

LEGAL ALERT

STATE AID

AMENDMENTS TO THE GENERAL BLOCK EXEMPTION REGULATION

The [General Block Exemption Regulation](#), Regulation (EU) No 651/2014 (GBER), was recently amended by [Regulation \(EU\) No 2023/1315](#) (Regulation 2023/1315), which entered into force on 24 June 2023.

Regulation 2023/1315 introduces several amendments to the GBER, including new thresholds and new maximum aid intensities per investment type, which have been revised upwards.

The table below, reflects a significant part of the new thresholds and maximum aid intensities, as a rule per company, according to the type of investment, resulting from the recent revision of the GBER.

Type of investment	Maximum amount of public funding (usually per project and per company)	Maximum aid intensity		
		Large enterprise	Medium enterprise	Small enterprise
Investment aid to SMEs (Article 17)	EUR 8.25 million		10%	20%
Consultancy in favour of SMEs (Article 18)	EUR 2.2 million		50%	50%
Aid to SMEs for participation in fairs (Article 19)	EUR 2.2 million		50%	50%
Limited amounts of aid for SMEs benefitting from community-led local development (CLLD) projects (Article 19b)	EUR 200 000 per project			
Aid to SMEs in the form of temporary public interventions concerning the supply of electricity, gas or heat produced from natural gas or electricity to mitigate the impact of price increases following Russia's war of aggression against Ukraine (Article 19d)	EUR 2 million per beneficiary and calendar year			Maximum of 70% of the beneficiary's natural gas or electricity consumption.
Costs incurred by undertakings participating in European Territorial Cooperation projects (Article 20)	EUR 2.2 million	Maximum co-financing rate provided for in Regulation (EU) 1303/2013 or Regulation (EU) 2021/1060 and/or Regulation (EU) 2021/1059, as applicable.		
SME risk finance aid (Article 21)	EUR 16.5 million		Guarantees up to 80% / Capital up to 25%	
Fundamental Research (Article 25)	EUR 55 million	100%	100%	100%
Industrial Research (Article 25)	EUR 35 million	50% + 5% Assisted area + 15% effective collaboration + 25% with open invitation Cap 80%	60% + 5% Assisted area + 15% effective collaboration + 25% with open invitation Cap 80%	70% + 5% Assisted area + 15% effective collaboration + 25% with open invitation Cap 80%
Experimental Development (Article 25)	EUR 25 million	25% + 5% Assisted area + 15% effective collaboration	35% + 5% Assisted area + 15% effective collaboration	45% + 5% Assisted area + 15% effective collaboration

		+ 25% with open invitation <i>Cap</i> 80%	+ 25% with open invitation <i>Cap</i> 80%	+ 25% with open invitation <i>Cap</i> 80%
Feasibility studies in preparation for research activities (Article 25)	EUR 8.25 million	50%	60%	70%
Aid involved in the co-funding of projects supported by the European Defence Fund or the European Defence Industrial Development Programme (Article 25e)	EUR 80 million	100%		
Investment aid for research infrastructures (Article 26)	EUR 35 million per infrastructure	50% + 10% with participation of 2 EU Member States		
Investment aid for testing and experimentation infrastructures (Article 26a)	EUR 25 million per infrastructure	Up to 40%	Up to 50%	Up to 60%
Aid for innovation clusters (Article 27)	EUR 10 million per cluster	50% + 15% Zones A or + 5% Zones C		
Innovation aid for SMEs (Article 28)	EUR 10 million		50 % or 100 % for innovation consultancy and innovation support services up to EUR 220 000.	50 % or 100 % for innovation consultancy and innovation support services up to EUR 220 000.
Aid for process and organisational innovation (Article 29)	EUR 12.5 million	15%	50%	50%
Training aid (Article 31)	EUR 3 million per project	50% + 10% disadvantaged workers	60% + 10% disadvantaged workers	70% + 10% disadvantaged workers
Recruitment of disadvantaged workers in the form of wage subsidies (Article 32)	EUR 5.5 million	50% for SMEs and non-SMEs		
Employment of workers with disabilities in the form of wage subsidies (Article 33)	EUR 11 million per company per year	75% for SMEs and non-SMEs		
Aid for compensating the additional costs of employing workers with disabilities (Article 34)	EUR 11 million per company per year	100% for SMEs and non-SMEs		
Aid for compensating the costs of assistance provided to disadvantaged workers (Article 35)	EUR 5.5 million per company per year	50% for SMEs and non-SMEs		

