regions.

⁽²⁸⁾ Although it was not eligible for aid pursuant to Article 87(3)(a), Northern Ireland has in fact benefited during the period 2000-2006 from the same aid intensities as many of the Article 87(3)(a) regions. Accordingly, Northern Ireland should also be considered as an economic development region for the purposes of these Guidelines.

⁽²⁹⁾ Calculated on the basis of the NUTS III option of paragraph 30(b) of these guidelines.

⁽³⁰⁾ The same method was used by the Commission in its 1998 Guidelines on national regional aid: Annex 3, paragraphs 4-7.

29. The resulting allocations are set out in Annex V, together with the lists of regions eligible for support under Article 87(3)(a), the statistical effect regions and the economic development regions.

3.4.2. Selection of eligible regions ⁽³¹⁾

30. The eligibility criteria for the selection of regions by the Member States must be sufficiently flexible to allow for the wide diversity of situations in which the granting of national regional aid may potentially be justified but at the same time they must be transparent and provide sufficient safeguards that the award of regional aid will not distort trade and competition to an extent contrary to the common interest. Accordingly, the Commission considers that the following regions may be eligible for selection by the Member States concerned for the award of regional investment aid pursuant to the derogation under Article 87(3)(c) ⁽³²⁾:

- (a) the 'economic development' regions;
- (b) the low population density regions: such areas are made up essentially of NUTS-II geographic regions with a population density of less than 8 inhabitants per km², or NUTS-III geographic regions with a population density of less than 12.5 inhabitants per km² ⁽³³⁾. However, a certain flexibility is allowed in the selection of these areas, subject to the following limitations:
 - flexibility in the selection of areas must not mean an increase in the population covered;
 - the NUTS III parts qualifying for flexibility must have a population density of less than 12.5 inhabitants per square kilometer;
 - they must be contiguous with NUTS III regions which satisfy the low population density test;
- (c) regions which form contiguous zones with a minimum population of at least 100 000 and which are located within either NUTS-II or NUTS-III regions which have either a GDP per capita of less than the EU-25 average, **or** which have an unemployment rate which is higher than 115 % of the national average, (both calculated on the average of the most recent 3 years of Eurostat data);
- (d) NUTS-III regions with less than 100 000 population which have either a GDP per capita of less than the EU-25 average **or** which have an unemployment rate which is higher than 115 % of the national average, (both calculated on the average of the most recent three years of Eurostat data);
- (e) islands and other regions categorised by similar geographical isolation ⁽³⁴⁾ which have either a GDP per capita of less than the EU-25 average, **or** which have an unemployment rate which is higher than 115 % of the national average, (both calculated on the average of the most recent three years of Eurostat data);
- (f) islands with fewer than 5 000 inhabitants and other communities with fewer than 5 000 inhabitants categorised by similar geographical isolation;

⁽³¹⁾ Those statistical effect regions which from 1 January 2011 are not eligible for the derogation under Article 87(3)(a) are automatically eligible under Article 87(3)(c).

⁽³²⁾ Taking account of their small size, for Cyprus and Luxembourg it is sufficient that the regions designated have either a GDP per capita which is less than the EU average, or an unemployment rate which is higher than 115 % of the national average, and have a minimum population of 10 000 inhabitants.

⁽³³⁾ In order to prevent double counting, this criterion should be applied on a residual basis, after taking account of the relative wealth of the regions concerned.

⁽³⁴⁾ For example peninsulas and mountainous regions.

- (g) NUTS-III regions or parts thereof adjacent to a region which is eligible for support under Article 87(3)(a) as well as NUTS-III regions or parts thereof which share a land border, or a sea border of less than 30 kilometres with a country which is not a Member State of the European Economic Area or EFTA.
- (h) In duly justified cases, Member States may also designate other regions which form contiguous zones with a minimum population of at least 50 000 which are undergoing major structural change, or are in serious relative decline, when compared with other comparable regions. It will be the task of Member States which wish to use this possibility to demonstrate that the award of regional investment aid in the region concerned is justified, using recognised economic indicators and comparisons with the situation at Community level.
31. In addition, in order to allow Member States greater flexibility to target very localised regional disparities, below the NUTS-III level, Member States may also designate other smaller areas which do not meet the conditions described above provided they have a minimum population of 20 000 ⁽³⁵⁾. It will be the task of Member States which wish to use this possibility to demonstrate that the areas proposed are relatively more in need of economic development than other areas in that region, using recognised economic indicators such as GDP per capita, employment or unemployment levels, local productivity or skills indicators. Regional aid will be approved by the Commission in these areas for SMEs, and the relevant SME bonus will also apply. However, because of the potential distortion of competition resulting from the spill-over effect into the more prosperous surrounding regions, the Commission will not approve aid for investments by large companies in these areas, or aids for investments with eligible expenses exceeding EUR 25 million.
32. Compliance with the total coverage allowed for each Member State will be determined by the actual population of the regions concerned, on the basis of the most recent recognised statistical information available.

4. Regional investment aid

4.1. Form of aid and aid ceilings

4.1.1. Form of aid

33. Regional investment aid is aid awarded for an initial investment project.
34. *Initial investment* means an investment in material and immaterial assets relating to;
- the setting-up of a new establishment;
 - the extension of an existing establishment;
 - diversification of the output of an establishment into new, additional products;
 - a fundamental change in the overall production process of an existing establishment.

'Material assets' means assets relating to land, buildings and plant/machinery. In case of acquisition of an establishment, only the costs of buying assets from third parties should be taken into consideration, provided the transaction has taken place under market conditions.

'Immaterial assets' means assets entailed by the transfer of technology through the acquisition of patent rights, licences, know-how or unpatented technical knowledge.

⁽³⁵⁾ This minimum limit may be reduced in the case of islands and other areas categorised by similar geographical isolation.

Replacement investment which does not meet any of these conditions is thus excluded from the concept ⁽³⁶⁾.

35. The acquisition of the assets directly linked to an establishment may also be regarded as initial investment provided the establishment has closed or would have closed had it not been purchased, and is bought by an independent investor ⁽³⁷⁾.
36. Regional investment aid is calculated either in reference to material and immaterial investment costs resulting from the initial investment project or to (estimated) wage costs for jobs directly created by the investment project ⁽³⁸⁾.
37. The form of the aid is variable. It may, for example, take the form of grants, low-interest loans or interest rebates, state guarantees, the purchase of a share-holding or an alternative provision of capital on favourable terms, exemptions or reductions in taxes, social security or other compulsory charges, or the supply of land, goods or services at favourable prices.
38. It is important to ensure that regional aid produces a real incentive effect to undertake investments which would not otherwise be made in the assisted areas. Therefore aid may only be granted under aid schemes if the beneficiary has submitted an application for aid and the authority responsible for administering the scheme has subsequently confirmed in writing ⁽³⁹⁾ that, subject to detailed verification, the project in principle meets the conditions of eligibility laid down by the scheme before the start of work on the project ⁽⁴⁰⁾. An express reference to both conditions must also be included in all aid schemes ⁽⁴¹⁾. In the case of ad hoc aid, the competent authority must have issued a letter of intent, conditional on Commission approval of the measure, to award aid before work starts on the project. If work begins before the conditions laid down in this paragraph are fulfilled, the whole project will not be eligible for aid.
39. Where the aid is calculated on the basis of material or immaterial investment costs, or of acquisition costs in the case referred to in paragraph 35, to ensure that the investment is viable and sound and respecting the applicable aid ceilings, the beneficiary must provide a financial contribution of at least 25 % of the eligible costs, either through its own resources or by external financing, in a form which is free of any public support ⁽⁴²⁾.
40. Furthermore, in order to ensure that the investment makes a real and sustained contribution to regional development, aid must be made conditional, through the conditions attached to the aid, or its method of payment, on the maintenance of the investment in question in the region concerned for a minimum period of at least five years after its completion ⁽⁴³⁾. In addition, where the aid is calculated on the basis of wage costs, the posts must be filled within three years of the completion of the works. Each of the jobs created through the investment must be maintained within the region concerned for a period of five years from the date the post was first filled. In the case of SMEs, Member States may reduce these five-year periods for the maintenance of an investment or jobs created to a minimum of three years.

⁽³⁶⁾ Replacement investment may however qualify as operating aid under certain conditions as set out in section 5.

⁽³⁷⁾ Consequently, the sole acquisition of the shares of the legal entity of an enterprise does not qualify as initial investment.

⁽³⁸⁾ A job is deemed to be directly created by an investment project if it concerns the activity to which the investment relates and is created within three years of completion of the investment, including jobs created following an increase in the utilisation rate of the capacity created by the investment.

⁽³⁹⁾ In the case of aid which is subject to individual notification to and approval by the Commission, confirmation of eligibility must be made conditional on the Commission decision approving the aid.

⁽⁴⁰⁾ 'Start of work' means either the start of construction work or the first firm commitment to order equipment, excluding preliminary feasibility studies.

⁽⁴¹⁾ The only exception to these rules is in the case of approved tax aid schemes where a tax exemption or reduction is granted automatically to qualifying expenditure without any discretion on the part of the authorities.

⁽⁴²⁾ This is for example not the case for a subsidised loan, public equity-capital loans or public participations which do not meet the market economy investor principle, state guarantees containing elements of aid, as well as public support granted within the scope of the *de minimis* rule.

⁽⁴³⁾ This rule shall not prevent the replacement of plant or equipment which has become out-dated within this five year period due to rapid technological change, provided the economic activity is retained in the region concerned for the minimum period.

41. The level of the aid is defined in terms of intensity compared with reference costs. All aid intensities must be calculated in terms of gross grant equivalents (GGE) ⁽⁴⁴⁾. The aid intensity in gross grant equivalent is the discounted value of the aid expressed as a percentage of the discounted value of the eligible costs. For aid which is individually notified to the Commission, the gross grant equivalent is calculated at the moment of notification. In other cases, the eligible investment costs are discounted to their value at the moment of the granting of the aid. Aid payable in several instalments shall be discounted to its value at the moment of its being notified or granted, as appropriate. The interest rate to be used for discounting purposes and to calculate the aid amount in a soft loan is the reference rate applicable at the time of grant. In cases where aid is awarded by means of tax exemptions or reductions on future taxes due, discounting of aid tranches takes place on the basis of the reference rates applicable at the various times the tax advantages become effective.

4.1.2. Aid ceilings (maximum aid intensities) for aid to large companies

42. The intensity of the aid must be adapted to take account of the nature and intensity of the regional problems that are being addressed. This means that the admissible aid intensities are from the outset less high in regions qualifying for exemption under Article 87(3)(c) than in those qualifying under Article 87(3)(a).
43. The Commission must also take account of the fact that following recent enlargements the disparities in the relative wealth of the regions qualifying under Article 87(3)(a) have increased substantially. In fact, a significant number of regions and indeed entire Member States now have a per capita GDP of below 45 % of the EU-25 average, which was not the case in 1998. The existence of these greater disparities of wealth within the Community requires the Commission to introduce a greater categorisation of the regions concerned.
44. In the case of regions falling under Article 87(3)(a), the Commission thus considers that the intensity of regional aid must not exceed:
- 30 % GGE for regions with less than 75 % of average EU-25 GDP per capita, for outermost regions with higher GDP per capita and until 1 January 2011 statistical effect regions;
 - 40 % GGE for regions with less than 60 % of average EU-25 GDP per capita;
 - 50 % GGE for regions with less than 45 % of average EU-25 GDP per capita.
45. In recognition of their specific handicaps, the outermost regions will be eligible for a further bonus of 20 % GGE if their GDP per capita falls below 75 % of the EU-25 average and 10 % GGE in other cases.
46. The statistical effect regions which fall under the derogation under Article 87(3)(c) from 1 January 2011 will be eligible for an aid intensity of 20 %.
47. In the other Article 87(3)(c) regions, the ceiling on regional aid must not exceed 15 % GGE. This is reduced to 10 % GGE in the case of regions with both more than 100 % of average EU-25 GDP per capita and a lower unemployment rate than the EU-25 average, measured at NUTS-III level (based on averages for the last three years, using Eurostat data) ⁽⁴⁵⁾.

⁽⁴⁴⁾ The Commission is discontinuing its former practice of converting regional aid notified by Member States into net grant equivalents in order to take account of the judgment of the Court of First Instance of 15 June 2000 in Case T-298/97, *Alzetta*. In that case the Court of First Instance ruled: 'The Commission is not empowered, under the State aid monitoring system established by the Treaty, to take into consideration the incidence of tax on the amount of financial aid allocated when it assesses whether it is compatible with the Treaty. Such charges are not levied specifically on the aid itself but are levied downstream, and apply to the aid in question in the same way as to any income received. They cannot therefore be relevant when assessing the specific effect of the aid on trade and competition and, in particular, when estimating the benefit obtained by the recipients of such aid by comparison with competing undertakings which have not received such aid and whose income is also liable to tax.' Furthermore, the Commission considers that the use of GGEs, which are also used to calculate the intensities of other types of State aid, will contribute to increasing the simplicity and transparency of the State aid control system, and also takes account of the increased proportion of State aid which is awarded in the form of tax exemptions.

⁽⁴⁵⁾ By way of exception, a higher aid intensity may be permitted in the case of a NUTS-III region, or smaller, adjacent to an Article 87(3)(a) region if this is necessary to ensure that the differential between the two regions does not exceed 20 percentage points.

48. However, the low population density regions and regions (corresponding to NUTS-III level or smaller) adjoining a region with Article 87(3)(a) status selected by Member States for coverage under Article 87(3)(c), as well as NUTS-III regions or parts thereof which share a land border with a country which is not a Member State of the European Economic Area or EFTA, are always eligible for an aid intensity of 15 % GGE.

4.1.3. Bonuses for small and medium-sized enterprises

49. In the case of aid awarded to small and medium-sized enterprises ⁽⁴⁶⁾, the ceilings in section 4.1.2 may be increased by 20 % GGE for aid granted to small enterprises and by 10 % GGE for aid granted to medium-sized enterprises ⁽⁴⁷⁾.

4.2. *Eligible expenses*

4.2.1. Aid calculated on the basis of investment costs

50. Expenditures on land, buildings and plant/machinery ⁽⁴⁸⁾ are eligible for aid for initial investment.
51. For SMEs, the costs of preparatory studies and consultancy costs linked to the investment may also be taken into account up to an aid intensity of 50 % of the actual costs incurred.
52. In the event of an acquisition of the type referred to in paragraph 35, only the costs of buying assets ⁽⁴⁹⁾ from third parties should be taken into consideration ⁽⁵⁰⁾. The transaction must take place under market conditions.
53. Costs related to the acquisition of assets other than land and buildings under lease can only be taken into consideration if the lease takes the form of financial leasing and contains an obligation to purchase the asset at the expiry of the term of the lease. For the lease of land and buildings, the lease must continue for at least five years after the anticipated date of the completion of the investment project for large companies, and three years for SMEs.
54. Except in the case of SMEs and takeovers, the assets acquired should be new. In the case of takeovers, assets for whose acquisition aid has already been granted prior to the purchase should be deducted.
55. For SMEs, the full costs of investments in intangible assets by the transfer of technology through the acquisition of patent rights, licences, know-how or unpatented technical knowledge may always be taken into consideration. For large companies, such costs are eligible only up to a limit of 50 % of the total eligible investment expenditure for the project.
56. In all cases, eligible intangible assets will be subject to the necessary conditions for ensuring that they remain associated with the recipient region eligible for the regional aid and, consequently, that they are not the subject of a transfer benefiting other regions, especially other regions not eligible for regional aid. To this end, eligible intangible assets will have to satisfy the following conditions in particular:
- they must be used exclusively in the establishment receiving the regional aid;
 - they must be regarded as amortizable assets;

⁽⁴⁶⁾ Annex I of Commission Regulation (EC) No 364/2004 of 25 February 2004 amending Regulation (EC) No 70/2001, OJ L 63, 28.2.2004, p. 22, or any successor regulation.