Aid for environmental protection, including decarbonisation (Article 36)	EUR 30 million	40% + 10% (with direct GHG emission reduction) or 100% if competitive tendering procedure.		
Investment aid for publicly accessible recharging or refuelling infrastructure for zero and low emission road vehicles (Article 36a)	EUR 30 million	20% + 15% in Zone A or + 5% in Zone C or 100% in the event of a competitive tendering procedure	40% + 15% in Zone A or + 5% in Zone C or 100% in the event of a competitive tendering procedure	50% + 15% in Zone A or + 5% in Zone C or 100% in the event of a competitive tendering procedure
Investment aid for the acquisition of clean vehicles or zero-emission vehicles and for the retrofitting of vehicles (Article 36b)	EUR 30 million	20% + 10% (zero emission vehicles or in case of competitive tendering procedure: 100% (zero emission vehicles) and 80% (clean vehicles))	40% + 10% (zero-emission vehicles or in case of competitive tendering procedure: 100% (zero emission vehicles), and 80% (clean vehicles))	50% + 10% (zero-emission vehicles or in case of competitive tendering procedure: 100% (zero emission vehicles), and 80% (clean vehicles))
Investment aid for energy efficiency measures in buildings (Article 38a)	EUR 30 million	30% + 15% Zone A + 5% Zone C + 15% existing buildings	40% + 15% Zone A + 5% Zone C + 15% existing buildings	50% + 15% Zone A + 5% Zone C + 15% existing buildings
Investment aid for the promotion of energy from renewable sources of renewable hydrogen and of high-efficiency cogeneration (Article 41)	EUR 30 million	45% + 15% Zones A + 5% Zones C or 100% if a competitive tendering procedure takes place	55% + 15% Zones A + 5% Zones C or 100% if competitive tendering procedure takes place	65% + 15% Zones A + 5% Zones C or 100% if competitive tendering procedure takes place
Aid in form of reductions in environmental taxes or parafiscal levies (Article 44a)	EUR 50 million per scheme per year	The gross grant equivalent of the aid may not exceed 80 per cent of the nominal rate of tax or levy.		

Investment aid for the remediation of environmental damage, the rehabilitation of natural habitats and ecosystems, the protection or restoration of biodiversity and the implementation of nature-based solutions for climate change adaptation and mitigation (Article 45)	EUR 30 million	100% for investments in repairing environmental damage or rehabilitating habitats natural resources and ecosystems; and 70 per cent for investments in biodiversity protection or restoration and nature-based solutions for climate change adaptation and mitigation (cumulated with an additional 10 per cent for medium-sized enterprises or an additional 20 per cent for small enterprises).
Investment aid for resource efficiency and for supporting the transition towards a circular economy (Article 47)	EUR 30 million	40% + 15% Zones A or + 5% Zones C 50% + 15% Zones A or + 5% Zones C 60% + 15% Zones A or + 5% Zones C
Investment aid for energy infrastructure (Article 48)	EUR 70 million	Up to 100% of the project's funding gap.
Aid for studies and consultancy services on environmental protection and energy matters (Article 49)	EUR 30 million	60% 70% 80%
Aid for culture and heritage conservation (investment) (Article 53)	EUR 165 million by project	As a rule, the value of the project's financing gap.
Aid Culture and heritage conservation (operation) (Article 53)	EUR 82.5 million per company per year	As a rule, the value of the project's financing gap.
Aid schemes for audiovisual works (Article 54)	55 million per scheme per year	50% or 60% cross-border productions or 100% difficult audiovisual works and OECD DAC co-productions
Aid for sport and multifunctional recreational infrastructures (investment) (Article 55)	EUR 33 million or the total costs up to EUR 110 million per project	As a rule, the value of the project's financing gap.
Operation of sports infrastructure (Article 55)	EUR 2.2 million per infrastructure per year	As a rule, the value of the project's financing gap.
Investment aid for local infrastructure (Article 56)	EUR 11 million or the total costs up to EUR 22 million for the same infrastructure	As a rule, the value of the project's financing gap.
Aid for regional airports (Article 56a)	Inapplicable	50% for airports with average annual traffic of 1 to 3 million passengers or 75% for airports with average annual traffic of less than 1 million passengers + 20% in peripheral areas