⁽⁴⁷⁾ These bonuses do not apply to aid awarded in the transport sector.

⁽⁴⁸⁾ In the transport sector, expenditure on the purchase of transport equipment (movable assets) is not eligible for aid for initial investment.

⁽⁴⁹⁾ Where the acquisition is accompanied by other initial investment, the expenditure relating to the latter should be added to the cost of the purchase.

⁽⁵⁰⁾ In exceptional cases, the aid may alternatively be calculated by reference to the (estimated) wage costs for the jobs safeguarded or newly created by the acquisition. These cases have to be individually notified to the Commission.

- they must be purchased from third parties under market conditions;
- they must be included in the assets of the firm and remain in the establishment receiving the regional aid for at least five years (three years for SMEs).

4.2.2. Aid calculated on the basis of wage costs

57. As was indicated in section 4.1.1, regional aid may also be calculated by reference to the expected wage costs ⁽⁵¹⁾ arising from job creation as a result of an initial investment project.
58. *Job creation* means a *net* increase in the number of employees ⁽⁵²⁾ directly employed in a particular establishment compared with the average over the previous 12 months. Any jobs lost during that 12 month period must therefore be deducted from the apparent number of jobs created during the same period ⁽⁵³⁾.
59. The amount of aid must not exceed a certain percentage of the wage cost of the person hired, calculated over a period of two years. The percentage is equal to the intensity allowed for investment aid in the area in question.

4.3. *Aid for large investment projects*

60. For the purpose of these guidelines, a 'large investment project' is an 'initial investment' as defined by these guidelines with an eligible expenditure above EUR 50 million ⁽⁵⁴⁾. In order to prevent that a large investment project being artificially divided into sub-projects in order to escape the provisions of these guidelines, a large investment project will be considered to be a single investment project when the initial investment is undertaken in a period of three years by one or more companies and consists of fixed assets combined in an economically indivisible way ⁽⁵⁵⁾.
61. To calculate whether the eligible expenditure for large investment projects reaches the various thresholds in these guidelines, the eligible expenditure to be taken into account is either the traditional investment costs or the wage cost, whichever is the higher.
62. In two successive Multisectoral frameworks on regional aid for large investment projects in 1998 ⁽⁵⁶⁾ and 2002 ⁽⁵⁷⁾, the Commission reduced the maximum aid intensities for large investment projects to limit distortions of competition. In the interests of simplification and transparency, the Commission has decided to integrate the provisions of the 2002 Multisectoral framework (MSF-2002) into the Regional aid guidelines for the period 2007-13.

⁽⁵¹⁾ The wage cost means the total amount actually payable by the beneficiary of the aid in respect of the employment concerned, comprising the gross wage, before tax, and the compulsory social security contributions.

⁽⁵²⁾ The number of employees means the number of annual labour units, namely the number of persons employed full time in one year, part-time and seasonal work being ALU fractions.

⁽⁵³⁾ Such a definition holds true as much for an existing establishment as for a new establishment.

⁽⁵⁴⁾ The EUR 50 million must be calculated at prices and exchange rates on the date when the aid is granted, or in the case of large investment projects where individual notification is required, at prices and exchange rates at the date of the notification.

⁽⁵⁵⁾ To assess whether an initial investment is economically indivisible, the Commission will take into account the technical, functional and strategic links and the immediate geographical proximity. The economic indivisibility will be assessed independently from ownership. This implies that to establish whether a large investment project constitutes a single investment project, the assessment should be the same irrespective of whether the project is carried out by one undertaking, by more than one undertakings sharing the investment costs or by more undertakings bearing the costs of separate investments within the same investment project (for example in the case of a joint venture).

⁽⁵⁶⁾ OJ C 107, 7.4.1998, p. 7.

⁽⁵⁷⁾ OJ C 70, 19.3.2002, p. 8 as amended by OJ C 263, 1.11.2003, p. 1.

63. MSF-2002 will therefore cease to apply to aid awarded or notified ⁽⁵⁸⁾ after 31 December 2006 and will be replaced by these guidelines ⁽⁵⁹⁾.

4.3.1. Increased transparency and monitoring of large investment projects

64. Member States are required to notify individually to the Commission any aid to be awarded to investment projects under an existing aid scheme if the aid proposed from all sources is more than the maximum allowable amount of aid that an investment with eligible expenditure EUR 100 million can receive under the scale and the rules laid down in paragraph 67 ⁽⁶⁰⁾.

The notification thresholds for different regions with the most commonly encountered aid intensities under these guidelines are summarised in the table below.

Aid intensity	10 %	15 %	20 %	30 %	40 %	50 %
Notification threshold	EUR 7,5 million	EUR 11,25 million	EUR 15,0 million	EUR 22,5 million	EUR 30,0 million	EUR 37,5 million

65. Whenever regional aid is granted on the basis of existing aid schemes for non-notifiable large investments projects, Member States must, within 20 working days starting from the granting of the aid by the competent authority, provide the Commission with the information requested in the standard form laid down in Annex III. The Commission will make summary information available to the public through its website (<http://europa.eu.int/comm/competition/>).
66. Member States must maintain detailed records regarding the granting of aid for all large investment projects. Such records, which must contain all information necessary to establish that the maximum allowable aid intensity has been observed, must be maintained for 10 years from the date on which the aid was granted.

4.3.2. Rules for the assessment of large investment projects

67. Regional investment aid for large investment projects is subject to an adjusted regional aid ceiling ⁽⁶¹⁾, on the basis of the following scale:

Eligible expenditure	Adjusted aid ceiling
Up to EUR 50 million	100 % of regional ceiling
For the part between EUR 50 million and EUR 100 million	50 % of regional ceiling
For the part exceeding EUR 100 million	34 % of regional ceiling

Thus, the allowable aid amount for a large investment project will be calculated according to the following formula: maximum aid amount = $R \times (50 + 0,50 \times B + 0,34 \times C)$, where R is the unadjusted regional aid ceiling, B is the eligible expenditure between EUR 50 million and EUR 100 million, and C is the eligible expenditure above EUR 100 million. This is calculated on the basis of the official exchange rates prevailing on the date of the grant of aid, or in the case of aid subject to individual notification, on the date of notification.

⁽⁵⁸⁾ Individually notifiable investment projects will be assessed in accordance with the rules in force at the time of notification.

⁽⁵⁹⁾ Given the wide general scope of these guidelines, the Commission decided that it is not technically feasible to proceed with the establishment of a list of sectors where serious structural difficulties prevail.

⁽⁶⁰⁾ Ad hoc individual aid must always be notified to the Commission. Because of its clear effect on the conditions of trade and competition, the need for a specific justification for the link with regional development applies with greater force to ad hoc individual aid for large individual investment projects.

⁽⁶¹⁾ The starting point for the calculation of the adjusted aid ceiling is always the maximum aid intensity allowed for aid for large enterprises in accordance with section 4.1.2 above. No SME bonuses may be granted to large investment projects.

68. Where the total amount of aid from all sources exceeds 75 % of the maximum amount of aid an investment with eligible expenditure of EUR 100 million could receive, applying the standard aid ceiling in force for large enterprises in the approved regional aid map on the date the aid is to be granted, and where
- (a) the aid beneficiary accounts for more than 25 % of the sales of the product(s) concerned on the market(s) concerned before the investment or will account for more than 25 % after the investment, or
 - (b) the production capacity created by the project is more than 5 % of the market measured using apparent consumption data ⁽⁶²⁾ for the product concerned, unless the average annual growth rate of its apparent consumption over the last five years is above the average annual growth rate of the European Economic Area's GDP,
- the Commission will approve regional investment aid only after a detailed verification, following the opening of the procedure provided for in Article 88(2) of the Treaty, that the aid is necessary to provide an incentive effect for the investment and that the benefits of the aid measure outweigh the resulting distortion of competition and effect on trade between Member States ⁽⁶³⁾.
69. The product concerned is normally the product covered by the investment project ⁽⁶⁴⁾. When the project concerns an intermediate product and a significant part of the output is not sold on the market, the product concerned may be the downstream product. The relevant product market includes the product concerned and its substitutes considered to be such either by the consumer (by reason of the product's characteristics, prices and intended use) or by the producer (through flexibility of the production installations).
70. The burden of proof that the situations to which paragraphs 68(a) and (b) refer do not apply, lies with the Member State ⁽⁶⁵⁾. For the purpose of applying points (a) and (b), sales and apparent consumption will be defined at the appropriate level of the Prodcom classification ⁽⁶⁶⁾, normally in the EEA, or, if such information is not available or relevant, on the basis of any other generally accepted market segmentation for which statistical data are readily available.

4.4. Rules on the cumulation of aid

71. The aid intensity ceilings laid down in sections 4.1 and 4.3 above apply to the total aid:
- where assistance is granted concurrently under several regional schemes or in combination with ad hoc aid;
 - whether the aid comes from local, regional, national or Community sources.
72. Where aid calculated on the basis of material or immaterial investment costs is combined with aid calculated on the basis of wage costs, the intensity ceiling laid down for the region concerned must be respected ⁽⁶⁷⁾.
73. Where the expenditure eligible for regional aid is eligible in whole or in part for aid for other purposes, the common portion will be subject to the most favourable ceiling under the applicable rules.

⁽⁶²⁾ Apparent consumption of the product concerned is production plus imports minus exports.

⁽⁶³⁾ Before the entry into force of these guidelines the Commission will draw up further guidance on the criteria it will take into account during this assessment.

⁽⁶⁴⁾ Where an investment project involves the production of several different products, each of the products needs to be considered.

⁽⁶⁵⁾ If the Member State demonstrates that the aid beneficiary creates a new product market, the tests laid down in paragraph 68 (a) and (b) do not need to be carried out, and the aid will be authorised under the scale in paragraph 67.

⁽⁶⁶⁾ Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production (OJ L 374, 31.12.1991, p. 1).

⁽⁶⁷⁾ This condition is deemed to be met if the sum of the aid for the initial investment, expressed as a percentage of the investment, and of the job creation aid, expressed as a percentage of wage costs, does not exceed the most favourable amount resulting from application of either the ceiling set for the region in accordance with the criteria indicated at section 4.1 or the ceiling set for the region in accordance with the criteria indicated at section 4.3.

74. Where the Member State lays down that State aid under one scheme may be combined with aid under other schemes, it must specify, in each scheme, the method by which it will ensure compliance with the conditions listed above.
75. Regional investment aid shall not be cumulated with *de minimis* support in respect of the same eligible expenses in order to circumvent the maximum aid intensities laid down in these guidelines.

5. Operating aid ⁽⁶⁸⁾

76. Regional aid aimed at reducing a firm's current expenses (operating aid) is normally prohibited. Exceptionally, however, such aid may be granted in regions eligible under the derogation in Article 87(3)(a) provided that (i) it is justified in terms of its contribution to regional development and its nature and (ii) its level is proportional to the handicaps it seeks to alleviate ⁽⁶⁹⁾. It is for the Member State to demonstrate the existence and importance of any handicaps ⁽⁷⁰⁾. In addition, certain specific forms of operating aid can be accepted in the low population density regions and the least populated areas.
77. Operating aid should in principle only be granted in respect of a predefined set of eligible expenditures or costs ⁽⁷¹⁾ and limited to a certain proportion of those costs.
78. Because of the specific nature of financial and intra-group activities, as defined in Section J (codes 65, 66 and 67) and intra-group activities falling within the scope of Section K (code 74) of the NACE code, operating aid granted for these activities has only a very limited likelihood of promoting regional development but a very high risk of distorting competition, as stated in the Commission notice on the application of the State aid rules to measures relating to direct business taxation ⁽⁷²⁾. The Commission will therefore not approve any operating aid to the financial services sector, or for intra-group activities under these guidelines unless such aid is granted under general schemes which are open to all sectors and which are designed to offset additional transport or employment costs. Operating aid intended to promote exports is likewise excluded.
79. Because it is intended to overcome delays and bottlenecks in regional development, except as provided for in paragraphs 80 and 81, operating aid should always be temporary and reduced over time, and should be phased out when the regions concerned achieve real convergence with the wealthier areas of the EU ⁽⁷³⁾.
80. In derogation from the previous paragraph, operating aid which is not both progressively reduced and limited in time may only be authorised:
- in the outermost regions, in so far as it is intended to offset the additional costs arising in the pursuit of economic activity from the factors identified in Article 299(2) of the Treaty, the permanence and combination of which severely restrain the development of such regions (remoteness, insularity, small size, difficult topography and climate, and economic dependence on a few products) ⁽⁷⁴⁾;

⁽⁶⁸⁾ Like other forms of regional aid, the granting of operating aid is always subject to the specific rules which may apply in particular sectors.

⁽⁶⁹⁾ Operating aid takes the form in particular of tax exemptions or reductions in social security contributions which are not linked to eligible investment costs.

⁽⁷⁰⁾ The Commission is currently studying the feasibility of establishing a methodology for evaluating the additional costs in the outermost regions.

⁽⁷¹⁾ For example, replacement investments, transport costs or labour costs.

⁽⁷²⁾ OJ C 384, 10.12.1998, p. 3.

⁽⁷³⁾ This principle of degressivity must also be respected when new operating aid schemes are notified to replace existing ones. However, flexibility as regards the application of this principle may be permitted in the case of operating aid schemes designed to address the geographical handicaps of particular areas located within Article 87(3)(a) regions.

⁽⁷⁴⁾ In view of the constraints faced by the outermost regions, except in the cases referred to in paragraph 78, the Commission considers that operating aid of up to 10 % of the turnover of the beneficiary may be awarded without the need for specific justification. It is the task of the Member State to demonstrate that any proposed aid above this amount is justified in terms of its contribution to regional development, and that its level is proportional to the additional costs linked to the factors identified in Article 299(2) which it is intended to offset.

- in the least populated regions, in so far as it is intended to prevent or reduce the continuing depopulation of these regions ⁽⁷⁵⁾. The least populated regions represent or belong to regions at NUTS-II level with a population density of 8 inhabitants per km² or less and extend to adjacent and contiguous smaller areas meeting the same population density criterion.
81. In addition, in the outermost regions and low population density regions, aid which is not both progressively reduced and limited in time and which is intended partly to offset additional transport costs may be authorized under the following conditions:
- aid may serve only to compensate for the additional cost of transport, taking into account other schemes of assistance to transport. While the amount of aid may be calculated on a representative basis, systematic overcompensation must be avoided;
 - aid may be given only in respect of the extra cost of transport of goods produced in the outermost regions and low population density regions inside the national borders of the country concerned. It must not be allowed to become export aid. No aid may be given towards the transport or transmission of the products of businesses without an alternative location (products of the extractive industries, hydroelectric power stations, etc.);
 - for the outermost regions only, aid may also cover the cost of transporting primary commodities, raw materials or intermediate products from the place of their production to the place of final processing in the region concerned;
 - the aid must be objectively quantifiable in advance, on the basis of an aid-per-passenger or aid-per-ton/kilometer ratio, and there must be an annual report drawn up which, among other things, shows the operation of the ratio or ratios;
 - the estimate of additional cost must be based on the most economical form of transport and the shortest route between the place of production or processing and commercial outlets using that form of transport; external costs to the environment should also be taken into account.
82. In all cases, the need for and level of operating aid should be regularly re-examined to ensure its long-term relevance to the region concerned. The Commission will therefore only approve operating aid schemes for the duration of these guidelines.
83. In order to verify the effects on trade and competition of operating aid schemes, Member States will be required to provide each year a single report in respect of each NUTS-II region in which operating aid is granted which provides a breakdown of total expenditure, or estimated income forgone, for each operating aid scheme approved in the region concerned and identifies the ten largest beneficiaries of operating aid in the region concerned ⁽⁷⁶⁾, specifying the sector(s) of activity of the beneficiaries and the amount of aid received by each.