<p>Aid for maritime ports (Article 56b)</p>	<p>Eligible costs of EUR 143 million per project (or EUR 165 million per project in a TEN-T core network seaport).</p>	<p>Investments in port infrastructure: 100 % if the total eligible costs of the project are less than EUR 22 million; 80 % if the total eligible costs of the project are more than EUR 22 million and less than EUR 55 million; 60 % if the total eligible costs of the project are more than EUR 55 million and less than the amounts identified in the previous column. + 10% Zones A and + 5% Zones C</p> <p>Investments in access infrastructure and dredging: 100% of eligible costs.</p>
<p>Aid for inland ports (Article 56c)</p>	<p>Eligible costs of EUR 44 million per project (or EUR 55 million per project in an inland port of the TEN-T core network).</p>	<p>100%</p>

In addition to the revision and increase of the funding thresholds, per project and per company, and maximum funding intensities, the legislative changes made to the General Block Exemption Regulation also include:

- Reduction in the threshold for the reporting of individual aid by public authorities to the European Commission from EUR 500,000 to **EUR 100,000** per beneficiary;
- Introduction of **new definitions**, including “Innovative enterprise”, “Testing and experimentation infrastructure”, “Renewable electricity”, “Smart recharging”, “Clean vehicle”, “Zero-emission vehicle”, “Mobile ground handling equipment”, “Energy savings”, “Renewable energy community”, “Resource efficiency” and, among many others, “Electricity storage”;
- **Update of pre-existing definitions**, including those for “Undertaking in difficulty”, “Initial Investment”, “Industrial Research”, “Experimental Development”, “Environmental Protection”, “Union Standard”, “Recharging Infrastructure”, “Refuelling Infrastructure”, “Renewable Hydrogen”, “Energy Efficiency”, “Funding Gap”, “Energy Infrastructure” and “Port Infrastructure”, among others;
- **Introduction of new investment typologies** exempt, conditions met, from prior notification to the European Commission, including:
 - (i) Aid to micro-enterprises in the form of public interventions for the supply of electricity, gas or heat;
 - (ii) Aid to SMEs in the form of temporary public interventions for the supply of electricity, gas or heat produced from natural gas or electricity to mitigate the impact of price rises following Russia's war of aggression against Ukraine;
 - (iii) Risk finance aid in favour of SMEs in the form of tax incentives for private investors who are natural persons;
 - (iv) Aid included in the co-financing of projects supported by the European Defence Fund or the European Defence Industrial Development Programme;
 - (v) Investment aid in favour of testing and experimentation infrastructures;
 - (vi) Investment aid for the purchase of clean or zero-emission vehicles and for the retrofitting of vehicles;
 - (vii) Aid to promote energy performance contracting;
 - (viii) Aid for intermediate networks.

The new rules aim to simplify and accelerate the implementation of public support for the digital and green transition within the European Union, complementing ongoing European and national efforts under the [European Green Deal](#) and the [REPowerEU](#) plan.

The GBER is applicable until 31 December 2026.

[Eduardo Maia Cadete \[+ info\]](#)

[Teresa Neves \[+ info\]](#)

[Joana Fraga Nunes \[+ info\]](#)

This publication is for information purposes only and is not a source of legal advice or a comprehensive analysis of all aspects of the schemes to which it refers. The information contained herein relates to the date of its publication and readers should seek legal advice before applying it to specific issues or transactions. No part or all of the contents of this publication may be reproduced, disclosed or distributed without prior consent. For further information, please contact us at com.pr@mlgts.pt.