6. Aid for newly created small enterprises

84. While newly created small enterprises encounter difficulties throughout the EU, it appears that the economic development of the assisted regions is hindered by relatively low levels of entrepreneurial activity and in particular by even lower than average rates of business start-ups. It therefore appears necessary to introduce a new form of aid, which can be granted in addition to regional investment aid, in order to provide incentives to support business start-ups and the early stage development of small enterprises in the assisted areas.

⁽⁷⁵⁾ It is the task of the Member State to demonstrate that the aid proposed is necessary and appropriate to prevent or reduce continuing depopulation.

⁽⁷⁶⁾ In terms of the amount of aid received.

85. In order to ensure that it is effectively targeted, it appears that this type of aid should be graduated according to the difficulties faced by each category of region. Furthermore, in order to avoid an unacceptable risk of distortions of competition, including the risk of crowding-out existing enterprises, the aid should, for an initial period at least, be strictly limited to small enterprises, limited in amount and degressive.
86. The Commission will accordingly approve aid schemes which provide aid of up to a total of EUR 2 million per enterprise ⁽⁷⁷⁾ for small enterprises with their economic activity in regions eligible for the derogation in Article 87(3)(a), and up to EUR 1 million per enterprise for small enterprises with their economic activity in regions eligible for the derogation in Article 87(3)(c). Annual amounts of aid awarded for newly created small enterprises must not exceed 33 % of the abovementioned total amounts of aid per enterprise.
87. The eligible expenses are legal, advisory, consultancy and administrative costs directly related to the creation of the enterprise, as well as the following costs, insofar as they are actually incurred within the first five years of the creation of the enterprise thereafter: ⁽⁷⁸⁾
- interests on external finance and a dividend on own capital employed not exceeding the reference rate;
 - fees for renting production facilities/equipment;
 - energy, water, heating, taxes (other than VAT and corporate taxes on business income) and administrative charges;
 - depreciation, fees for leasing production facilities/equipment as well as wage costs including compulsory social charges may also be included provided that the underlying investments or job creation and recruitment measures have not benefited from other forms of aid.
88. The aid intensity may not exceed
- in Article 87(3)(a) regions, 35 % of eligible expenses incurred in the first three years after the creation of the enterprise, and 25 % in the two years thereafter;
 - in Article 87(3)(c) regions, 25 % of eligible expenses incurred in the first three years after the creation of the enterprise, and 15 % in the two years thereafter.
89. These intensities are increased by 5 % in Article 87(3)(a) regions with a GDP per capita of less than 60 % of the EU-25 average, in regions with a population density of less than 12.5 inhabitants/km² and in small islands with a population of less than 5 000, and other communities of the same size suffering from similar isolation.
90. The Member State shall put in place the necessary system to ensure that the upper limits for the amount of aid and the relevant aid intensity in relation to the eligible costs concerned are not exceeded. In particular, the aid provided for in this chapter shall not be cumulated with other public support (including *de minimis* support) in order to circumvent the maximum aid intensities or amounts laid down.
91. Granting aid designed exclusively for newly created small enterprises may produce perverse incentives for existing small enterprises to close down and re-open in order to receive this type of aid. Member States should be aware of this risk and should design aid schemes in such a way as to avoid this problem, for example by placing limits on applications from owners of recently closed firms.

⁽⁷⁷⁾ Eligible enterprises are small enterprises within the meaning of Article 2 of Annex I to Commission Regulation (EC) No 364/2004 or any successor regulation, which are autonomous within the meaning of Article 3 of the Annex to Commission Regulation (EC) No 364/2004 and which have been created less than five years ago.

⁽⁷⁸⁾ VAT and direct business profit/income taxes are not included in the eligible expenses.

7. Transitional arrangements

7.1. *Reductions of aid intensities for regions remaining within Article 87(3)(a) on 1 January 2007*

92. Where the implementation of these guidelines will result in a reduction in maximum aid intensities of more than 15 percentage points, net to gross ⁽⁷⁹⁾, the reduction may be implemented in two stages with the initial reduction of a minimum of 10 percentage points being applied on 1 January 2007, and the balance on 1 January 2011.

7.2. *Reductions of aid intensities in the economic development regions*

93. Provided the areas concerned are proposed by the Member State as eligible for regional aid under Article 87(3)(c) for the whole period 2007-2013, the reduction of aid intensities for the economic development regions may take place in two stages. A reduction of at least 10 percentage points net to gross shall be applied on 1 January 2007. As necessary to meet the new aid intensities allowed under these guidelines, a final reduction shall be applied at the latest on 1 January 2011 ⁽⁸⁰⁾.

7.3. *Phasing-out of operating aid*

94. For regions which lose their capacity to grant operating aid as a result of the loss of eligibility under Article 87(3)(a), the Commission can accept a linear phasing out of operating aid schemes over a two-year period from the date of the loss of eligibility to grant such aid.

7.4. *Phasing out of Article 87(3)(c) regions*

95. Following the entry into force of these guidelines, a number of regions will lose their eligibility for regional investment aid. In order to facilitate the smooth transition of these regions to the reformed horizontal State aid regime which is progressively being put in place through the implementation of the State aid action plan, Member States may exceptionally designate additional regions to be eligible for regional aid under Article 87(3)(c) until 1 January 2009, provided that the following conditions are met:

- the regions concerned were eligible for regional aid under Article 87(3)(c) on 31 December 2006;
- the combined total population of the regions eligible for regional investment aid under Article 87(3)(c) pursuant to the allocation of population coverages referred to in paragraphs 27 and 28 and those designated in accordance with this provision shall not exceed 66 % of the national population eligible for regional aid under Article 87(3)(c) on 31 December 2006 ⁽⁸¹⁾;
- the maximum aid intensity permitted in the additional regions designated in accordance with this provision shall not exceed 10 %.

⁽⁷⁹⁾ I.e. from 50 % net grant equivalent to 30 % gross grant equivalent.

⁽⁸⁰⁾ Since Northern Ireland benefited from a specific provision in the regional aid guidelines for the period 2000-2006, the application of the same transitional arrangement is also justified.

⁽⁸¹⁾ After exclusion of those regions which were eligible for regional aid under Article 87(3)(c) on 31 December 2006 and which qualify for aid under the present guidelines by virtue of other provisions (statistical effect regions, economic development regions, low population density regions). The resulting allocations are set out in Annex V.

8. Regional aid maps and declaration of compatibility

96. The regions of a Member State eligible for regional investment aid under the derogations and the ceilings on the intensity of aid for initial investment ⁽⁸²⁾ approved for each region together form a Member State's regional aid map. The regional aid map also defines the regions eligible to grant enterprise aid. Operating aid schemes are not covered by the regional aid maps, and are assessed on a case by case basis on the basis of a notification by the Member State concerned pursuant to Article 88(3) of the Treaty.
97. The Court of Justice has ruled that the 'decisions' by which the Commission adopts the regional aid maps for each Member State should be construed as forming an integral part of the guidelines on regional aid and as having binding force only on condition that they have been accepted by Member States. ⁽⁸³⁾
98. Furthermore, it should be recalled that the regional aid maps also define the scope of any group exemption exempting regional aid from the notification obligation under Article 88(3) of the Treaty, whether such aid is granted on the basis of Regulation (EC) No 70/2001 ⁽⁸⁴⁾, or on the basis of a possible future exemption regulation for other forms of regional aid. Article 1(1)(b) of Regulation (EC) No 994/98 ⁽⁸⁵⁾ provides only for the exemption of 'aid that complies with the map approved by the Commission for each Member State for the grant of regional aid'.
99. Under these guidelines, depending on the socio-economic situation of the Member States, the regional aid map will include:
- (1) regions which can be identified on the basis of the criteria set out in these guidelines and in respect of which maximum aid intensities are defined by these guidelines. These are the regions eligible for the derogation under Article 87(3)(a) and the statistical effect regions.
 - (2) regions which are to be designated by Member States for eligibility for regional aid in accordance with Article 87(3)(c) up to the limit for population coverage determined in accordance with section 3.4.1.
100. Of course, provided they respect the conditions set out in these guidelines, it is the responsibility of the Member States themselves to decide whether they wish to grant regional investment aid and up to what level. As soon as possible after the publication of these guidelines, each Member State should accordingly notify to the Commission, in accordance with Article 88(3) of the Treaty, a single regional aid map covering its entire national territory.
101. The Commission will examine the notifications in accordance with the procedure set out in Article 88(3) of the Treaty. At the conclusion of its examination, it will publish the approved regional aid maps in the *Official Journal of the European Union*. These maps will take effect on 1 January 2007, or their date of publication if later, and will be considered an integral part of the present guidelines.
102. The notification should clearly identify the regions proposed for eligibility under Article 87(3)(a) or (c), and the aid intensities envisaged for large companies, taking account of adjustments in the regional aid ceiling for large investment projects. Where for certain regions, transitional rules will apply, or where a change of aid intensity is anticipated, the relevant periods and aid intensities should be detailed.

⁽⁸²⁾ As adjusted in accordance with paragraph 67 in the case of individually notifiable aid for large investment projects.

⁽⁸³⁾ Judgment of 18 June 2002 in Case C-242/00 Germany v. Commission.

⁽⁸⁴⁾ Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises (OJ L 10, 13.1.2001, p. 33), as amended by Commission Regulation (EC) No 364/2004 of 25 February 2004 amending Regulation (EC) No 70/2001 as regards the extension of its scope to include aid for research and development (OJ L 63, 28.2.2004, p. 22).

⁽⁸⁵⁾ Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid OJ L 142, 14.5.1998, p. 1.

103. Given that the regions eligible for support under Article 87(3)(a) and the statistical effect regions are determined exogenously at the NUTS-II level, it will not normally be necessary to provide detailed supporting socio-economic data. On the other hand detailed supporting information should be given to explain the designation of the Article 87(3)(c) regions, other than the economic development, the low population density and the border regions, including the detailed identification of the regions concerned, population data, information on GDP and unemployment levels in the regions concerned, and any other relevant information.
104. In order to ensure continuity, which is essential for long-term regional development, the list of regions notified by Member States should in principle apply throughout the period 2007-2013. It may, however, be subject to a mid-term review in 2010. Any Member State wishing to amend the list of regions eligible for aid under Article 87(3)(c) or the applicable aid intensities must submit a notification to the Commission before 1 April 2010 at the latest. Any changes of region in this context may not exceed 50 % of the total coverage allowed for the Member State under Article 87(3)(c). With the exception of the statistical effect regions, regions which lose their eligibility for regional aid coverage as a result of this mid-term review will not be eligible for any transitional support. Moreover, Member States may at any time notify to the Commission a request to add further regions to the list until such time as the relevant population coverage is reached.

9. Entry into force, implementation, transparency and review

105. The Commission intends to apply these guidelines to all regional aid to be granted after 31 December 2006. Regional aid awarded or to be granted before 2007 will be assessed in accordance with the 1998 guidelines on national regional aid.
106. Since they must be coherent with the regional aid map, notifications of regional aid schemes, or ad hoc aid to be granted after 31 December 2006, cannot normally be considered complete until the regional aid map has been adopted for the Member State concerned in accordance with the arrangements described in section 8. Accordingly, the Commission will not normally examine notifications of regional aid schemes which are to apply after 31 December 2006, or ad hoc aid to be granted after that date, until the adoption of the regional aid map for the Member State concerned⁽⁸⁶⁾. The same applies to aid schemes for newly created small enterprises covered by section 6 of these guidelines.
107. The Commission considers that the implementation of these guidelines will lead to substantial changes in the rules applicable to regional aid throughout the Community. Furthermore, in the light of the changed economic and social conditions prevailing in the EU, it appears necessary to review the continuing justification for and effectiveness of all regional aid schemes, including both investment aid and operating aid schemes. For these reasons, the Commission will propose the following appropriate measures to Member States pursuant to Article 88(1) of the Treaty:
- without prejudice to Article 10(2) of Regulation (EC) No 70/2001⁽⁸⁷⁾ on the application of Articles 87 and 88 of the Treaty to State aid for small and medium-sized enterprises, as amended by Regulation (EC) No 364/2004⁽⁸⁸⁾ and to Article 11(2) of Regulation (EC) No 2204/2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment⁽⁸⁹⁾, Member States shall limit the application in time of all existing regional aid schemes to aid to be granted on or before 31 December 2006;

⁽⁸⁶⁾ The Commission informs the Member States that in order to reduce that burden of the obligation of notification to the maximum extent possible, it intends to make use of the powers conferred on it by Regulation (EC) No 994/98 to exempt from notification under Article 88(3) of the Treaty all transparent regional investment aid schemes which comply with the national regional aid map approved for the Member State concerned. Ad hoc individual aid and operating aid schemes will not be exempt from notification. Moreover, the information and individual notification requirements for large individual aid projects set out in section 4.3 of these guidelines will continue to apply, including in the case of aid which is granted under exempted schemes.

⁽⁸⁷⁾ OJ L 10, 13.1.2001, p. 33.

⁽⁸⁸⁾ OJ L 63, 28.2.2004, p. 22.

⁽⁸⁹⁾ OJ L 337, 13.12.2002, p. 3.

- where environment aid schemes allow regional investment aid to be granted for environmental investments pursuant to footnote 29 of the Community guidelines on State aid for environmental protection ⁽⁹⁰⁾, Member States shall amend the relevant schemes in order to ensure that aid may only be granted after 31 December 2006 if it complies with the regional aid map in force on the date the aid is granted;
- Member States shall as necessary amend other existing aid schemes in order to ensure that any regional bonuses such as those allowed for training aid, aid for research and development or environment aid may only be granted after 31 December 2006 in areas which are eligible for support under Article 87(3)(a) or (c) in accordance with the regional aid map adopted by the Commission in force on the date the aid is granted.

The Commission will invite Member States to confirm their acceptance of these proposals within one month.

108. In addition, the Commission considers that further measures are necessary to improve the transparency of regional aid in an enlarged union. In particular, it appears necessary to ensure that the Member States, economic operators, interested parties and indeed the Commission itself should have easy access to the full text of all applicable regional aid schemes in the EU. The Commission considers that this can easily be achieved through the establishment of linked internet sites. For this reason, when examining regional aid schemes, the Commission will systematically seek an undertaking from the Member State that the full text of the final aid scheme will be published on the internet and that the internet address of the publication will be communicated to the Commission. Projects for which expenses were incurred before the date of publication of the scheme will not be eligible for regional aid.
109. The Commission may decide to review or amend these guidelines at any time if this should be necessary for reasons associated with competition policy or in order to take account of other Community policies and international commitments.
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⁽⁹⁰⁾ OJ C 37, 3.2.2001, p. 3.

ANNEX I

Definition of the steel industry

The steel industry, for the purposes of these guidelines consists of the undertakings engaged in the production of the steel products listed below:

Product	Combined Nomenclature Code ⁽¹⁾
Pig iron	7201
Ferro-alloys	7202 11 20, 7202 11 80, 7202 99 11
Ferrous products obtained by direct reduction of iron ore and other spongy ferrous products	7203
Iron and non-alloy steel	7206
Semi-finished products of iron or non-alloy steel	7207 11 11, 7207 11 14, 7207 11 16, 7207 12 10, 7207 19 11, 7207 19 14, 7207 19 16, 7207 19 31, 7207 20 11, 7207 20 15, 7207 20 17, 7207 20 32, 7207 20 51, 7207 20 55, 7207 20 57, 7207 20 71
Flat rolled products of iron and non-alloy steel	7208 10 00, 7208 25 00, 7208 26 00, 7208 27 00, 7208 36 00, 7208 37, 7208 38, 7208 39, 7208 40, 7208 51, 7208 52, 7208 53, 7208 54, 7208 90 10, 7209 15 00, 7209 16, 7209 17, 7209 18, 7209 25 00, 7209 26, 7209 27, 7209 28, 7209 90 10, 7210 11 10, 7210 12 11, 7210 12 19, 7210 20 10, 7210 30 10, 7210 41 10, 7210 49 10, 7210 50 10, 7210 61 10, 7210 69 10, 7210 70 31, 7210 70 39, 7210 90 31, 7210 90 33, 7210 90 38, 7211 13 00, 7211 14, 7211 19, 7211 23 10, 7211 23 51, 7211 29 20, 7211 90 11, 7212 10 10, 7212 10 91, 7212 20 11, 7212 30 11, 7212 40 10, 7212 40 91, 7212 50 31, 7212 50 51, 7212 60 11, 7212 60 91
Bars and rods, hot rolled, in irregularly wound coils, of iron or non alloy steel	7213 10 00, 7213 20 00, 7213 91, 7213 99
Other bars and rods of iron and non-alloy steel	7214 20 00, 7214 30 00, 7214 91, 7214 99, 7215 90 10
Angles, shapes and sections of iron or non-alloy steel	7216 10 00, 7216 21 00, 7216 22 00, 7216 31, 7216 32, 7216 33, 7216 40, 7216 50, 7216 99 10
Stainless steel	7218 10 00, 7218 91 11, 7218 91 19, 7218 99 11, 7218 99 20
Flat-rolled products of stainless steel	7219 11 00, 7219 12, 7219 13, 7219 14, 7219 21, 7219 22, 7219 23 00, 7219 24 00, 7219 31 00, 7219 32, 7219 33, 7219 34, 7219 35, 7219 90 10, 7220 11 00, 7220 12 00, 7220 20 10, 7220 90 11, 7220 90 31
Bars and rods of stainless steel	7221 00, 7222 11, 7222 19, 7222 30 10, 7222 40 10, 7222 40 30
Flat rolled products of other alloy steel	7225 11 00, 7225 19, 7225 20 20, 7225 30 00, 7225 40, 7225 50 00, 7225 91 10, 7225 92 10, 7225 99 10, 7226 11 10, 7226 19 10, 7226 19 30, 7226 20 20, 7226 91, 7226 92 10, 7226 93 20, 7226 94 20, 7226 99 20

Product	Combined Nomenclature Code ⁽¹⁾
<i>Bars and rods of other alloys steels</i>	7224 10 00, 7224 90 01, 7224 90 05, 7224 90 08, 7224 90 15, 7224 90 31, 7224 90 39, 7227 10 00, 7227 20 00, 7227 90, 7228 10 10, 7228 10 30, 7228 20 11, 7228 20 19, 7228 20 30, 7228 30 20, 7228 30 41, 7228 30 49, 7228 30 61, 7228 30 69, 7228 30 70, 7228 30 89, 7228 60 10, 7228 70 10, 7228 70 31, 7228 80
<i>Sheet piling</i>	7301 10 00
<i>Rails and cross ties</i>	7302 10 31, 7302 10 39, 7302 10 90, 7302 20 00, 7302 40 10, 7302 10 20
<i>Seamless tubes, pipes and hollow profiles</i>	7303, 7304
<i>Welded iron or steel tubes and pipes, the external diameter of which exceeds 406,4 mm</i>	7305

⁽¹⁾ OJ L 279, 23.10.2001, p. 1.

ANNEX II

Definition of the synthetic fibres industry

The synthetic fibres industry is defined, for the purposes of these guidelines, as:

- extrusion/texturisation of all generic types of fibre and yarn based on polyester, polyamide, acrylic or polypropylene, irrespective of their end-uses, or
- polymerisation (including polycondensation) where it is integrated with extrusion in terms of the machinery used, or
- any ancillary process linked to the contemporaneous installation of extrusion/texturisation capacity by the prospective beneficiary or by another company in the group to which it belongs and which, in the specific business activity concerned, is normally integrated with such capacity in terms of the machinery used.

ANNEX III

Form for the provision of summary information for aid for large investment projects requested in paragraph 65

- (1) Aid in favour of (name of the company/companies receiving the aid):
- (2) Aid scheme reference (Commission reference of the existing scheme or schemes under which the aid is awarded):
- (3) Public entity/entities providing the assistance (name and co-ordinates of the granting authority or authorities):
- (4) Member State where the investment takes place:
- (5) Region (NUTS-III level) where the investment takes place:
- (6) Municipality (previously NUTS-V level, now LAU 2) where the investment takes place:
- (7) Type of project (setting-up of a new establishment, extension of existing establishment, diversification of output of existing establishment into new, additional products, fundamental change in the overall production process of an existing establishment):
- (8) Products manufactured or services provided on the basis of the investment project (with PRODCOM/NACE nomenclature or CPA nomenclature for projects in the service sectors):
- (9) Short description of investment project:
- (10) Discounted eligible cost of investment project (in EUR):
- (11) Discounted aid amount (gross) in EUR:
- (12) Aid intensity (% in GGE):
- (13) Conditions attached to the payment of the proposed assistance (if any):
- (14) Planned start and end date of the project:
- (15) Date of award of the aid:

ANNEX IV

Method for allocation of population shares in assisted Article 87(3)(c) areas across Member States

The guiding principle behind the allocation of eligible population figures is to attribute them according to the observed **degree of regional disparities** within and between different Member States.

These disparities are captured through two indicators the Gross Domestic Product per capita in Purchasing Power Standard (**GDP per capita in PPS**) and the **unemployment** level. The method calculates the disparities leaving aside all assisted Article 87(3)(a) regions and the 'statistical effect' as well as the economic development regions and the low population density regions. The data employed in the calculation is the average for the last three years for which data is available, 2000-2002 for GDP per capita and 2001-2003 for unemployment at national and EU-25 level.

The methodology is applied in three sequential steps:

Step I

In order to verify the referred disparity two **thresholds are used**. Regions at the NUTS-III level definition must have a GDP per capita below 85 % or an unemployment level of more than 115 % of the national average (MS = 100). As far as the unemployment level is concerned, it is considered that sufficient disparity is attained if the region in question has an unemployment figure that is 50 % higher than the national average.

Step II

To take into account the relative position of the Member State with respect to the EU-25 average the thresholds of 85 for GDP per capita and 115 for unemployment are modified according to the following formulas:

$$\text{Adjusted GDP threshold } GDP = 85 \times \left(\frac{1 + \frac{100}{RMS}}{2} \right)$$

$$\text{Adjusted unemployment threshold } Unemployment = \text{MIN} \left[150; 115 \times \left(\frac{1 + \frac{100}{RMS}}{2} \right) \right]$$

where RMS is the relative position of the MS to the EU 25 average in %.

The introduction of these corrections implies that regions in richer Member States should show a lower GDP per capita in comparison with the national average in order to qualify for the criteria of sufficient disparity. Regions in Member States with a low unemployment should have to show a higher level of unemployment although capped at the 150 % unemployment level. On the contrary, regions in poorer Member States can have a higher GDP per capita than 85 and regions in Member States with a high unemployment can prove sufficient disparity with an unemployment level below 115.

Examples of application of correction formulas

Relative position of the Netherlands (EU-25 =100): GDP per capita 122,5, Unemployment 32,9.

After application of the mentioned correction formulas the thresholds for the Netherlands shift from 85 to 77,2 for GDP per capita and from 115 to 150 for unemployment.

Relative position of Greece (EU-25 =100): GDP per capita 74,5, Unemployment 111,7

After application of the mentioned correction formulas the thresholds employed for Greece shift from 85 to 99,5 for GDP per capita and from 115 to 109,0 for unemployment.

Step III

The next step is to verify which areas not eligible for regional aid pursuant to Article 87(3)(a) or not specifically allocated as areas eligible for Article 87(3)(c) qualify for the sufficient disparity criteria. The population for all the NUTS-III areas that verify these criteria are added together for each Member State. Then the total population figure of all areas fulfilling these criteria for the EU-25 is calculated as well as the percentage that each Member State represents in this total. These respective percentages are then considered to be the **Repartition Key** for shares of population coverage allowed.

If the decision of the Commission is to allow coverage of 42 % of the EU-25 population to live in assisted areas, the population of all assisted Article 87(3)(a) and earmarked Article 87(3)(c) areas are deducted from this figure. The remaining quantity is distributed among the Member States according to the **Repartition Key**.

In addition and also since it is not feasible to prove any internal disparity for Member States with no NUTS-III regional breakdown (Luxemburg and Cyprus) a safety net is applied to guarantee that no Member State can have its assisted areas coverage reduced by more than 50 % Article (87(3)(a) and (c) areas taken together) than that under the 1998 Regional Aid Guidelines. The aim is to ensure that all Member States are allocated a margin providing sufficient flexibility for an effective regional development policy.

ANNEX V

Regional aid coverage, 2007-2013

Belgium	Regions	GDP/CAP ⁽¹⁾	Population covered
Article 87(3)(a)	...		
Statistical effect	Hainaut	75,45	
			12,4 %
Article 87(3)(c)			13,5 %
Total population coverage 2007-2013			25,9 %

⁽¹⁾ GDP per capita 2000-2002, PPS, EU-25 = 100 (Eurostat news release 47/2005 of 7.4.2005).

Czech Republic	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Střední Morava	52,03	
	Severozápad	53,29	
	Střední Čechy	54,35	
	Moravskoslezsko	55,29	
	Severovýchod	55,59	
	Jihovýchod	58,17	
	Jihozápad	60,41	
			88,6 %
Statistical effect			
Article 87(3)(c)			
Total population coverage 2007-2013			88,6 %
Transitional additional coverage 2007-2008 under Article 87(3)(c)			7,7 %

Denmark	Population covered
Article 87(3)(a) ...	
Statistical effect ...	
Article 87(3)(c)	8,6 %
Total population coverage 2007-2013	8,6 %
Transitional additional coverage 2007-2008 under Article 87(3)(c)	2,7 %

Germany	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Dessau	65,99	
	Chemnitz	69,63	
	Brandenburg-Nordost	70,64	
	Magdeburg	72,27	
	Mecklenburg-Vorpommern	72,56	
	Thüringen	73,10	
	Dresden	74,95	
			12,5 %
Statistical effect	Halle	75,07	
	Leipzig	77,12	
	Brandenburg-Südwest	77,45	
	Lüneburg	81,80	
			6,1 %
Article 87(3)(c)			11,0 %
Total population coverage 2007-2013			29,6 %
Estonia	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Estonia	44,94	100 %
Greece	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Dytiki Ellada	56,30	
	Anatoliki Makedonia, Thraki	57,40	
	Ipeiros	59,30	
	Thessalia	62,90	
	Ionia Nisia	65,53	
	Kriti	72,27	
	Peloponnisos	73,71	
	Voreio Aigaio	74,29	
			36,6 %
Statistical effect	Kentriki Makedonia	75,89	
	Dytiki Makedonia	76,77	
	Attiki	78,98	
			55,5 %
Article 87(3)(c)			7,9 %
Total population coverage 2007-2013			100,0 %

Spain	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Extremadura	59,89	
	Andalucia	69,29	
	Galicia	73,36	
	Castilla-La Mancha	74,75	
	Canarias	87,79	
			36,2 %
Statistical effect	Asturias	79,33	
	Murcia	79,37	
	Ceuta	79,64	
	Melilla	79,72	
			5,8 %
Article 87(3)(c)			17,7 %
Total population coverage 2007-2013			59,6 %
Transitional additional coverage 2007-2008 under Article 87(3)(c)			12,4 %
France	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Guyane	56,76	
	Réunion	60,63	
	Guadeloupe	67,32	
	Martinique	74,88	
			2,9 %
Statistical effect ...			
Article 87(3)(c)			15,5 %
Total population coverage 2007-2013			18,4 %
Transitional additional coverage 2007-2008 under Article 87(3)(c)			6,9 %
Ireland			Population covered
Article 87(3)(a) ...			
Statistical effect ...			
Article 87(3)(c)			50,0 %
Total population coverage 2007-2013			50,0 %
Transitional additional coverage 2007-2008 under Article 87(3)(c)			25,0 %

Italy	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Calabria	67,93	
	Campania	71,78	
	Sicilia	71,98	
	Puglia	72,49	
			29,2 %
Statistical effect	Basilicata	77,54	
			1,0 %
Article 87(3)(c)			3,9 %
Total population coverage 2007-2013			34,1 %
Transitional additional coverage 2007-2008 under Article 87(3)(c)			5,6 %
Cyprus			Population covered
Article 87(3)(a) ...			
Statistical effect ...			
Article 87(3)(c)			50,0 %
Total population coverage 2007-2013			50,0 %
Transitional additional coverage 2007-2008 under Article 87(3)(c)			16,0 %
Latvia	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Latvia	37,28	100 %
Lithuania	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Lithuania	40,57	100 %
Luxembourg			Population covered
Article 87(3)(a) ...			
Statistical effect ...			
Article 87(3)(c)			16,0 %
Total population coverage 2007-2013			16,0 %
Transitional additional coverage 2007-2008 under Article 87(3)(c)			5,1 %

Hungary		GDP/CAP	Population covered
Article 87(3)(a)	Észak Magyarország	36,10	
	Észak Alföld	36,31	
	Dél Alföld	39,44	
	Dél Dunántúl	41,36	
	Közép Dunántúl	52,28	
	Nyugat Dunántúl	60,37	
			72,2 %
Statistical effect ...			
Article 87(3)(c) ...			27,8 %
Total population coverage 2007-2013			100,0 %
Malta		GDP/CAP	Population covered
Article 87(3)(a)	Malta	74,75	100 %
Netherlands			Population covered
Article 87(3)(a) ...			
Statistical effect ...			
Article 87(3)(c)			7,5 %
Total population coverage 2007-2013			7,5 %
Transitional additional coverage 2007-2008 under Article 87(3)(c)			2,4 %
Austria			Population covered
Article 87(3)(a) ...			
Statistical effect	Burgenland	81,50	3,4 %
Article 87(3)(c)			19,1 %
Total population coverage 2007-2013			22,5 %

Poland	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Lubelskie	32,23	
	Podkarpackie	32,80	
	Warminsko-Mazurskie	34,70	
	Podlaskie	35,05	
	Swietokrzyskie	35,82	
	Opolskie	38,28	
	Malopolskie	39,81	
	Lubuskie	41,09	
	Lódzkie	41,45	
	Kujawsko-Pomorskie	41,80	
	Pomorskie	45,75	
	Zachodniopomorskie	46,29	
	Dolnoslaskie	47,52	
	Wielkopolskie	48,18	
	Slaskie	50,62	
	Mazowieckie	68,77	
			100 %
Portugal	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Norte	61,94	
	Centro (PT)	63,08	
	Alentejo	65,72	
	Açores	61,61	
	Madeira	87,84	
			70,1
Statistical effect	Algarve	80,05	3,8 %
Article 87(3)(c) ...			2,8 %
Total population coverage 2007-2013			76,7 %
Transitional additional coverage 2007-2008 under Article 87(3)(c)			19,2 %
Slovenia	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Slovenia	74,40	100 %

Slovakia	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Východné Slovensko	37,21	
	Stredné Slovensko	40,72	
	Západné Slovensko	45,42	
			88,9 %
Statistical effect ...			
Article 87(3)(c) ...			
Total population coverage 2007-2013			88,9 %
Transitional additional coverage 2007-2008 under Article 87(3)(c)			7,5 %
Finland			Population covered
Article 87(3)(a) ...			
Statistical effect ...			
Article 87(3)(c)			33,0 %
Total population coverage 2007-2013			33,0 %
Sweden			Population covered
Article 87(3)(a) ...			
Statistical effect ...			
Article 87(3)(c)			15,3 %
Total population coverage 2007-2013			15,3 %
United Kingdom	Regions	GDP/CAP	Population covered
Article 87(3)(a)	Cornwall & Isles of Scilly	70,16	
	West Wales and the Valleys	73,98	
			4,0 %
Statistical effect	Highlands and Islands	77,71	0,6 %
Article 87(3)(c)			19,3 %
Total population coverage 2007-2013			23,9 %